Appendix C1: Communications with Summit Public Schools Regarding Public Records Act Request Submitted November 5, 2019

Note: Exhibit B referred to in the following correspondence can be found in Appendix C2.

Gmail

Faith Boninger <fboninger@gmail.com>

Interview request for research project

9 messages

Faith Boninger <fboninger@gmail com>
To cuong@summitps org

Thu, Oct 17, 2019 at 9 06 AM

Hi Cat.

Thanks for your call yesterday. I really appreciate your finding someone to talk to me about my project. Here is the context that you requested: I am a research professor at the University of Colorado Boulder. My colleagues, Alex Molnar, Christopher Saldaña, and I are researching the history and development of Summit Public Schools and the Summit Learning Program. Our research covers the period from the founding of Summit Public Schools (in 2003) to 2019 when T.L.P. Education (aka "Summit Learning") took over the Summit Learning Program.

I've got a number of questions about such things as funding, curriculum and instruction, assessment, school performance, and so on. As I mentioned on the phone, we haven't been able to find a good deal of the key information we're looking for in public sources. I'm hoping to talk to someone knowledgeable about the history and development of Summit Public Schools and the Summit Learning Program who can help direct me to answers to my questions in public sources or, if that's not possible, answer the questions directly. It would also be very helpful if you could direct me to someone at the Summit Learning Program. My colleague, Chris, has reached out to them via email, but hasn't heard back yet.

Thanks very much!

Faith

--
Faith Boninger
National Education Policy Center
Co-Director, Commercialism in Education Research Unit
School of Education
University of Colorado
faith boninger@colorado edu
nepc colorado edu
Follow @NEPCTweet on Twitter

Cat Uong <cuong@summitps org>
To: Faith Boninger <fboninger@gmail.com>

Thu, Oct 17, 2019 at 10:53 AM

Hi Faith,

Thanks for this information. It's very helpful. One additional question, for what purpose do you foresee this research will be applied or distributed?

Best,
Cat
[Quoted text hidden]
--
Cat Uong
Preferred pronouns: she/her/hers
Manager of Development & Partnerships
(832) 876-0547
www summitps org

Faith Boninger <fboninger@gmail.com>
To: Cat Uong <cuong@summitps.org>

Thu, Oct 17, 2019 at 11:53 AM

Hi Cat.
We're doing research for a policy brief on personalized learning. It will be published on the National Education Policy Center website at the University of Colorado Boulder.
Best,
Faith
[Quoted text hidden]

Cat Uong <cuong@summitps.org> Thu, Oct 17, 2019 at 12:11 PM
To: Faith Boninger <fboninger@gmail.com>

Thanks Faith I will look into what is possible on our end, and get back to you

Best,
Cat
[Quoted text hidden]

Faith Boninger <fboninger@gmail.com> Thu, Oct 17, 2019 at 12:21 PM
To: Cat Uong <cuong@summitps.org>

That's great. Thank you!
Faith
[Quoted text hidden]

Cat Uong <cuong@summitps.org> Fri, Oct 18, 2019 at 11:24 AM
To: Faith Boninger <fboninger@gmail.com>

Hi Faith,

Hope you're having a good Friday so far. Thank you again for reaching out to us, and for your interest in researching Summit Public Schools and our work so far. After exploring your request with our team, unfortunately, we are not able to accommodate at this time. We hope you can understand that we must balance our desire to share our work with the impact on our schools and students.

We wish you and your colleagues the best of luck with the policy brief.

With respect and gratitude,
Cat

[Quoted text hidden]

Faith Boninger <fboninger@gmail.com> Mon, Oct 21, 2019 at 9:55 AM
To: Cat Uong <cuong@summitps.org>

Dear Cat,
Thanks for corresponding with me. I don't know a more delicate way to ask this, and please know that there's no offense intended, but is there anyone higher up in the organization who we might ask to re-consider this decision/ Or are you (and the team you consulted with) necessarily voicing the final, official decision of Summit?
Best,
Faith
[Quoted text hidden]

Cat Uong <cuong@summitps.org> Mon, Oct 21, 2019 at 10:36 AM
To: Faith Boninger <fboninger@gmail.com>

Hi Faith,

No offense taken. Thank you for your continued interest. We consulted with our senior leadership team, and I am representing Summit to inform you of our decision.

We wish you all the best.

