

Wisdom Academy for Young Scientists Letter to Tom Torlakson

**WISDOM ACADEMY FOR YOUNG SCIENTISTS**  
*Our mission is to create a transformational learning climate, in which students become empowered to be leaders, self-responsible learners, agents of change, and true scientists.*

February 5, 2014

The Honorable Tom Torlakson  
California State Superintendent  
of Public Instruction  
1430 N Street, Suite 5602  
Sacramento, CA 95814-5901

Via: USPS First Class Mail

Re: Wisdom Academy for Young Scientists' appeal of charter revocation

Dear Superintendent Torlakson:

It was an honor to meet with you and Ms. Rebecca Barrett. We sincerely appreciate your commitment to support the children attending the Wisdom Academy for Young Scientists charter school ("WAYS"). WAYS families choose our school because they view us as the best choice in their South Los Angeles community. As you know, other public schools in South Los Angeles have a well-documented history of underserving this community. As we discussed, the Los Angeles County Board of Education ("LACOE Board") revoked the WAYS charter on November 18, 2014, and WAYS submitted an appeal to the State Board of Education on December 18, 2014. The revocation of WAYS' charter was in no way the result of poor student performance or school mismanagement. Rather, the revocation was the result of continual, compounded errors in the revocation process. For years now, WAYS has been subjected to discriminatory treatment and retaliation from the LACOE Charter School Office staff. These few LACOE staff members have *dramatically* departed from the normal procedures and business practices LACOE uses for its other twelve charter schools, and we believe it is important for you to be aware of this.

This letter provides a brief description of how LACOE's revocation process was materially flawed, which we believe it is important for you and the State Board to be aware of. In short:

- The LACOE Board failed to consider student achievement for all groups of pupils at WAYS as the most important factor in revocation, as required by Education Code section 47607(c)(2) and *American Indian Model Schools v. OUSD* (2014) 227 Cal.App.4th 258.
- WAYS was not provided a reasonable opportunity to remedy violations identified in the Notice of Violation ("NOV"), as required by Education Code Sections 47607(d) and (e). The reasons cited by LACOE for revoking the WAYS charter constantly changed from the LACOE Board's initial issuance of the Notice of Violation in June, to the eventual revocation in November.

- LACOE approved revisions to WAYS' charter less than two weeks before it cited those very same charter revisions as a basis for revocation—all occurring after LACOE had issued the notice of violation.
- LACOE staff hired a private investigator to follow and videotape WAYS staff, a expenditure we do not believe was ever approved by the LACOE Board, and a tactic we are unaware LACOE has ever used for another charter school. LACOE also refused to provide WAYS with the video records.
- LACOE did not provide WAYS with all the evidence cited and used against it in the revocation, despite numerous Public Records Act requests.
- WAYS is among the highest performing public school in South Los Angeles and one of the most fiscally sound charter schools in the entire region. Our asset-to-debt ratio (the ability to pay current liabilities when due) at the time of revocation was 12:1, which by far exceeds the accepted industry average of 2:1.

1. ***Student Achievement: WAYS school performs as well or better than the schools our students would otherwise be required to attend.***

Under Education Code section 47607(c)(2) (added by SB 1290 in 2012), increases in pupil academic achievement should have been the “most important factor” in the LACOE Board’s revocation of the WAYS charter. It was not enough for the LACOE staff to simply present a small (and misrepresented) sample of academic achievement “evidence” to the LACOE Board in the eleventh hour when the Board made the final decision to revoke the WAYS charter. Over nearly three years of correspondence and meetings, at least eighteen unwarranted notices to cure, six months of revocation proceedings, and countless attempts by WAYS to cure the issues identified in the NOV, neither LACOE staff nor the LACOE Board ever questioned or even mentioned student achievement at our school until late in the revocation process. Even then, the only factor LACOE staff could point to in its attempt to discredit WAYS’ academic achievement is one year’s data on one test—the CST in science, in which WAYS’ academic performance admittedly dipped. LACOE was required to assemble, review and analyze the *complete picture* of pupil academic achievement at WAYS, particularly over time and for our numerically significant subgroup populations, which often represent the most typically underserved students. (See *American Indian Model Schools v. OUSD* (2014) 227 Cal.App.4th 258.) This standard was ignored in this revocation.

