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STAFF REPORT AND ANALYSIS REGARDING THE ROCKETSHIP ALUM ROCK CHARTER PETITION

PETITION SUBMITTED:

March 13, 2014

PUBLIC HEARING HELD:

April 10, 2014

GOVERNING BOARD MEETING DATE:

May 8, 2014

I. INTRODUCTION

The Charter Schools Act of 1992 authorizes school districts to grant charters for the operation of charter schools. (Ed. Code, § 47600, et seq.) Charter schools "are part of the Public School System," but "operate independently from the existing school district structure." (Ed. Code, §§ 47615, subd. (a) (1), 47601.) The District's Governing Board shall grant a charter "if it is satisfied that granting the charter is consistent with sound educational practice." (Ed. Code, § 47605, subd. (b).) The Governing Board of the school district can only deny a petition for the establishment of a charter school if it finds that the particular petition fails to meet certain enumerated statutory criteria and adopts written findings in support of its decision. (Ed. Code, § 47605, subd. (b).)

II. PROCEDURAL AND PETITION REVIEW STATUS

On March 13, 2014, Rocketship Alum Rock ("RSAR") submitted its petition to the District to serve grades TK/K-5. Education Code section 47605(b) requires the Board, within 30 days of receiving a petition, to "hold a public hearing on the provisions of the charter, at which time the governing board of the school district shall consider the level of support for the petition by teachers employed by the district, other employees of the district, and parents." The Board held a public hearing on the petition on April 10, 2014, during open session of a Special Board Meeting.

Education Code section 47605(b) requires the board to "either grant or deny the charter within 60 days of receipt of the petition." The Board will act on whether to grant or deny the charter petition during its May 8, 2014, regular meeting.

Since receiving the Petition the District Staff has reviewed the Petition extensively to identify whether it complies with the provisions of the Charter Act and to

identify any areas of potential concern, weakness or deficiency. It is important to note that under the Charter Act it is the responsibility of the Petitioner to ensure that the Petition as submitted satisfies the requirements of the Charter Act.

III. STAFF ANALYSIS

Petitioner proposes to operate a public charter middle school serving grades TK – 5. Petitioner proposes to serve grades TK – 4 in its first year of operation (2014-2015), and to serve students in 5th grade in Year 2 and beyond. (Petition at p. 29.) Petitioner's school is projected to serve 50 students in TK and 440 students in grades K through 4 in 2014 – 2015, and, thereafter 589 students total in grades TK through 5 beginning in the 2015-2016 school year. RSAR is proposed to offer 180 days of instruction. (Petition at 64.) Petitioner states its plan and intent to serve a high percentage of English Language Learners (ELL) and students who qualify for Free and Reduced Lunches ("FRL"). Petitioner identifies its "target" population as 70% ELL and 70% of FRL qualified students. (Petition at p. 27.)

IV. SUMMARY OF ANALYSIS

The Petition contains the threshold required number of signatures by teachers meaningfully interested in teaching at the school in support of the Petition. RSAR proposes to open its school at the same location recently and previously advertised by Rocketship Education as the site of its new charter school "Rocketship Jackson", a countywide charter school previously approved by the County Board of Education.

After considerable and detailed review and analysis, and for the reasons outlined below, Staff has the following material concerns stated herein regarding the Petition, the teaching methods described therein, the soundness of the educational

program and whether Petitioner is demonstrably likely to successfully implement the program set forth in the petition.

If the Board decides to approve the Petition then Staff recommends that the Board direct Administration to prepare an MOU with RSAR to address and clarify the issues and concerns raised in this memo and analysis. If the Board decides to deny the Petition then Staff recommends that the Board adopt the findings of fact contained herein. Specifically, the bases for denial include that the proposed charter school presents an unsound educational program for the pupils to be enrolled in the charter school including.

A. OVERVIEW OF CHARTER ACT REQUIREMENTS

Education Code section 47605(b) sets forth the following guidelines for governing boards regarding the review of charter petitions:

- "In reviewing petitions for the establishment of charter schools pursuant to this section, the chartering authority shall be guided by the intent of the Legislature that charter schools are and should become an integral part of the California educational system and that establishment of charter schools should be encouraged."
- "The governing board of the school district shall grant a charter for the operation of a school under this part if it is satisfied that granting the charter is consistent with sound educational practice."
- "The governing board of the school district shall not deny a petition for the establishment of a charter school unless it makes written factual findings, specific to the particular petition, setting forth specific facts to support one or more of the following findings:
 - (1) The charter school presents an <u>unsound educational program</u> for the pupils to be enrolled in the charter school.
 - (2) The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition.
 - (3) The petition does not contain the number of signatures required by [statute].
 - (4) The petition does not contain an affirmation of each of the conditions [required by statute].
 - (5) The <u>petition does not contain reasonably comprehensive descriptions of all of</u> the following:

- (A)(i) A description of the educational program of the school, designed, among other things, to identify those whom the school is attempting to educate, what it means to be an "educated person" in the 21st century, and how learning best occurs. The goals identified in that program shall include the objective of enabling pupils to become self-motivated, competent, and lifelong learners.
- (ii) A description, for the charter school, of annual goals, for all pupils and for each subgroup of pupils identified pursuant to Section 52052, to be achieved in the state priorities, as described in subdivision (d) of Section 52060, that apply for the grade levels served, or the nature of the program operated, by the charter school, and specific annual actions to achieve those goals. A charter petition may identify additional school priorities, the goals for the school priorities, and the specific annual actions to achieve those goals.
- (iii) If the proposed school will serve high school pupils, a description of how the charter school will inform parents about the transferability of courses to other public high schools and the eligibility of courses to meet college entrance requirements. Courses offered by the charter school that are accredited by the Western Association of Schools and Colleges may be considered transferable and courses approved by the University of California or the California State University as creditable under the "A" to "G" admissions criteria may be considered to meet college entrance requirements.
- (B) The measurable pupil outcomes identified for use by the charter school. "Pupil outcomes," for purposes of this part, means the extent to which all pupils of the school demonstrate that they have attained the skills, knowledge, and attitudes specified as goals in the school's educational program. Pupil outcomes shall include outcomes that address increases in pupil academic achievement both schoolwide and for all groups of pupils served by the charter school, as that term is defined in subparagraph (B) of paragraph (3) of subdivision (a) of Section 47607. The pupil outcomes shall align with the state priorities, as described in subdivision (d) of Section 52060, that apply for the grade levels served, or the nature of the program operated, by the charter school.
- (C) The method by which pupil progress in meeting those pupil outcomes is to be measured. To the extent practicable, the method for measuring pupil outcomes for state priorities shall be consistent with the way information is reported on a school accountability report card.
- (D) The governance structure of the school, including, but not limited to, the process to be followed by the school to ensure parental involvement.
- (E) The qualifications to be met by individuals to be employed by the school.
- (F) The procedures that the school will follow to ensure the health and safety of pupils and staff. These procedures shall include the requirement that each employee of the school furnish the school with a criminal record summary as described in .
- (G) The means by which the school will achieve a racial and ethnic balance among its pupils that is reflective of the general population residing within the territorial jurisdiction of the school district to which the charter petition is submitted.