Cat
[Quoted text hidden]

Faith Boninger <fboninger@gmail.com> Thu, Oct 24, 2019 at 11:39 AM
To: Cat Uong <cuong@summitps.org>

Thanks, Cat.
Best to you as well --
Faith
[Quoted text hidden]

Faith Boninger
Alex Molnar
National Education Policy Center
School of Education, 249 UCB
University of Colorado
Boulder, Colorado 80309-0249

November 5, 2019

Summit Public Schools
780 Broadway
Redwood City, CA 94063

Re: California Public Records Act Request Regarding Summit Public Schools and the Summit Learning Program Administered by Summit Public Schools

Dear Summit Public Schools:

Pursuant to the California Public Records Act (Government Code §§ 6250 *et seq.*), we are requesting copies of public records, including but not limited to any written materials, photographs, electronic data, and communications, related to certain educational programs and services provided to youth enrolled in schools operated by Summit Public Schools or in schools that contracted with Summit Public Schools to use the Summit Learning Program. Specifically, we are requesting the public records specified in Attachment A, as defined by Government Code § 6252(e) in the possession of Summit Public Schools, pursuant to California Education Code § 47604.1, as amended by California SB 126 (2019). Document requests are for period 2003-2004 academic year through the 2019-2020 academic year.

This request does not seek personally identifying information about any individual served by Summit Public Schools or the Summit Learning Program. To the extent such personally identifying information is contained in responsive records, please redact the identifying information and produce the remainder of the records. If you determine that any other information qualifies for an exemption from disclosure, please note the basis for the claimed exemption, redact the material at issue for the time being, and make the rest available as requested. Please also provide a signed notification citing the legal authorities on which you rely if you determine that any responsive information is exempt and will not be disclosed.

Please send a response within 10 days, as required by Government Code § 6253(c), to the attention of Faith Boninger at faith.boninger@colorado.edu or the address indicated above.

We are research professors and co-directors of the Commercialism in Education Research Unit of the National Education Policy Center at the University of Colorado Boulder, a not-for-profit academic organization. The requested information is not sought for commercial purpose and its disclosure serves the public interest in ensuring the welfare and education of children and youth. We therefore kindly request a waiver of any copying charges. If any costs will be imposed, please notify us in advance, so that we may decide which records we wish to have copied.

We attempted to request this information informally, but the leadership team at Summit Public Schools has declined to provide it collaboratively and informally. For this reason we are now sending a public records request to obtain the information. If you have any questions or concerns regarding this request, feel free to contact Faith Boninger at faith.boninger@colorado.edu. We welcome the opportunity to discuss a reasonable schedule for production of responsive records. Also, please forward this request to any and all persons in your office who can assist in complying with this request.

Thank you in advance for your prompt attention to this request.

Sincerely,

Faith Boninger

Alex Molnar

C: William S. Koski, Youth and Education Law Project, Stanford Law School
Kevin Welner, Director, National Education Policy Center, School of Education, University of Colorado Boulder
Katherine Schultz, Dean, School of Education, University of Colorado Boulder

National Education Policy Center
School of Education
University of Colorado
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nepc@colorado.edu

Attachment A

1. Records Related to Funding, School Years 2003-04 through 2019-20:

Records of non-public funding or revenue received by Summit Public Schools between school years 2003-04 through 2019-20.

2. Records Related to Curriculum and Assessment, School Years 2003-04 through 2018-19:

Teacher contract form(s).

Records of how much time students spend working on projects as opposed to working on mastering the content knowledge contained in the Summit Learning Platform.

Records that explain the basis for and/or that document the psychometric validation of the Cognitive Skills Rubric.

Records related to the training of teachers to use the Cognitive Skills Rubric. Including records about the nature and amount of the training, and when it occurs.

Records related to empirical assessments of the teacher training's effect on teacher consistency in grading of Cognitive Skills.

Records of how content knowledge assessments are created and chosen.

Records of what is done when a student has not mastered the content knowledge required for a project (i.e., the options offered to the student and any descriptions of how they may catch up).

Records related to how Habits of Success are assessed.

Records related to how the validity of these assessments of Habits of Success was established.

Records of how Sense of Purpose is assessed.

Records related to how the validity of these assessments of Habits of Success was established.

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3. Records Related to Academic Performance of Summit Public Schools, School Years 2003-04 through 2018-19

For each Summit Public Schools high school, records of student graduation rates, reported student attrition rates, and reported student college and career readiness rates for each year that the school was open and data were collected.

Records of the calculation that supports the claim that had been published on the "About Us" page of Summit Public School's website (https://www.summitlearning.org/about-us), that 96% of Summit Public School's first graduating class was "accepted into at least one four-year college," including description of the cohort of students included in the calculation (e.g., was it anyone in the senior class, regardless of when they entered?).