The revocation process also unfairly shoved the burden of proof upon WAYS. LACOE staff erroneously stated, “WAYS has not demonstrated consistent increases in pupil achievement since the charter school began operation.” But there was no requirement for WAYS to “demonstrate” that when faced with revocation. By law, the burden was not on WAYS to demonstrate student achievement but on LACOE to explain how the alleged defects at WAYS *outweigh* student achievement. (See *American Indian Model Schools v. OUSD* (2014) 227 Cal.App.4th 258.) That important standard was ignored.

WAYS not only met its school-wide growth target in 2012-2013 (the most recent year's data available at the time the revocation was commenced), it met its growth target for all pupil subgroups, including Hispanic/ Latino and socioeconomically disadvantaged students. WAYS had a growth in API score of 54 points in 2012-13, which is the highest growth score of the 38 public elementary schools identified in LACOE's own data that are within a 3-mile radius of the school's East Manchester campus. The 54 point growth last year is a significant jump considering the average growth during that period for public schools overseen by LACOE was only 3 points. Although WAYS did have a dip in API from its impressively high score of 879 in 2009-10, WAYS has rebounded to show incredible growth over the past year. The LACOE Board inexplicably dismissed this data.

LACOE staff's own statements about student achievement at WAYS (mentioned briefly for the very first time more than four months *after* the end of the cure period) showed that WAYS has increased its academic achievement in several areas and continues to rank highly when compared to its resident and comparison schools. WAYS' proficiency rates in both ELA and Math increased from 2011-12 to 2012-13. WAYS currently ranks 4th in ELA and 3rd in math proficiency rates among the resident schools identified by LACOE's own staff. WAYS' 3-year average API score of 741 also ranks 6th or higher compared to the resident schools on a school-wide basis and for every identified pupil group: African American, Hispanic/Latino, socioeconomically disadvantaged, English Learners, and students with disabilities. As LACOE staff itself pointed out during the revocation, if WAYS' students attended the alternative identified resident schools, almost 60% of our students would be forced to attend a school with a lower 3-year weighted average school-wide API. In other words, revocation would force a majority of our students to attend schools that have a lower academic performance record.

## ***2. WAYS is the most Fiscally Sound LACOE Authorized Charter***

The Notice of Violation stated that the school's fiscal policies and internal controls were inadequate. This was a surprise to WAYS, as we had adopted revised fiscal policies and internal controls just weeks before the NOV was issued on April 30, 2014—fiscal policies and controls that were directed by and reviewed by LACOE's own Controller. WAYS is the also one of the most fiscally sound charter schools in the entire region. Our asset-to-debt ratio (the ability to pay current liabilities when due) at the time of revocation was 12:1, which by far exceeds the accepted industry average of 2:1. Nonetheless, in response to the NOV, WAYS hired a highly-respected back office services provider (Charter School Management Corporation) and set out to revise and adopt new, re-revised fiscal policies and internal controls. LACOE's own Executive Director of Business and Finance actually participated in revising WAYS' Financial Policies and Procedures Handbook. The WAYS board adopted the re-revised policies on September 17, 2014. Despite these two revisions at LACOE's direction, one of the reasons cited in the November revocation was that the re-revised fiscal policies and internal controls were deficient.

## ***3. LACOE Actually Approved the Same Revisions to the WAYS Charter Cited as a Basis for Revocation, Merely Weeks Prior to the Revocation***

The revocation process violated WAYS' due process rights because it was started while LACOE was still in arbitration with WAYS concerning the terms of the initial 2011 charter petition that are cited as bases for revocation. For instance, the September NIR complained that the job description in the new charter for the Director of Operations "results in a lack of necessary checks and balances." This job description was a point of contention between WAYS and LACOE but both sides eventually reached an agreement *two weeks prior to the issuance of the NIR*. Deputy General Counsel Courtney Brady explicitly stated that LACOE "can agree to the job descriptions" in the charter, including the exact description for the Director of Operations that was cited as a concern in the NIR. The year-long arbitration process resulted in a charter petition document that both sides agreed to live by—that was the point. It is fundamentally unfair for a charter authorizer to recommend revocation of the charter based upon provisions the authorizer explicitly approved and were ordered less than two weeks previously.