- (H) Admission requirements, if applicable.
- (I) The manner in which annual, independent, financial audits shall be conducted, which shall employ generally accepted accounting principles, and the manner in which audit exceptions and deficiencies shall be resolved to the satisfaction of the chartering authority.
- (J) The procedures by which pupils can be suspended or expelled.
- (K) The manner by which staff members of the charter schools will be covered by the State Teachers' Retirement System, the Public Employees' Retirement System, or federal social security.
- (L) The public school attendance alternatives for pupils residing within the school district who choose not to attend charter schools.
- (M) A description of the rights of any employee of the school district upon leaving the employment of the school district to work in a charter school, and of any rights of return to the school district after employment at a charter school.
- (N) The procedures to be followed by the charter school and the entity granting the charter to resolve disputes relating to provisions of the charter.
- (O) A declaration whether or not the charter school shall be deemed the exclusive public school employer of the employees of the charter school for the purposes of the Educational Employment Relations Act (Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code).
- (P) A description of the procedures to be used if the charter school closes. The procedures shall ensure a final audit of the school to determine the disposition of all assets and liabilities of the charter school, including plans for disposing of any net assets and for the maintenance and transfer of pupil records." (Emphasis added.)

Under Education Code section 47605(j)(1), if the District denies a charter petition, the Petitioners may appeal that denial to the County Office of Education. If the County Office grants the charter, the County Office becomes the supervisory agency over the charter school. In that event, the District's obligations with respect to the charter school would be primarily limited to providing facilities, if the charter school timely made a request under Proposition 39 and proved entitlement. The Petitioners may also appeal a County Office's denial of a charter to the State Board of Education under Education Code section 47605(j)(1).

B. AREAS OF SPECIFIC CONCERN

1. Rocketship's Declining Performance Metrics

The basis for the Petition is RSAR's educational program and RSAR's laudable goal – like this District and other local districts – to eliminate the achievement gap. To do that, RSAR promises to focus specifically on eliminating the gap by graduating its students "at or above grade level in Literacy and Math." (Petition at 26.) RSAR is very specific in its target student population: "RSAR is designed to serve Alum Rock Union Elementary School District students who are or may be at risk of achieving below basic proficiency on state exams." (Petition at 26.) Thus, "RSAR anticipates that it will enroll primarily students from Alum Rock schools which are undergoing program improvement ("PI") in conjunction with the Federal No Child Left Behind regulations as well as a Free/Reduced Meal population above 50%." (Petition at 26.) The Petition even includes a list of 16 different ARUESD schools listing their separate API scores for (FRL students) and, for those schools in PI, the number of years in PI. To emphasize and contrast Rocketship Education's track record for its seven San Jose schools, the Petition includes a lengthy discussion of the API scores and Math and ELA proficiency test results for Rocketship schools for 2013. (Petition at 16-25.) Noticeably absent from the Petition, however, is a discussion of Rocketship's historical performance. This is notable for at least two reasons. First, recent data and documents regarding Rocketship's overall performance including, especially, the performance of its schools in or near the Alum Rock area, raise considerable and serious questions regarding Rocketship's educational program. Second, recent public statements by Rocketship and its affiliated

¹ The table of ARUESD schools on page 27 of the Petition includes "Slonaker Academy". Slonaker was closed by the District in August 2013 and that site is now occupied primarily by Alpha Blanca Alvarado Charter School.

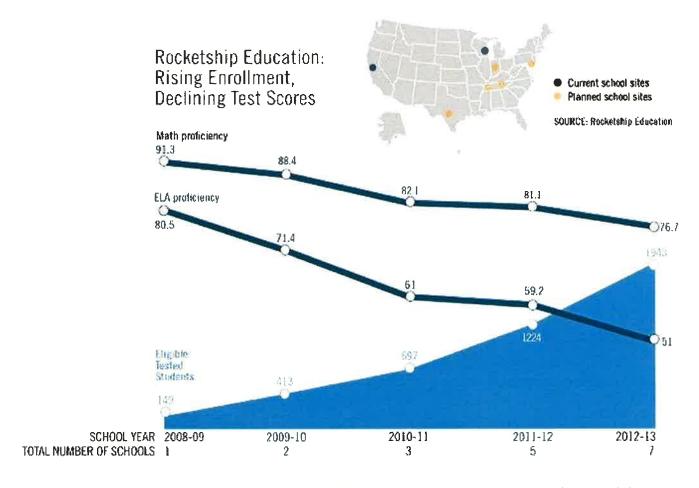
companies cast doubt on Rocketship's confidence in its own education program that it now seeks to implement in its Petition.

"Plunging" Proficiency Rates in ELA and Steadily Dropping Math Profiency Rates. EdWeek requested that the California Department of Education prepare an analysis of Rocketship's scores on state tests. The results were published in EdWeek's January 29, 2014 edition in a story titled, "Growing Pains for Rocketship's Blended-Learning Juggernaut". A copy of that article is attached. According to EdWeek, that analysis showed,

"the number of Rocketship students scoring 'proficient' or above in English/language arts has plunged 30 percentage points over the past five years, to 51 percent, while math proficiency rates have dropped more than 14 points, to 77 percent." (See EdWeek article, attached hereto.)

THE TENSION BETWEEN SCALE AND QUALITY

As the Rocketship charter network has added schools and students, the percentage of its students scoring proficient on California state tests has steadily declined. The organization still aims to grow aggressively, with plans to add as many as 51 schools over the next five years.



SOURCE: At the request of Education Week, the Colifornia Department of Education calculated the total percentage of all tested students in Rocketship schools who scored proficient or above on California Standards Tests in each of the past five school years.

Only those students who met all CDE criteria for inclusion in state accountability reports were included.