Records of Summit Public Schools' graduates' acceptance rates to 4-year universities for school years 2007-08 through 2018-19.

Records related to claims that had been published on the Summit website (https://www.summitlearning.org/about-us) that 100% of Summit Public Schools graduates are eligible for 4-year colleges, 98% are accepted to 4-year colleges, and 55% graduate from college within 6 years (i.e., records of how these statistics were calculated, including to which graduation years and to which Summit Public Schools high schools they refer).

Records of Summit Public Schools' graduation rate and how it was calculated, for the school years 2007-08 through 2018-19

Records of Summit Public Schools' college acceptance rates, completion rates, and graduation rates by demographic subgroups, for school years 2007-08 through 2018-19.

Reports in the possession of Summit Public Schools of any research that evaluates Summit Public School outcomes.

The research proposal submitted to Summit Public Schools by Harvard professors Thomas Kane and Martin West.

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Records related to the decision to solicit the research proposal from Harvard professors Thomas Kane and Martin West and about the decision to not go forward with the proposed research.

4. Records Related to The Summit Learning Platform, School Years 2003-04 through 2018-19:

Records that identify the entity/entities that made curricular decisions about the Summit Learning Platform.

Records of the qualifications of individuals who made curricular decisions about the Summit Learning Platform.

Records that identify the entity/entities that made decisions about the content, format, and scoring of assessments used by the Summit Learning Platform.

Records of the qualifications of individuals who made decisions about the content, format, and scoring of assessments used by the Summit Learning Platform.

Any record related to changes teachers may make to the base curriculum and/or to the assessments used in the Summit Learning Platform.

A comprehensive list of embedded content providers.

Records of contracts with embedded content and third-party service providers.

5. Records Related to Student Data Privacy, School Years 2003-04 through 2018-19:

Records of which entity controlled access to student data collected prior to the creation of T.L.P. Education.

Records that describe and explain how the privacy of student data was protected.

Records of the procedures followed in response to a partner school's request to delete a student or students' personally identifiable data.

Records that describe and explain what any and all retained de-identified data has been used for.

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Records of any sharing of de-identified data to third parties, including the date data was shared, the entity with which it was shared, and which data were shared.

Records of procedures that ensured that entities or individuals with access to de-identified student data cannot re-identify de-identified data.

Records of the security measures undertaken to protect de-identified data.

Records that describe and explain the processes adopted to ensure that the results from data analyses were handled in ways that ensure student privacy.

Records of the specific Heroku and AWS services used for the Summit Learning Platform, and how those services were tied together and secured.

Records of how access to student data was managed, including the definitions of various classes of users, evaluation criteria for individuals in these various classes, and procedures by which the access of users only to elements of the system needed for their work was controlled.

6. Records Related to Costs to Partner Schools of Implementing the Summit Learning Program, School Years 2003-04 through 2018-19:

Records of the costs that partner schools have incurred to implement the Summit Learning Program (i.e., costs associated with initial implementation, including teacher onboarding and any technology purchase costs,); maintenance costs associated with technology infrastructure, such as broadband and Chromebooks, and costs of ongoing professional development for teachers and administrators as the Summit Learning platform evolved).

7. Records Related to Teacher In-Service Training and Support for Partner Schools, School Years 2003-04 through-2018-19:

Any written description of the training that partner-school teachers and administrators received before they implemented the Summit Learning Program, and the support they receive dwhen they are using the program.

Records of the criteria used to determine that a partner school's staff has been adequately trained to use the program.

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Records of any funding received by Summit Public Schools for staff training for partner schools, including the names of the entity/entities that provided the funding and how the funding was used.

The training materials Summit Public Schools provided to partner schools.

Records of the nature of the ongoing training provided to partner school staff, after the initial onboarding of the program, including the period of time in which partner schools received ongoing training and the name(s) of the entity/entities that have provided funding for the ongoing training and the name(s) of the entity/entities that provided it.

8. Records Related to Performance and Retention of Summit Learning Partner Schools, school years 2003-04 through 2018-19:

Records related to the analysis that supports the claim, published in the document entitled *Summit Basecamp* (https://drive.google.com/file/d/0B78bMee75znoei1CWnRqZk14NlZNSFk4T0xqQ2N3UDR6eHYw/view), that as a result of participating in Summit "Basecamp," the students attending partner schools "demonstrated higher-than-average growth" in reading and math on the NWEA MAP test.

The names and addresses of U.S. public and charter schools using the Summit Learning Program prior to the incorporation of T.L.P. Education.

