

May 3, 2023

Board President Lucy Hendry
Imperial County Board of Education
1398 Sperber Road
El Center, CA 92243

RE: Oppose Countywide Charter Petition of Imagine Schools Imperial County

Dear President Hendry:

I am writing to urge the County Board to deny the Imagine Schools Imperial County (ISIC) petition for a Countywide Charter. This petition is an attempt to revive a school that previously failed the students of Imperial County and was appropriately closed by the El Centro Elementary School District (ECESD), a decision echoed by the Imperial County Board of Education in a subsequent decision. Further, changes to the Charter Schools Act since the closure of the school now encourage authorizers to consider the impact that proposed charter schools would have on existing schools and programs. Approval of this petition has significant potential to harm existing programs and services in Imperial County districts.

Since this is a Countywide Charter Petition, authorization of the petition is at the discretion of the County Board of Education: in addition to the grounds for denial that are permissible when considering a standard charter petition, the County Board, per California Education Code (EC Section 47605.6(b)(7)), may deny a Countywide Charter petition based on findings including “Any other basis that the county board of education finds justifies the denial of the petition.” There is no appeal process for Countywide Charters, so the decision of this board stands.

Unsound Educational Program & Does Not Serve the Interests of the Entire Community

Rather than proposing a new charter school, this petition is really a proposal to reopen a charter school that previously failed in Imperial County and was shut down by the authorizing district. The staff of ECESD, the County Board of Education, and the California Department of Education all agreed that ECESD was making the correct decision in denying this charter a renewal. The petitioners then attempted to reopen the school as a Countywide Charter, and the County Board of Education also denied that petition. The program proposed to you is the same, the leadership and management company of the school are the same. This is what the staff of the County Office of Education had to say about the Imagine School at Imperial Valley (ISIV) when recommending the board support the decision of ECESD to close the school:

“the Review Team determined the charter petition presents *an unsound educational program, as it is not likely to be of educational benefit* for English Learners, students with disabilities, and students achieving below grade level.¹”

¹ ICOE Staff Evaluation Summary Report, April 24, 2018. P. 8

The operators, leaders and program of the proposed Imagine School under your consideration are the same as the now shuttered ISIV that was found to not likely be of educational benefit for significant groups of students.

Imagine Schools’ track record in California also reflects significant disparities in the students they serve. With their existing charter in Riverside County, **the most concerning issue is the precipitous drop in the enrollment of socioeconomically disadvantaged students.** In 2017-18 school year, 85.4% of students enrolled at Imagine Schools Riverside were socioeconomically disadvantaged. **By 2021-22, the percentage of socioeconomically disadvantaged students had plummeted by almost 30 percentage points to 56.5%.** Over that same time span, Riverside County’s percentage of socioeconomically disadvantaged students grew from 66.7% in 2017-18 to 69.1%. Imagine Riverside currently enrolls no homeless students.

When ISIV was open, only 6% of the students served were students with disabilities. In the budget narrative for their current petition, the petitioners state that they will serve a similar percentage of students with disabilities at the proposed school. This is significantly lower (less than half!) than the percentage of students with disabilities served in Imperial County and in ECESD, as seen in this chart:

2022-23 Enrollment	Students with Disabilities	Socioeconomically Disadvantaged
El Centro Elementary School District	12.7%	80.5%
Imperial County	12.7%	76.9%
Imagine Riverside	10.5%	59.6%

Comparing enrollment of vulnerable populations at their Riverside school with Riverside County and the districts where their schools are located, the difference is stark, particularly with socioeconomically disadvantaged students:

2022-23 Enrollment	Students with Disabilities	Socioeconomically Disadvantaged
California	13.1%	61.5%
Riverside	13.7%	72.9%
Hemet Unified School District	15.3%	86.6%
Coachella Valley Unified School District	11.9%	92.4%
Imagine Riverside	10.5%	59.6%

Given the dramatic difference in the student demographics of Imagine Riverside and the student demographics of Imperial County Students and the districts they propose to target, directly comparing academic outcomes for all students does not provide an accurate comparison of academic success. However, despite the Imperial Districts’ significantly higher populations of socioeconomically disadvantaged students and other vulnerable student groups, Imagine’s

academic outcomes are generally worse or the same as the districts they plan to locate in (with the exception of Calexico, which has the highest percentage of vulnerable students):

California School Dashboard 2021-22	All Students		Socioeconomically Disadvantaged		Latino	
	Math	ELA	Math	ELA	Math	ELA
California	-51.7	-12.2	-84	-41.4	-83.4	-38.6
Brawley Elementary	-78.6	-40.2	-85.1	-48	-79.7	-41.8
El Centro Elementary	-79.3	-41.3	-86.5	-48.9	-80.1	-42
Imagine Riverside	-83.9	-47.8	-87.3	-50.6	-84.2	-48.1
Calexico Unified	-103.4	-68.3	-110.3	-76.7	-103.5	-68.5

Based on their serving a less vulnerable population of students and their track record both in Imperial and Riverside Counties, the academic outcomes of Imagine Schools do not offer a better academic alternative than what is currently provided in Imperial County. At the same time, the opening of this school could cause considerable harm to the education of students in district and other charter schools. Since the school’s failure in 2018, several districts around the county appear to have expanded their own options for dual language education. Re-opening this failed school will introduce instability into the programs that other districts are currently running and have negative consequences for other existing programs and services in the districts.