(Graphic reprinted from *EdWeek*, "Growing Pains for Rocketship's Blended-Learning Juggernaut", January 29, 2014.) Disappointingly, the Petition offers no rebuttal or explanation for this data, or strategy for curing or addressing this steep and steady decline in student in proficiency scores.

Program Improvement (PI) Status under NCLB for Nearly all Eligible Rocketship Schools in San Jose. Although not disclosed in the Petition, nearly all of Rocketship's schools in San Jose are now in Program Improvement (PI) under the Federal No Child Left Behind Act because of failure to meet Adequate Yearly Progress (AYP).

The No Child Left Behind Act of 2001 ("NCLB") uses Adequate Yearly Progress ("AYP") to measure and hold schools – including charter schools -- responsible for student achievement.² In California, the NCLB subjects California charter and other public schools schools to an annual AYP determination. AYP is calculated by using a formula set by the California Department of Education. It measures participation rates, math and reading performance, and graduation rate targets for the elementary, middle and high school levels. Under California law, if a school receives Title I funds and does not make AYP for two consecutive years, the school is placed on "Program Improvement" status and the school must develop a school improvement plan. If the school does not achieve AYP goals for a third year, "corrective action" must be undertaken, which could include the provision of supplemental educational services for low-performing, low-income students. A school that continues to fail to make AYP must take corrective action and undergo restructuring plans. Failure to meet AYP for years subsequent to the second year carries further consequences under the NCLB. <u>Under</u> California law, the right to operate a charter school may be terminated if the school fails to make or meet reasonable progress toward achievement of goals, objectives, content

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² The summary of AYP in this paragraph is taken from the Official Statement for CALIFORNIA MUNICIPAL FINANCE AUTHORITY CHARTER SCHOOL REVENUE BONDS (ROCKETSHIP EDUCATION - MULTIPLE PROJECTS), SERIES 2014A (hereinafter the "Official Statement"), dated February 10, 2014, a copy of which is on-line at: http://emma.msrb.org/IssueView/IssueDetails.aspx?cusip=ER359861. The Official Statement was issued by Launchpad Development, a "support corporation" of Rocketship Education.

standards, pupil performance standards or applicable federal requirements."

The below table, attributed directly to Rocketship, shows clearly and definitively that nearly all of Rocketship's operating charter schools in San Jose are now in PI. Two of the schools – Rocketship Si Se Puede and Rocketship Los Suenos – are now in their second year of Program Improvement.

TABLE 11
ADEQUATE YEARLY PROGRESS
Rocketship Elementary Schools⁽¹⁾

School	Met Participation Requirements	Met API Requirements	Met ELA Proficiency Requirements	Met Math Proficiency Requirements	PI Status
Rocketship - Sí Se Puede	Yes	Yes	No	No	Year 2
Rocketship - Brilliant Minds	Yes	Yes	No	Yes	Not in Pl
Rocketship - Mateo Sheedy	Yes	Yes	No	No	Not in Pl
Rocketship - Los Sucños	Yes	Yes	No	No	Year 2
Rocketship - Mosaic	Yes	Yes	No	No	Year l
Rocketship - Discovery Prep	Yes	Yes	No	Yes	Year l
Rocketship - Alma Academy	Yes	Yes	No	No	Not in Pl

⁽¹⁾ Reflects only schools in operation in 2012-13 and before.

Source: Rocketship Education.

(Official Statement, Table 11 at B-31.)

Furthermore, Rocketship's current API scores fail to paint a complete picture. All of the Rocketship schools in PI have a history of <u>declining API</u> scores.

- Rocketship Si Se Puede's API scores have declined 50 points (6%) in 4 years.
- Rocketship Los Suenos' API scores have declined year-over-year and by a total of 6% since 2010-2011.
- Rocketship Mosaic's API scores declined 4% in 2012-2013.
- Rocketship Discovery Prep 's scores have declined 2% in the last year.

(Official Statement at B-28.)

This information is troubling for yet another reason. The Official Statement,

issued to investors in the underlying municipal bonds, includes the statement that "[n]o assurance is given" that the subject Rocketship schools will meet AYP in the future.

(Official Statement at 82.) Thus, notwithstanding the positive comments in the Petition, Rocketship and its support corporation Launchpad Development are now expressing more cautious attitudes about the prospects of Rocketship's future program success in meeting AYP.

In light of this data and information, the Board may be concerned that, in light of Rocketship's declining scores over the last five years, the Petition presents an unsound educational program for the pupils to be enrolled in the charter school and/or that the petitioners are demonstrably unlikely to successfully implement the program set forth in the petition.

2. RSAR's "Instructional Learning Specialists" are Not Qualified
Instructors and Lack Credentials and Therefore RSAR 4th and 5th Graders Will Not
Be Provided the Minimum Amount of Instructional Time Required Under the
Petition and State Law.

RSAR itself describes a key component of its educational program to be its "Learning Labs", a combination "computer lab and tutoring center." (Petition at 9.)

The Petition includes that all RSAR students will have the opportunity to participate in the Learning Lab for 2 hours each day (Petition at 9), while another portion of the Petition provides that an average 2d through 5th grader will spend 100 minutes in the combined Learning Lab and "enrichment center" activities each day. The Learning Lab, according to RSAR, will be instrumental in providing students "purposeful access to technology." (Petition at 9.)

According to RSAR, students are in the Learning Lab at a ratio of 28:1 with a "Individualized Learning Specialist", described by RSAR as a "highly qualified tutor". (Petition at 65.) The Petition does not state that Learning Lab instruction is provided or supervised by certificated staff. The Petition further states:

"This Rocketship instructional model employs a mix of qualified instructional staff including Teachers and Individualized Learning Specialists (ILS) in each school. All of these positions are engaged in full-time student instruction, some providing group instruction in the classroom, and other providing personalized instruction, with students rotating to different subject areas during the day."

(Petition at 66; emphasis added.)

Thus, the Petition makes clear that the ILSs are engaged in "full-time student instruction." However, it appears that the ILSs are not properly qualified to provide the instructional services as described in the Petition.

Education Code section 47605(1) states:

"Teachers in charter schools <u>shall</u> hold a Commission on Teacher Credentialing certificate, permit, or other document equivalent to that which a teacher in other public schools would be required to hold. These documents shall be maintained on file at the charter school and are subject to periodic inspection by the chartering authority. It is the intent of the Legislature that charter schools be given flexibility with regard to noncore, noncollege preparatory courses." (Emphasis added.)