The names and addresses of schools that applied to but were not accepted by Summit Public Schools for the Summit Learning Program partnership, or that were accepted and subsequently removed as partner schools by Summit Public Schools along with the reasons each school was rejected or removed as a partner school.

The names and addresses of schools that have asked to withdraw from the Summit Learning Program partnership, and the reasons they provided for doing so.

9. Records Related to the Relationship between Summit Public Schools and T.L.P. Education (aka "Summit Learning"):

Records of the legal status of T.L.P. Education.

National Education Policy Center
School of Education
University of Colorado
Boulder, CO 80309-0249
nepc@colorado.edu

Any written description of the reason for founding T.L.P. Education.

Records related to the licensing of Summit Public Schools' intellectual property by T.L.P. Education, including any licensing fees.

Records related to any financial or non-financial (in-kind) support that Summit Public Schools has provided to T.L.P. Education, including the type of support (financial or in-kind), the estimated value of the support, the purpose of the support, and the date the support was provided.

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Nnamna Ogbu
Assistant General Counsel

nogbu@summitps.org

summitps.org
@summitps

National Education Policy Center
School of Education, 249 UCB
University of Colorado
Boulder, Colorado 80309-0249

December 3, 2019

Dear Ms. Boninger:

Summit Public Schools is in receipt of your public records request received November 5, 2019. It is our understanding that you have requested more than 60 unique categories of information, including more than 120 subcategories of information spanning our nearly two decades of operation with the expectation that some or all of the information requested constitutes a public record under California law. We respond to inquiries from the public through informal requests for information and through requests under the Public Records Act. This request is atypical.

SUMMIT PUBLIC SCHOOLS

We deem it necessary to inform you of the sheer volume of potentially responsive documents in order to responsibly manage our resources (and likely your resources as well). After conferring internally, we are of the opinion that the potential universe of documents is unreasonably voluminous. Under the California Public Records Act, the public interest in obtaining records must be weighed against the fiscal and workload burden being imposed upon a public agency by a particular request. The amount of resources required to review and process your request could cause serious, irreparable harm to our organization as we strive to focus our attention on the needs of our students.

By sharing the specific topic(s) of your concern, we can limit the significant staff time and resources that I presently estimate the request, as currently presented, will consume.

At this point, we presently estimate that production of responsive records will be available for your review on or around July 1, 2020. As you are aware, prior to releasing any documents to the public, Summit ensures that we do not disclose exempt or privileged information, including personally identifiable information about students, information concerning pending litigation, and certain information about personnel.

Additional Information Relating to the Production of Records

Drafts. The California Public Records Act exempts from disclosure "preliminary drafts, notes, or interagency or intra-agency memoranda that are not retained by the public agency in the ordinary course of business, if the public interest in withholding those records clearly outweighs the public interest in

disclosure". One or more documents, arguably responsive to the Request fall within this exemption. The draft document(s) not routinely retained by Summit reflect internal comments, questions, and discussions among Summit staff. To produce such documents would have a chilling effect on open and frank discussion among staff as to these matters. It is also possible that such draft document(s) fall within the deliberative process privilege.

New Records. The California Public Records Act requires charter schools and entities managing a charter school to provide records kept in the ordinary course of business related to the operation of a charter school. Summit Public Schools has no obligation under the Public Records Act to run a query or run of data, which would create a new record that Summit does not keep in the ordinary course of business. Further, the California Public Records Act does not create an obligation to create or obtain a particular record when the document is not prepared, owned, used, or retained by the public agency.

Scope of Request. The California Public Records Act requires that requests describe the records sought with sufficient detail to allow a Summit employee familiar with the subject area of the request to locate the records with a reasonable amount of effort. Several of the categories and subcategories listed in the request do not adequately describe the records sought. Accordingly, we are unable to process such requests at this time. If you wish to pursue your request, please clarify the record you seek. In the event we do not receive your written response clarifying what records you are looking for within 10 business days from the date of this letter, we will presume you are no longer interested in pursuing such a request and we close the matter from further action. Please note that the clarified request, if any, may be subject to an exemption or privilege from disclosure under the California Public Records Act.

Charter School Operations. To the extent an entity managing charter schools, such as Summit, engages in activities that are unrelated to a charter school, the California Public Records Act does not apply to the unrelated activities unless otherwise required by law.

Fees. You have asked us to waive the fees for processing on the grounds that the "...information is not sought for commercial purpose and its disclosure serves the public interest in ensuring the welfare and education of children and youth." Based on all available information, your request does not contain enough evidence to support your request for a fee waiver. We will provide an estimate of the fee should you wish to proceed with your request. Please note that the fee will include (1) search time; (2) review time; (3) duplication and scanning on a per page basis; and (4) shipping and handling.