**4. *LACOE Staff Paid a Private Investigator to Follow and Videotape WAYS Staff, then Refused to Allow WAYS to View or Copy the Video***

One piece of evidence cited in revocation of the WAYS charter is video surveillance records of a WAYS staff member (Vice Principal) on her way to and from WAYS, her home, and going about her daily life. **The LACOE Charter Schools Office paid a private eye to follow and videotape our Vice Principal on at least 16 occasions without her knowledge and without County Board approval—a tactic we do not believe any California county office of education has ever used, or is authorized to use, with other charter schools.** It appears LACOE staff's intent was to glean whether our Vice Principal held more than one job (and she did, with WAYS' consent).

We requested the video surveillance records by a Public Records Act request (which also included a litigation hold request), and after over two months of delay, LACOE's attorney specifically stated that LACOE did in fact possess the video surveillance records "on DVD." She specified the records could be produced on DVD versus CD, and stated that LACOE would provide a courtesy copy rather than requiring WAYS to come to the county to duplicate LACOE's own DVD. Then, just days later, the same LACOE attorney recanted and cryptically stated that LACOE did not have "possession, custody or control" of the video surveillance records.<sup>1</sup>

It is unfathomable that LACOE could lose possession of evidence it explicitly relied upon as evidence in the revocation of our charter. We have very serious concerns with the fact that it appears LACOE staff has lost, destroyed, or given a third party control of, video surveillance records of WAYS' Vice Principal, which the Vice Principal herself has not been permitted to see.<sup>2</sup> We also see no public purpose for a county office of education to spend the state's

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<sup>1</sup> The CSIS Fiscal Crisis and Management Assistance Team ("FCMAT") informed WAYS that it performed private background checks on six members of the "Okonkwo family" whom LACOE specifically accused of "fraud". Only

<sup>2</sup> If the video records were destroyed, then LACOE is in violation of a litigation hold request.

education dollars to ~~Wisdom Academy for Young Scientists Letter to Tom Tortakson~~ federal civil rights. In any event, it was improper for LACOE to rely on evidence that we were not provided the opportunity to review.

***5. No Reasonable Opportunity to Remedy; Reasons for Revocation Constantly Changed When Disproved by WAYS; and Revocation Became a “Moving Target”***

Education Code sections 47607(d) and (e) mandate that charter school be provided a “reasonable opportunity” to remedy violations prior to revocation. After issuance of the NOV on June 3, 2014, WAYS wrote a detailed response letter that responded to each and every issue. WAYS also provided LACOE staff and each LACOE Board member individually with a disc containing hundreds of pages of backup evidence, categorized and responsive to every concern raised in the NOV.

Nearly all of our responsive evidence to the NOV was unrefuted by LACOE staff. After this, the entire recommendation for revocation shifted to an entirely new theme that “there is no evidence of systemic change.” LACOE staff’s reports referred to the school’s solutions as “partial remedies” because the school had no way to “ensure they will be followed” permanently. The NOV was issued on June 3, 2014 and WAYS was required to submit its responses and evidence of remedial measures taken and proposed by July 31, 2014—it would be impossible for any school to implement “permanent, systemic” change in such a short period of time.

In short, WAYS had no reasonable opportunity to cure, as required by Education Code section 47607(d) and (e). The reasons for revocation were a constantly moving target.

We hope it is clear that WAYS is a unique safe haven in an otherwise academically bleak area of South Los Angeles. Most importantly, WAYS out fiscally performs each and every LACOE authorized charter, and performs as well or better than all schools our students would otherwise be required to attend—the key consideration under Education Code section 47607.

Thank you for your support.

Sincerely,



Jason Okonkwo  
Consultant

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<sup>3</sup> We believe there is currently a pending claim by our Vice Principal individually against LACOE for that misconduct.