Education Code section 44001 provides in pertinent part that a "position requiring certification qualifications" includes every type of service for which certification qualifications are established by or pursuant to Section 44065. Education Code section 44065 provides that the functions requiring credentials include the "work of instructors and the instructional program for pupils" and "research connected with the evaluation and

efficiency of the instructional program." (Education Code §44065(a)(1) and (a)(6).)

As already noted, the Petition describes the ILSs as "engaged in full-time student instruction." (Petition at 66.) As noted earlier, all RSAR students will spend 100-120 minutes each day in a Learning Lab managed by an ILS. The qualifications of all employees for RSAR are set forth in "Element E: Employee Qualifications" of the Petition, pages 133-144. The qualifications of "Individualized Learning Specialists" (ILS) is contained at pages 139-140 of the Petition.³ None of the certificated positions identified (i.e., Principal, Assistant Principal, Core Classroom Teachers, etc.) are identified as responsible for overseeing or managing the ILSs or preparing the ILS' instructional programs.

While the Petition states that ILSs are engaged in full-time student instruction, the ILSs are <u>not</u> required to possess a teaching credential, are <u>not</u> required to possess a bachelor's degree or associate arts (community college) degree, and are <u>not</u> even required to possess a high school diploma or even a G.E.D. (Petition at 139-140.) Nevertheless, "previous experience . . . teaching groups of elementary-age students is strongly preferred." (Petition at 139; emphasis added.) Thus, it is apparent from the Petition itself that the duties of the ILS include "teaching." The "Responsibilities" of the ILS as stated in the Petition further include:

"Actively coach students on all computer programs and ensure that the educational software used in the lab effectively meets the needs of students; perform targeted individual interventions and assist struggling students on computer programs"

"Use Rocketship-adopted curricula to deliver lessons which align to students'

³ Public Schools are required to have all Teacher Aides/Paraprofessionals be designated as Highly Qualified (HQ) which requires an Associate's Degree or approximately 50 units of college course work. The ILS does not have that same requirement although under qualification it states Bachelor's Degree "Preferred".

goals"

"Each ILS works directly with students in group, and individual settings to execute highly structured programs or instructional review"

"Interpret and manage online student data generated by multiple educational software programs; monitor student progress using Rocketship's data management platform and promote individual and group progress within the curricula"

"Communicate and collaborate with the teachers at their grade level, and school adminstrators" (Petition at 139; emphasis added.)

According to the RSAR Petition, ILSs will be non-certificated but will be responsible for instruction, i.e., using Rocketship-adopted curricula to deliver lessons which align to students' goals, and working directly with students in group and individual settings to execute highly structured programs or instructional review.

Since ILSs are not qualified teachers, this raises a serious concern whether the 100 minutes of time spent by 4th and 5th graders in the Learning Lab each day qualifies towards those students' instructional time. The Petition states, "The number of instructional minutes offered for all grades will meet or exceed the State's requirements in Education Code Section 47612.5(a)(1)." (Petition at 64.) Grades 4 and 5 require a minimum of 54,000 instructional minutes. (Education Code §47612.5.) According to the Petition, RSAR will offer 180 instructional days each year. (Petition at 64.) Since, per the Petition, the Learning Lab instruction will be overseen by non-certificated staff, time spent in the Learning Lab by 4th and 5th graders should not be counted towards the 54,000 instructional minutes. Therefore, per the Petition, 4th and 5th graders will have only 290 instructional minutes per day, not 390 as stated in the Petition (Petition at 64), or *just* 52,200 instructional minutes per school year. This is 1,800 fewer instructional minutes

than the State-mandated requirement for each 4th and 5th grader (or, approximately 6+ fewer days of instruction for each 4th and 5th grader).⁴

Therefore, based on the information provided by RSAR in its Petition, the employment and use of Individualized Learning Specialists as planned in this manner as part of RSAR's educational program appears to be in violation of Education Code section 47605(*l*) because the RSAR appears to require the ILSs to perform teaching activities without the required credentials and without other minimum education qualifications. It will also result in RSAR failing to meet the minimum requirement if 54,000 instructional minutes for 4th and 5th graders per Education Code section 47612.5 and, thus, an unsound educational program for 4th and 5th graders.

3. RSAR's Governance Model Does Not Comply With The Brown Act.

The Petition has been submitted to this District (as opposed to a countywide or statewide petition) and expressly states that the proposed RSAR charter school is "to be located within the Alum Rock Union Elementary School District Boundaries." (Petition at 4.) RSAR will be governed by the board of directors of Rocketship Education (RSED). (Petition at 127.) The Brown Act provides that except in very limited exceptions, all "Regular and special meetings of the legislative body shall be held within the boundaries of the territory over which the local agency exercises jurisdiction." (Cal. Gov't Code §54954(b).) In this case RSAR is the local agency which proposes to operate within the Alum Rock territorial boundaries. Therefore, RSED must hold its board

⁴ See also Education Code section 47612.5(e)(1), which provides that "classroom based instruction" in a charter school, for the purposes of this part, occurs only when charter school pupils are engaged in educational activities required of those pupils and are <u>under the immediate supervision and control of an employee of the charter school who possesses a valid teaching certification in accordance with subdivision (1) of Section 47605."</u> (Emphasis added.) The Petition states that while in the Learning Lab RSAR students are under the supervision and instruction of the non-certificated Individualized Learning Specialists.

meetings regarding Rocketship Alum Rock within the Alum Rock jurisdiction. However, the Petition specifies that all RSED board meetings will be held in Redwood City, San Mateo County. Staff believes this to be a violation of the Brown Act, but will also diminish transparency in governance for the benefit of the local community and potentially disenfranchise parents and other community stakeholders.

RSAR's governance and organizational structure is described at pages 127-132 of the Petition. It provides that RSAR will be governed by the Rocketship Education (RSED) Board of Directors. Rocketship Education is a California non-profit corporation. The Petition states that "[a]ll meetings [of the RSED Board of Directors] shall be held in accordance with the Brown Act." The purpose of the Brown Act is to facilitate public participation in local decisions and to curb misuse of the democratic process by secret legislation by local bodies. (*See The Brown Act*, Cal. Atty Gen.'s Office (2003) at p. 1.)

RSED's governance documents are attached as Appendix "D" to the Petition.

The materials include RSED's Articles of Incorporation and RSED's By-Laws.