Kind regards,

Nnanna Ogbu

Exhibit A

Request	**Notes / Exemptions**
Records Related to Funding, School Years 2003-04 through 2019-20:	
1. Records of non-public funding or revenue received by Summit Public Schools between school years 2003-04 through 2019-20.	Responsive records available.
Records Related to Curriculum and Assessment, School Years 2003-04 through 2018- 19:	
2. Teacher contract form(s).	Scope of Request Unclear
3. Records of how much time students spend working on projects as opposed to working on mastering the content knowledge contained in the Summit Learning Platform.	Scope of Request Unclear
4. Records that explain the basis for and/or that document the psychometric validation of the Cognitive Skills Rubric.	Responsive records available.
5. Records related to the training of teachers to use the Cognitive Skills Rubric. Including records about the nature and amount of the training, and when it occurs.	Scope of Request Unclear
6. Records related to empirical assessments of the teacher training's effect on teacher consistency in grading of Cognitive Skills.	Scope of Request Unclear
7. Records of how content knowledge assessments are created and chosen.	Scope of Request Unclear
8. Records of what is done when a student has not mastered the content knowledge required for a project (i.e., the options offered to the student and any descriptions of how they may catch up).	Scope of Request Unclear
9. Records related to how Habits of Success are assessed.	Scope of Request Unclear
10. Records related to how the validity of these assessments of Habits of Success was established.	Scope of Request Unclear
11. Records of how Sense of Purpose is assessed.	Scope of Request Unclear
12. Records related to how the validity of these assessments of Habits of Success was established.	Scope of Request Unclear
Records Related to Academic Performance of Summit Public Schools, School Years 2003-04 through 2018-19	
13. For each Summit Public Schools high school, records of student graduation rates, reported student attrition rates, and reported student college and career readiness rates for each year that the school was open and data were collected.	Information is publicly available on the California Department of Education's Dataquest / Dashboard. Public interest in allocating staff resources to pull

	publicly available data not demonstrated.
14. Records of the calculation that supports the claim that had been published on the "About Us" page of Summit Public School's website (https://www.summitlearning.org/about-us), that 96% of Summit Public School's first graduating class was "accepted into at least one four-year college," including description of the cohort of students included in the calculation (e.g., was it anyone in the senior class, regardless of when they entered?).	Responsive records available.
15. Records of Summit Public Schools' graduates' acceptance rates to 4-year universities for school years 2007-08 through 2018-19.	Responsive records available.
16. Records related to claims that had been published on the Summit website (https://www.summitlearning.org/about-us) that 100% of Summit Public Schools graduates are eligible for 4-year colleges, 98% are accepted to 4-year colleges, and 55% graduate from college within 6 years (i.e., records of how these statistics were calculated, including to which graduation years and to which Summit Public Schools high schools they refer).	No responsive records (Note/; www.summitlearning.org is not operated by Summit Public Schools)
17. Records of Summit Public Schools' graduation rate and how it was calculated, for the school years 2007-08 through 2018-19	Information is publicly available on the California Department of Education's Dataquest / Dashboard. Public interest in allocating staff resources to pull publicly available data not demonstrated.
18. Records of Summit Public Schools' college acceptance rates, completion rates, and graduation rates by demographic subgroups, for school years 2007-08 through 2018-19.	Information is publicly available on the California Department of Education's Dataquest / Dashboard. Public interest in allocating staff resources to pull publicly available data not demonstrated.
19. Reports in the possession of Summit Public Schools of any research that evaluates Summit Public School outcomes.	Scope of Request Unclear
20. The research proposal submitted to Summit Public Schools by Harvard professors Thomas Kane and Martin West.	No responsive records found upon initial review.
21. Records related to the decision to solicit the research proposal from Harvard professors Thomas Kane and Martin West and about the decision to not go forward with the proposed research.	No responsive records found in the initial review. (Note: The deliberative process privilege may be applicable to any later located