Questionable Financial Practices

It is understandable why the Imagine Company would want to reopen a school here in Imperial County despite their previous failure. As reported in FCMAT’s audit, Imagine’s parent company entered into a long-term lease for their facility that does not expire until 2030, apparently costing the charter school network about \$1.2 million per year – about another \$7 million dollars by the time the lease expires. At the same time, Imagine Schools Non-Profit, Inc., their national organization, is spending about \$2 million more per year than they are bringing in, according to their most recent IRS Form 990s. The need to replace the lost revenue to pay for this lease could be a significant driver of the interest of Imagine in reopening a school here. This chain of schools has been mired in fiscal and real estate issues for years around the country – for example, they are no longer permitted to operate in the state of Missouri due to financial mismanagement.

Inadequate Staff Analysis

For a variety of reasons, the staff analysis presented to the board provides inadequate information in order for this Board to make an informed decision on whether this school should be approved.

Inadequate Academic Analysis: In their analysis of the academic outcomes of Imagine Riverside, the staff made no mention of the vastly different student demographics between Imperial County districts and Imagine Riverside and did not even appear to notice the drastic decline in enrolling socioeconomically disadvantaged students. The academic comparison only looked at outcomes for all students when comparing Imagine to schools with substantially higher percentages of high need

students. (For example, Dool Elementary in Calexico in the 2021-22 school year was 77.8% English Learners, 12.4% homeless students, 11.6% migrant, and 92.4% Socioeconomically Disadvantaged, substantially higher percentages of all these student groups than Imagine Riverside). While the staff analysis of academics provided data for so many schools you can barely read the small print to see the names, if you zoom in you will see that many of the comparison schools don't even have students in the same grade as Imagine Riverside. The staff included Continuation Schools and High Schools in their comparison when these student populations are not even served by Imagine. They also did not note that Imagine Riverside, in 2019 did not yet include 7th and 8th grade students, yet they included middle schools in that year's comparison of academic data.

Inexplicably, the ICOE staff review of the petition also does not include any reference or review of the past performance of the Imperial County school that was closed due to academic failure, and which the County staff found to be an unsound educational program.

Complete lack of community impact analysis: The state legislature has clearly recognized that opening charter schools can potentially have a negative impact on the education of students remaining in district managed schools, and on students in other charter schools. Yet no assessment whatsoever of this impact is analyzed by the staff so that the Board may consider the impact on the community as a whole. We strongly recommend that the board take into consideration any information provided by local districts regarding the possible negative impacts authorization of this petition could have.

Inadequate analysis of meeting criteria for Countywide charter: Finally, the staff analysis of the petition's qualifying as a countywide charter is lacking. The petitioners make the case that they want to recruit students from throughout the County, and that it would be easier to manage multiple schools through one charter and with one authorizer. Administrative convenience of the petitioner, however, is not sufficient to meet the threshold established in the education code that requires demonstrating that *students* cannot be served as well by a charter operating in an individual district. Charter school chains like KIPP, Rocketship and others function throughout the state with multiple authorizers, so Imagine should be able to do the same. With regard to the argument that they will not be able to serve students from throughout the County without a Countywide charter, this is also lacking. While the education code does require a "preference" for students in the authorizing district for standard charter petitions, it is not an absolute preference. The education code does not define "preference," and does not require the school to admit district residents to the exclusion of non-district residents. Imagine also plans to apply for the Charter School Facilities Grant program, which requires schools to provide a preference for students in the elementary attendance area where their facility is located if the school itself does not enroll 55% or more socioeconomically disadvantaged students. Finally, the charter specifically states that transportation will be provided if it is "financially viable" – far from a guarantee of transportation, and another sign that enrollment from throughout the County is not the priority. Given all of these issues, the school would very likely be able to accommodate student recruitment from various areas of the county through a charter authorized by a local district. However, given that they are looking to locate in the facility where they are already paying for a lease, and the local district there had already denied renewal to their previously existing school based on academic performance, it is easy to see why they would look to circumvent the district and go to the county to ask for authorization. The law, however, does not allow for venue shopping for convenience.

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There are a multitude of reasons why this charter petition should not be authorized, and the education code provides the County Board with wide latitude to determine whether a Countywide petition should be approved. Should the board wish to consider a more robust analysis of the community impact of this school, the board could even deny the charter based on inadequate information on the impact to other schools without precluding the petitioners from petitioning in the future. This current petition is an attempt to reopen a school that was shut down because it was not adequately serving its students, and the district, county and CDE all agreed with the decision. At the same time, authorizing this charter could do harm to existing programs and services for students. Authorizing a school with a track record of academic failure, and in particular, authorizing such a school with the express intent of replicating this “unsound educational program” throughout the county would be irresponsible.

We urge you to deny the charter petition for Imagine Schools Imperial County.

Sincerely,



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cc: Trustee Alicia Armenta
Trustee Mark Ramirez
Trustee Annette Buttner
Trustee Victor Jaime