Article II of RSED's Articles of Incorporation state that the principal office of RSED is located at 350 Twin Dolphin Drive, Suite 109, Redwood City, CA. Redwood City is in the County of San Mateo. Article VII, Section 14 of the RSED Articles of Incorporation provide that RSED's board of director meetings "shall" be held at RSED's principal offices in Redwood City, San Mateo County. Thus, RSED's board meetings will be held in San Mateo County, and not within the Alum Rock jurisdiction.

Since RSED's board of directors meetings will be held in Redwood City, this does not appear to meet the Brown Act requirement that meetings be held within the boundaries of the territory over which the RSED board exercises jurisdiction as to the

RSAR school. The Petition therefore does not appear responsibly designed to ensure that "there will be active and effective representation of interested parties, including, but not limited to, parents (guardians)". (5 C.C.R. §11967.5.1(f)(4)(B)(2).)⁵

4. The Educational Program Does Not Appear to Comply with State and Federal Requirements to Meet the Needs of English Learners.

After review, Staff is concerned that RSAR does not comply with state and federal guidelines and requirements to meet the needs of English learners. Also some statements in the Petition are unclear and require further explanation.

Initial Identification of Students

California EC Section 52164.1 requires primary language determination for all students upon first enrolling in a California public school. A student's primary language is identified in a home language survey, which is completed by the parents or guardians at the time the student is registered. If a language other than English is indicated on any of the first three questions, the student is to be tested with the CELDT and is identified as an English learner or fluent English proficient. RSAR's initial identification process for determining English proficiency does not adhere to the guidelines and misrepresents the initial identification process (Petition at 82 - 83).

RSAR designates students as fluent English proficient based on CELDT and the most recent standardized test score. Standardized test scores are not a consideration for initial identification purposes. Furthermore, the Petition states that in kindergarten and first grade students will be assigned the status of fluent English speaker based on being orally proficient in English on the CELDT. This is incorrect. Students must be proficient

⁵ This section of the Code of Regulations applies to review of charter petitions by the State Board of education but is a useful framework for analysis by local school districts.

in both the speaking and listening domains of the CELDT assessment to be considered English proficient (CDE 2013–14 CELDT Information Guide, pages 9 and 10).

English Language Development

State and federal law provide specific guidelines and criteria for meeting the needs of English language learners. RSAR's Petition does not meet these guidelines in respect to ELD and the reclassification criteria/process for students. In respect to ELD instruction, the guidelines require that English language learners receive a daily designated block of time (Supreme Court - Lau v Nichols (1974), Equal Education Opportunities Act of 1974, Fifth Circuit Court - Castañeda v. Pickard (1981)). It does not appear that English learners at RSAR will receive a designated period of time for ELD instruction. RSAR integrates ELD during a literacy block. This practice is contradictory to the requirements to provide designated ELD instruction. ELD is driven by content and not the specific language needs of the students.

Reclassification of English Learners

The reclassification process and criteria for English learners is unclear, lacks specificity does not adhere to the criterion for reclassification as delineated in the CDE guidelines and does not address reclassification for English learners with disabilities (2013–14 CELDT Information Guide pages 16 – 20). The guidelines state students are considered for reclassification based on four criteria. The four criteria are the CELDT, comparison of basic skills in English, teacher evaluation, and parent consultation. In order to be eligible for reclassification students must be at the early advanced or advanced level and intermediate in all other domains. RSAR's reclassification criteria for students only considerers the overall CELDT score and does not take into the domain

scores. In respect to student performance of basic skills in English, in grades three through five students may be considered based on total reading, total language or total math subtests. This is incorrect as skills in English must be used as a criterion for reclassification.

2012 ELD Standards

The Petition relies on the 2009 ELD Standards (Appendix A - 38) and does not comply with the newly adopted 2012 ELD Standards. Furthermore the Petition does not address how the new standards will be integrated through all disciplines to support the language demands of the California Common Core State Standards.

5. The Student: Teacher Ratio Stated in the Petition Is Misleading.

The RSAR Petition states that RSAR will provide all classroom instruction in low student: teacher ratios. As an example, the Petition notes that the initial year of Kindergarten will enroll 112 students. Due to the Learning Lab and RSAR's rotational model, 28 students will be in the Learning Lab at any given time throughout the instructional day. The remaining 84 students will be split between 3 certificated teachers. This, according to RSAR, results in a 28:1 student/teacher ratio, i.e., 84 students ÷ 3 students = a 28:1 student/teacher ratio. This calculation conveniently excludes the 28 students in the Learning Lab. In the case of kindergarten, and including the 28 Learning Lab students, the true student/teacher ratio is, in fact, *37 students to 1 teacher*.

6. Review of Petition Budget and Financial Information.

The budget and financial information of the proposed charter school is contained primarily in Appendix BO-1 of the Petition. Staff has the following comments and analysis.

RSAR Projected Revenues

- 1. <u>LCFF</u> Although the petition states that State revenues assumptions are based on Local Control Funding Formula and that the FCMAT LCFF calculator was used, it is unclear how target entitlement was derived. Based on recalculation, using provided ADA by grade span and 81% unduplicated count of EL, Free and Reduced, and Foster Youth, District Staff were not able to arrive at \$2,379 thousand in LCFF for 2014-15 as indicated in the Petition. Without other known or listed assumptions, LCFF state entitlement appears to be overstated.
- 2. <u>In Lieu of Property Taxes</u> Based on the District's in-lieu calculation to include 412 ADA from RSAR for fiscal year 2014-15, per pupil amount to be disbursed has further diluted. Projected RSAR in-lieu of property tax transfer will be approximately \$750,000, compared to \$997,000 projected by RSAR for 2014-15, overstating the in-lieu amount by almost \$250,000.
- 3. <u>Title I</u> RSAR conservatively projected \$400 per identified pupil for Title I revenues. Projected 2014-15 per identified pupil for ARUSD is roughly \$300 per pupil. Assuming similar demographics as RSAR will be within ARUSD boundaries, Title I revenues appear to be overstated.

RSAR Projected Expenditures

- 1. RSAR did not include oversight fees to ARUESD of 1%-3% in budget.
- 2. RSAR did not meet goal of maintaining 5% reserve in fund balance for economic uncertainty in Year 2, 2015-16.
- 3. Other concern: RSAR transfers 15% fee for central office services. ARUSD's

recent 5 year average indirect cost rate equals 5.66%. Understanding the aggressive growth model for Rocketship as a national organization, it is unclear how Rocketship will continue to provide support across all Rocketship organizations.