	documents)
Records Related to The Summit Learning Platform, School Years 2003-04 through 2018-19:	
22. Records that identify the entity/entities that made curricular decisions about the Summit Learning Platform.	Scope of Request Unclear. (Note: Records unrelated to a charter school are not subject to Public Records Act under SB 126 (2019))
23. Records of the qualifications of individuals who made curricular decisions about the Summit Learning Platform.	Scope of Request Unclear. (Note: Records unrelated to a charter school are not subject to Public Records Act under SB 126 (2019))
24. Records that identify the entity/entities that made decisions about the content, format, and scoring of assessments used by the Summit Learning Platform.	Scope of Request Unclear. (Note: Records unrelated to a charter school are not subject to Public Records Act under SB 126 (2019))
25. Records of the qualifications of individuals who made decisions about the content, format, and scoring of assessments used by the Summit Learning Platform.	Scope of Request Unclear. (Note: Records unrelated to a charter school are not subject to Public Records Act under SB 126 (2019))
26. Any record related to changes teachers may make to the base curriculum and/or to the assessments used in the Summit Learning Platform.	Scope of Request Unclear. (Note: Records unrelated to a charter school are not subject to Public Records Act under SB 126 (2019))
27. A comprehensive list of embedded content providers.	Scope of Request Unclear. (Note: Records unrelated to a charter school are not subject to Public Records Act under SB 126 (2019))
28. Records of contracts with embedded content and third-party service providers.	Scope of Request Unclear. (Note: Records unrelated to a charter school are not subject to Public Records Act under SB 126 (2019))
Records Related to Student Data Privacy, School Years 2003-04 through 2018-19:	
29. Records of which entity controlled access to student data collected prior to the creation of T.L.P. Education.	Prior to July 1, 2019, Summit Public Schools operated the Summit Learning Program.
30. Records that describe and explain how the privacy of student data was protected.	Scope of Request Unclear Public interest in disclosing the mechanisms used to protect student data privacy is limited.
31. Records of the procedures followed in response to a partner school's	Scope of Request Unclear. (Note:

request to delete a student or students' personally identifiable data.	Records unrelated to a charter school are not subject to Public Records Act under SB 126 (2019))
32. Records that describe and explain what any and all retained de-identified data has been used for.	Scope of Request Unclear
33. Records of any sharing of de-identified data to third parties, including the date data was shared, the entity with which it was shared, and which data were shared.	Scope of Request Unclear
34. Records of procedures that ensured that entities or individuals with access to de-identified student data cannot re-identify de-identified data.	Scope of Request Unclear
35. Records of the security measures undertaken to protect de-identified data.	Scope of Request Unclear Public interest in disclosing the mechanisms used to protect data security is limited.
36. Records that describe and explain the processes adopted to ensure that the results from data analyses were handled in ways that ensure student privacy.	Scope of Request Unclear Public interest in disclosing the processes used to protect data security is limited.
37. Records of the specific Heroku and AWS services used for the Summit Learning Platform, and how those services were tied together and secured.	Scope of request unclear / Unrelated to charter school operations.
38. Records of how access to student data was managed, including the definitions of various classes of users, evaluation criteria for individuals in these various classes, and procedures by which the access of users only to elements of the system needed for their work was controlled.	Scope of Request Unclear. (Note: Records unrelated to a charter school are not subject to Public Records Act under SB 126 (2019))
Records Related to Costs to Partner Schools of Implementing the Summit Learning Program, School Years 2003-04 through 2018-19:	
39. Records of the costs that partner schools have incurred to implement the Summit Learning Program (i.e., costs associated with initial implementation, including teacher onboarding and any technology purchase costs,); maintenance costs associated with technology infrastructure, such as broadband and Chromebooks, and costs of ongoing professional development for teachers and administrators as the Summit Learning platform evolved).	Scope of Request Unclear. (Note: Records unrelated to a charter school are not subject to Public Records Act under SB 126 (2019))
40. 7. Records Related to Teacher In-Service Training and Support for Partner Schools, School Years 2003-04 through-2018-19:	Scope of Request Unclear. (Note: Records unrelated to a charter