7. Review of Employee Qualifications

The employee qualifications of the proposed charter school are contained in Element E of the Petition, pages 133-144. Staff has the following concerns as to the following key positions:

"Core Classroom Teachers" (Petition at 136-137).

"All core teachers will be CLAD certified or CCTC recognized equivalent." (Petition at 137.)

From the list of teachers submitted, two of them do not have a CLAD or BCLAD credential according to information on record with the Santa Clara County Office of Education. Furthermore, one teacher had their teaching credential expire. Another teacher has a single subject English credential which does not allow them to teach at the elementary level. The California Commission on Teachers Credentialing website indicates there are two (2) teachers that do not currently qualify to teach at RSAR.

Clare Hunt – Has an expired Preliminary Teaching Credential. Ms. Hunt will need to request and renewal extension or file for a clear credential.

Amy Schiff – Ms. Schiff holds a clear single subject teaching credential in English and would not be qualified to teach in a multiple subject self-contained classroom or middle school core setting.

Principal and Assistant Principal (Petition at 133-136)

The Petition states: "We believe that it will be possible for Teachers to be promoted to Assistant Principal positions within two to three years of becoming Teachers." (Petition at 137.)

Staff believes most site administrators in public schools, as a matter of best practices, are required to have 3-5 years of successful teaching experience and often have many more years of teaching and other leadership experiences prior to beginning their administrative careers as principals or assistant principals.

8. RSAR's Rotational Blended Learning Model

Below is a summary of the Rotational Blended Learning Model contained in the Petition and the Staff analysis and concerns.

The Rocketship blended learning model consists of the following components:

- 1. (Blended Learning article, p.12) 100 minute learning lab block consists of:
 - Self-directed learning on individual computers (math)-30 40 minutes
 - Self-directed learning on individual computers (literacy) 30-40 minutes
 - Enrichment (PE)-30-40 minutes
- 2. (Blended Learning article, p. 12) Learning lab set-up:
 - Instructor workspace at front of room
 - RtI small group work area established for tier 2 students requiring support
 - Computer stations throughout the room, supported by ILSs

(Individualized Learning specialists)

- 3. (Blended Learning article, pp. 6-14) Learning Lab Logistics
 - Students use single logins for each content support program
 - Some program are entirely adaptive (students move up and down based on proficiency)
 - Some program include more "assignability"
 - 2/3 of time in learning lab consist of online math and literacy work
 - ILSs review student data -1-2/week
- 4. (Blended Learning article, pp. 8-15) Program Logistics
 - Programs are mostly cloud based requiring less IT infrastructure
 - All online curricula is web based
 - IT staff consists of 1 part time/hourly support person per school, hourly IT support (college student who works @ 10 hours/week)
- 5. (Blended Learning article, p. 14) Online programs include:
 - Dreambox, tenmarks, equatia, curriculum associates, st math, AR
- 6. (A-16, pp.1-4) Description of programs:
 - **ST Math-**Spatial Temporal Math
 - **DreamBox**-Adaptive engine-math program
 - **iReady**-Math and Reading diagnostic and instruction

- Accelerated Reader-Reading program
- Lexia Core 5-Adaptive engine-phonics and phonemic awareness support

The Rocketship blended learning content provides differentiated and personalized literacy and mathematic content support (Lexia, Dreambox, and ST math) as well as reading support through Accelerated Reader. In addition, through iReady, teachers have access to diagnostics that will provide data to inform their instruction, as well as access to differentiated instruction resources. These content programs are aligned with common core standards for literacy and mathematics.

Concerns with the model include use of the ILSs to provide instruction in the Learning Labs, and a lack of attention to digital literacy proficiencies inherent within the common core standards. Specifically speaking, the common core digital proficiencies include a major emphasis on the questions below. (See FCOE Tech Skills Flowchart, attached.) The following questions remain: How are students being supported to:

- 1. Demonstrate proficiency in the use of computers and applications, as well as an understanding of the concepts underlying hardware, software, and connectivity?
- 2. Demonstrate the responsible use of technology and an understanding of ethics and safety issues in using electronic media at home, at school, and in society?
- 3. Demonstrate the ability to use technology for research, critical thinking, problem solving, decision making, communication, collaboration, creativity, and innovation?

9. Response to Intervention.

RSAR's plans and procedures for Response to Intervention (RtI) are contained in pages 56-63 of the Petition and Appendix A-28. That section describes how RSAR will identify and respond to needs of pupils achieving substantially above/below grade level.

- Description of Response to Intervention and tiered levels of intervention are generally adequate, although out of date and warrant revision.
- Tier III description lacks specificity regarding options and resources for intervention strategies and staffing.
- Tier III description suggests only special education referral rather than increase in time, intensity, and duration of interventions. This issue is addressed in the Appendix A-28 SST Forms, but is not reflected in the program description on page 62 of the Petition.
- Appendix A-28 SST Forms are adequate, although they lack specificity regarding staff intervention assignments.

Generally the described program is adequate, however the Tier III most intensive intervention program lacks critical detail and raises concern regarding the provision of services for students significantly below grade level and not responding to Tier I or Tier II interventions. This in turn leads to concern regarding the effectiveness of referral to, assessment to determine eligibility for, and the delivery of special education services.

V. CONCLUSION

The Board may either approve the Petition or deny it. If the Board determines to deny the Petition then Staff recommends that it adopt the findings in this Memorandum and analysis as the basis for its denial.

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Published Online: January 21, 2014

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Growing Pains for Rocketship's Blended-Learning Juggernaut



On the far side of the room, teacher Jason Colon works with a group of Mateo Sheedy's most-advanced 4th grade a lesson about graphing coordinates. Students in flexible classrooms are re-grouping based on ability every six weeks or

-Ramin Rahimian for Education Week

By Benjamin Herold

San Jose, Calif.

One classroom, 109 children.

For the next 40 minutes, half the 4th graders here at Rocketship Sí Se Puede Academy, a charter elementary school in a low-slung building nestled below Highway 680, will be split between the language arts and mathematics sections of the large room, working with two-dozen similarly skilled classmates and a credentialed teacher. A few will sit at a small table with the class' lead teacher, receiving in-depth reading instruction targeted to their individual strengths and weaknesses. And roughly half the

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children will settle in front of a laptop, practicing math problems with help from an animated penguin named JiJi.

Welcome to the new "flexible classroom" from blended learning pioneer Rocketship Education—one of the country's fastest-growing charter school operators, with plans to open as many as 51 more schools in nine regions over the next five years.

Many look at Rocketship's new approach, which represents a significant departure from the blended learning model that helped launch the Bay Area nonprofit to national prominence, and see the future.

The Tension Between Scale and Quality

As the Rocketship charter network has added schools and students, the percentage of its students scoring proficient on California state tests has steadily declined. The organization aims to grow aggressively, with plans to add as **EDUCATION WEEK EVENTS**

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But the story behind the organization's flexible classrooms is also a cautionary tale about the belief that technological innovation can fuel rapid school expansion without compromising quality. Although test scores have steadily declined as the network has added schools and students, Rocketship has maintained its voracious appetite for growth. Rather than resolve that tension, the new flexible classrooms have, by Rocketship's own admission, further strained

many as 51 schools over the next five years.



SOURCES: Rocketship Education; At the request of Education Week the California Department of Education calculated the total percentage of all tested students in Rocketship schools who scored proficient or above on California Standards Tests in each of the past five school years. Only those students who met al CDE criteria for Inclusion in state accountability reports were included.

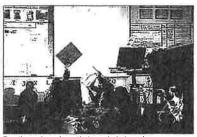
the organization and exposed underlying problems glossed over during the group's ascent.

Some Rocketship leaders, for example, now acknowledge that their original blended learning model—which powered the organization's initial growth, to nine schools and 5,200 students, before its impact could be rigorously studied—may be more effective at teaching students to follow directions than to think for themselves.

Red flags also have come up around finances: Documents and interviews make clear that the new, flexible classrooms were originally devised as part of an audacious plan to cut staff, save \$200,000 annually per school, and redirect the funds to help start up new Rocketship schools—a strategy that proved too aggressive, even for Rocketship, and has since been dialed back.

And the on-the-ground reality has been messy, too. A sweeping experiment with flexible classrooms during the 2012-13 school year resulted in sharp networkwide test-score drops and dissension among the organization's rank and file.

Rocketship CEO and co-founder Preston Smith staunchly defends the organization against critics who accuse it of pushing too hard to expand blended learning's boundaries.



Fourth-graders show their work during a lesson on figurative language in a new "flexible classroom" at Rocketship Meteo Sheedy Elementary School.

—Ramin Rahimian for Education Week

But even Mr. Smith concedes the network is at an "inflection point."

"We need to figure out the flex model and get much more grounded on how we can consistently realize the levels of achievement we expect," he said. "It puts us in this conundrum of do you continue to focus on innovation, and try to get it right, or do you actually start to push toward scale?"

Rethinking 'Station Rotation'

Founded in 2006, Rocketship's motto is "rethinking elementary school from the ground up."

In pursuit of that lofty goal, the organization has relied on technology to accelerate student achievement, while cutting labor costs. For years, schools in the network have used the "station rotation" model of blended learning, with students cycling each day between about six hours of traditional classroom time and two hours of computerassisted instruction in "learning labs." That model, which helped give birth to the blended learning movement, has allowed Rocketship to replace one credentialed teacher per grade with software and an hourly-wage aide, freeing up \$500,000 yearly per school that can be redirected to other uses.

The approach generated impressive test-score results, particularly in math: Rocketship's early academic results far outpaced state targets, ranking its schools among the best in California when it came to serving English-language learners and students from

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low-income families, who represent the overwhelming majority of Rocketship students.

Mr. Smith said those results led to immense parental demand, prompting the organization to try to grow as quickly as possible.

This fall, Rocketship opened a new school in Santa Clara County, in California's Silicon Valley, as well as its first school in Milwaukee. A school in Nashville, Tenn., and another in

In the center of the room, a software program delivers lessons tailored to the individual skill levels of a second group of Mateo Sheedy students. An hourly-rate aide oversees the students.

—Ramin Rahimian for Education Week

the Bay Area are on tap to open in the fall. By 2017-18, Rocketship aims to serve more than 25,000 students in 60 schools across the country, according to board documents.

But as the network has grown, scores on California state tests have trended downward. According to an analysis performed at the request of Education Week by the California Department of Education, the number of Rocketship students scoring "proficient" or above in English/language arts has plunged 30 percentage points over the past five years, to 51 percent, while math proficiency rates have dropped more than 14 points, to 77 percent.

Lynn Liao, Rocketship's chief programs officer, said the organization has also received troubling feedback on how students educated under the original blended learning model fare in middle school.

"Anecdotal reports were coming in that our students were strongly proficient, knew the basics, and they were good rule-followers," Ms. Liao said. "But getting more independence and discretion over time, they struggled with that a lot more."

Size Up Blended Learning

Bringing Blended Models Home No Easy Task

Teacher Colleges Seek to Shift to Digital Age

Superintendents, Principals Move to Conquer Tech Weaknesses

Q&A: Grooming Ambassadors for Classroom Blended Learning

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Growing Pains for Rocketship's Blended-Learning Juggernaut

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Like other blended learning practitioners and advocates, Rocketship has now come to believe the station-rotation model is too rigid and leaves too wide a gulf between the computer-based learning labs and traditional teacher-led classrooms.

"There's [now] a general consensus that...station-rotation can produce impressive student outcomes within the narrow band that state testing represents," said Andrew J. Calkins, deputy director of **Next Generation Learning Challenges**, a Washington group that backs blended learning. "But by itself, it's insufficient to bring students to the level of skills and knowledge required for 21st-century success."

Complicating matters for Rocketship were weak school budgets and the possibility of further cuts in California state funding—both of which threatened the organizational growth slated to begin in fall 2013.

Rocketship's response, hatched in mid-2012, amounted to doubling down on the formula that first made it a national phenomenon: To bolster academic quality, generate more efficiencies and continue growing, the group



The center of Mateo Sheedy's flexible 4th grade classroom is also for independent work overseen by the same aide. At right, Celeste Martinez examines a Pablo Picasso painting.

—Ramin Rahimlan

sought to leverage the power of technology even further.

Three months into the 2012-13 academic year, Rocketship began knocking down

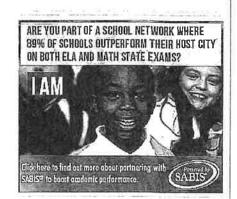
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classroom walls in order to quickly pilot the new, flexible classroom model.