	school are not subject to Public Records Act under SB 126 (2019))
41. Any written description of the training that partner-school teachers and administrators received before they implemented the Summit Learning Program, and the support they received when they are using the program.	Scope of Request Unclear. (Note: Records unrelated to a charter school are not subject to Public Records Act under SB 126 (2019))
42. Records of the criteria used to determine that a partner school's staff has been adequately trained to use the program.	Scope of Request Unclear. (Note: Records unrelated to a charter school are not subject to Public Records Act under SB 126 (2019))
43. Records of any funding received by Summit Public Schools for staff training for partner schools, including the names of the entity/entities that provided the funding and how the funding was used.	Responsive records available
44. The training materials Summit Public Schools provided to partner schools.	Scope of Request Unclear. (Note: Records unrelated to a charter school are not subject to Public Records Act under SB 126 (2019))
45. Records of the nature of the ongoing training provided to partner school staff, after the initial onboarding of the program, including the period of time in which partner schools received ongoing training and the name(s) of the entity/entities that have provided funding for the ongoing training and the name(s) of the entity/entities that provided it.	Scope of Request Unclear. (Note: Records unrelated to a charter school are not subject to Public Records Act under SB 126 (2019))
Records Related to Performance and Retention of Summit Learning Partner Schools, school years 2003-04 through 2018-19:	
46. Records related to the analysis that supports the claim, published in the document entitled *Summit Basecamp* (https://drive.google.com/file/d/0B78bMee75znoei1CWnRqZk14NlZNSFk4T0xq Q2N3UDR6eHYw/view), that as a result of participating in Summit "Basecamp," the students attending partner schools "demonstrated higher-than-average growth" in reading and math on the NWEA MAP test.	Scope of Request Unclear. (Note: Records unrelated to a charter school are not subject to Public Records Act under SB 126 (2019))
47. The names and addresses of U.S. public and charter schools using the Summit Learning Program prior to the incorporation of T.L.P. Education.	Records unrelated to a charter school are not subject to Public Records Act under SB 126 (2019)
48. The names and addresses of schools that applied to but were not accepted by Summit Public Schools for the Summit Learning Program partnership, or that were accepted and subsequently removed as partner schools by Summit Public Schools along with the reasons each	No responsive records available. In any event, records unrelated to a charter school are not subject to Public Records Act under SB 126

school was rejected or removed as a partner school.	(2019
49. The names and addresses of schools that have asked to withdraw from the Summit Learning Program partnership, and the reasons they provided for doing so.	No responsive records available. In any event, records unrelated to a charter school are not subject to Public Records Act under SB 126 (2019
Records Related to the Relationship between Summit Public Schools and T.L.P. Education (aka "Summit Learning"):	
50. Records of the legal status of T.L.P. Education.	No responsive records available. In any event, records unrelated to a charter school are not subject to Public Records Act under SB 126 (2019)
51. Any written description of the reason for founding T.L.P. Education.	No responsive records available. In any event, records unrelated to a charter school are not subject to Public Records Act under SB 126 (2019)
52. Records related to the licensing of Summit Public Schools' intellectual property by T.L.P. Education, including any licensing fees.	Responsive record available.
53. Records related to any financial or non-financial (in-kind) support that Summit Public Schools has provided to T.L.P. Education, including the type of support (financial or in-kind), the estimated value of the support, the purpose of the support, and the date the support was provided.	No responsive records available. In any event, records unrelated to a charter school are not subject to Public Records Act under SB 126 (2019)

Faith Boninger
Alex Molnar
National Education Policy Center
School of Education, 249 UCB
University of Colorado
Boulder, Colorado 80309-0249

December 13, 2019

Nnanna Ogbu
Assistant General Counsel
Summit Public Schools
780 Broadway
Redwood City, CA 94063

Dear Mr. Ogbu:

Thank you for your December 3, 2019 letter in response to our November 5, 2019 Public Records Act request, and for the helpful chart (Exhibit A) you provided.

We are heartened to learn that Summit Public Schools responds to inquiries from the public through informal requests for information as well as through requests under the California Public Records Act. Perhaps you are unaware that we initially spoke with a representative of Summit Public Schools by phone on October 16, 2019, to informally request information. We have retained the subsequent email correspondence in which we were told that the Summit Public Schools senior leadership team had determined that it would not accommodate us by having an informal conversation related to our requests. Nevertheless, we were and continue to be open to informal conversations with relevant Summit Public Schools representatives to gather the information we are seeking.

We also appreciate the invitation, in your letter, to share the specific topics of our concern so that we can limit the staff time and resources required to fulfill our Public Records Act request. Below, we have provided a detailed response to issues you raised in your letter.

We are unaware of any authority for your assertion that we must respond within 10 business days of receiving your December 3, 2019 letter. We would therefore appreciate your providing the basis for your assertion. Notwithstanding our view that there is no requirement for us to reply to you within 10 days, we have responded to each of the elements of your chart in the attached edited Exhibit A. We believe you will find our requests to be both reasonable and precise.

To be clear, we are requesting neither drafts (i.e., "preliminary drafts, notes, or interagency or intra-agency memoranda that are not retained by the public agency in the ordinary course of

business") nor new records (i.e., a "query or run of data, which would create a new record that Summit does not keep in the ordinary course of business").