A Rocky Rollout

A timer inside Sí Se Puede Academy's new, wide-open 4th grade classroom turns to zero, and the three teachers in the room give each other quick nods. One turns on bouncy pop music, the soundtrack that accompanies "rotations" in Rocketship's flexible classrooms. Like that, all 109 children in the room are on the move.

Within three minutes, four separate groups of students are settled in new seats, engaged in four very different lessons.

The seamless rotations now are a far cry from the chaos of the 2012-13 school year, said Principal Andrew Elliott-Chandler.

During that year, when Rocketship was piloting its new, flexible blended learning model, the changes at Sí Se Puede began in 2nd grade in November. By December, the entire school was testing an alternative version of the model that had flexible groups of students rotating among separate classrooms. In April, Rocketship changed things up again, moving the 2nd, 4th, and 5th grades to the flexible spaces that remain in place today.

"Kids like to know the rules of the game," Mr. Elliott-Chandler said. "When you try and change midyear, it's very challenging."

On paper, rapid overhauls of the basic building blocks of school, from classroom space to student schedules to teachers' roles, was consistent with Rocketship's tech-startup ethos.

In practice, it meant teachers had to continually rethink their strategies for controlling student chatter, passing out homework, and nearly everything else—and that even small classroom adjustments now required consensus among several colleagues.

Making things more difficult, Rocketship initially sought to use the new flexible classroom model to shed professional staff.

In public, the organization has historically characterized its schools' student-to-teacher ratio as 27-to-1, but that figure includes tutors, who are not required to have a college degree and who make roughly \$30,000 per year. In reality, the network's ratio of students to credentialed teachers is 37-to-1.

According to board documents and interviews, Rocketship leaders initially considered using the new flexible classrooms to push that figure as high as 50-to-1. They also believed one assistant principal per school could be cut under the new model.

The result would have been \$200,000 in annual savings per school, on top of the 15 percent management fee that Rocketship already charges each of its schools.

Mr. Smith, the CEO, acknowledged that the organization's initial intent was to use that money to provide startup funds for new schools, but said that plan has since been scrapped.

Gary J. Miron, a professor of education at Western Michigan University, in Kalamazoo, who studies charter-management organizations, questioned Rocketship's willingness to even consider such an approach.

"It is wrong to call these schools 'charter schools,' " Mr. Miron said. "The appropriate name should be 'franchise schools' or 'corporate schools.' "

The rocky pilot of the new flexible classroom model also led to internal complaints.

The organization lost 29 percent of its teachers after the 2012-13 school year, badly



inside a

Flexible

missing its internal targets for retention.

Those who stayed remained skeptical, Mr. Smith told the Rocketship board.

"There is a consensus amongst school staff that the instructional model will not help Rocketship achieve its mission," he wrote in an August 2013 memo.

Test scores plummeted in the first year of the new model, too.



quiet comer of the 5th grade flexible classroom at

-Ramin Rahimian for Education Week

Mr. Elliott-Chandler, the Sí Se Puede principal, summed up the problem.

"The story became about change and innovation, which is different than focusing on writing instruction," he said.

Slowing Down

For critics, there are plenty of reasons to be skeptical of Rocketship's emphasis on quickly bringing innovation to scale, both in California and across the country.

"It might work for developing technology, but these are children," said Roxana Marachi, an associate professor of education at San Jose State University. Ms. Marachi advocates Rocketship "halting their expansion plans and putting more resources into research on what they're already doing."

While that appears unlikely, the organization has eased off the throttle.



Mateo Sheedy Assistant Principal Casey Rowe sits in on 5th grade math lesson. "The open space exacerbates the challenges of a normal classroom," he said. -Ramin Rahimian for Education Week

Shortly after becoming CEO in March 2013,

Mr. Smith limited Rocketship's use of flexible classrooms to grades 4 and 5, where the organization found the most academic benefit. Kindergarteners remain in self-contained classrooms, and grades 1 through 3 continue with the station-rotation model.

In addition, said Mr. Smith, the flexible classrooms are no longer being looked at to generate cost savings.

And for now, the new model is also being limited to the Bay Area: Rocketship Southside Community Prep, which opened in Milwaukee in September, is not using flexible classrooms in its first year, and neither will the new school set to open in Nashville next fall.

In his August 2013 memo to the Rocketship board, Mr. Smith wrote that the rapid change last school year "turned up pressure on schools while reducing focus and support on academic results" and that "underlying gaps in our academic systems and teacher preparation became apparent."

In an interview, he said the organization has committed to going slower with its new model.

"We stepped back and said, 'OK, we think there's something here worth pursuing,' and now we're doing it in a much more Read a related story: 'Flexible' Classrooms: Blended Learning limited and focused manner," he said.

SEE ALSO

But Rocketship still faces pressure of several sorts.

In Milwaukee, for example, the organization missed its student-enrollment targets this year by a significant margin, leaving a roughly \$1 million hole in its new school's

Meanwhile, blended learning enthusiasts, undeterred by such troubles, remain eager for

Rocketship to remain aggressive.

"The advance guard in the field has to be willing to take something of a risk, because there's a lack of evidence that the traditional school model has brought all of our students where they need to be," said Mr. Calkins of Next Generation Learning Challenges.

The greatest pressure, though, comes from within: Rocketship officials maintain a steadfast conviction in the power of the educational model they are developing.

Sitting in the flexible 4th grade classroom at Si Se Puede Academy, Mr. Elliott-Chandler watches a teacher take six students through a lesson on finding synonyms in a text. It's high-level reading instruction the children likely wouldn't have received as the lone advanced student in a typical classroom of 30, sitting alongside many children still learning how to sound out words.



Those struggling students will now get tailored lessons, too; Rocketship's flexible classrooms allow for daily work with small groups of students at eight different skill levels.

Despite the painful changes of the past year, Mr. Elliott-Chandler is optimistic about the future and says he couldn't imagine a return to the traditional public school where he started his career.

"It's now 10 years since I started working there, and they're still struggling," he said, the old Rocketship swagger resurfacing.

"That's what incremental change will get you: incremental growth."

Vol. 33, Issue 19, Pages s26,s27,s28,s29

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"...do you continue to focus on innovation, and try to get it right?" If Rocketship doesn't they're on their way to disaster, and not just for this charter organization.
They'll set blended learning back at least a decade.

Reform doubters will look at this and use it as an excuse to continue with the past failed model of one size fits all. IT DOESN'T. All kids are different and until schools and teachers start addressing this reality the reform movement will continue to flounder with no measurable improvements anywhere, and especially for our needlest students.