In the attached edited Exhibit A, we clarify our requests for records relating to Charter School Operations. In your letter you assert that Summit Public Schools does not have to respond to queries about activities that are unrelated to a charter school, specifically requests #16, 22, 23, 24, 25, 26, 27, 28, 31, 37, 38, 39, 40, 41, 42, 44, 45, 46, 47, 48, 49, 50, 51, 53. These requests bear on the Summit Public Schools' creation and use of the Summit Learning Program and the Summit Learning Platform. We reject the assertion that records related to the Summit Learning Program and the Summit Learning Platform, created by and implemented by the Summit Public Schools, may be lawfully excluded from a public records request made to Summit Public Schools under SB 126 (2019). We find the public record to be clear: The Summit Learning Program and the Summit Learning Platform were created by Summit Public Schools, are used by Summit Public Schools in its educational programming, and were part of the Summit Public Schools, a public entity, during the years for which records are requested. As such, we believe these records are related to Summit Public Schools' operations and are within the scope of the California Public Records Act under SB 126 (2019).

Additionally, you noted that for requests # 13, 17, and 18, the information requested is available in the public record on the California Department of Education's (CDE's) DataQuest / Dashboard. This is not completely accurate. We sought the answers to our questions in the California Dashboard and the CDE's DataQuest database; and, because three Summit Schools are in Washington, the Washington Office of Superintendent of Public Instruction's Washington State Report Card and the Washington State Charter School Commission's Performance Framework Reports. Although some of the requested data can be found in those places, not all of it can be. Also, it appears that some of the information in the public record may be inaccurate. For example, the California DataQuest database reports that Summit Prep had a 0% college and career readiness rate for the 2007-2008. That seems unlikely. We will provide you documentation of what is available in the public record next week in Exhibit B. We request that you review that documentation, correct any errors in the public record, and provide any information that is unavailable in the public record. It is in the public interest as well as the interest of Summit Public Schools that the data we publish is accurate.

Regarding fees, the University of Colorado is a nonprofit public institution, and we are conducting policy research of considerable importance and public interest related to the nature, scope, and efficacy of personalized learning programs. We see no basis in the statute for levying charges for search time or review time. Please clarify the authority on which you rely for asserting the right to charge fees for these activities, as well as an explanation for why you expect it to take as long as you suggest to conduct a diligent search for documents responsive to each of the requests we have made. Please provide also the job titles of personnel required to fulfill the requests, their respective rates of pay, and the time required by personnel in each job category to produce the records requested.

Given the clarifications we provide in the attached edited Exhibit A, the forthcoming Exhibit B, and our willingness to discuss them with you informally, a July 1, 2020 date for producing the responsive documents appears to be unreasonable. We hope you agree to discuss a reasonable schedule for providing responsive records as well as any other issues that may bear on our request.

We have complied with your request to respond within 10 days, and we would appreciate your response to this letter also within 10 days. Please contact us by phone at (480) 390-6736 (Faith) or (480) 797-7261 (Alex) and/or in writing at fboninger@gmail.com (Faith) and alex.molnar@colorado.edu (Alex).

Thank you for your continued assistance.

Sincerely,

Faith Boninger

Alex Molnar

C: William S. Koski, Youth and Education Law Project, Stanford Law School
Kevin Welner, Director, National Education Policy Center, School of Education, University of Colorado Boulder
Katherine Schultz, Dean, School of Education, University of Colorado Boulder

Exhibit A

Request	Notes/Exemptions Provided by Summit Public Schools	Clarifications Provided by NEPC
Records Related to Funding, School Years 2003-204 through 2019-20:		
1. Records of non-public funding or revenue received by Summit Public Schools between school years 2003-2004 through 2019-2020	Responsive records available.	No clarification necessary
Records Related to Curriculum and Assessment, School Years 2003-04 through 2018-19:		
2. Teacher contract form(s).	Scope of Request Unclear	Clarification: a sample of each of the types of teacher contract forms that Summit uses.
3. Records of how much time students spend working on projects as opposed to working on mastering the content knowledge contained in the Summit Learning Platform.	Scope of Request Unclear	Clarification: Reports and/or studies that document the claim that students spend the majority of their time working on Real World Projects.
4. Records that explain the basis for and/or that document then psychometric validation of the Cognitive Skills Rubric	Responsive records available.	No clarification necessary
5. Records related to the training of teachers to use the Cognitive Skills Rubric. Including records about the nature and amount of the training, and when it occurs.	Scope of Request Unclear.	Clarification: Records that describe how teachers are trained to use the Cognitive Skills Rubric. Examples of responsive records may include training manuals and/or schedules of training sessions.
6. Records related to empirical assessments of the teacher training's effect on teacher consistency in grading of Cognitive Skills.	Scope of Request Unclear.	Clarification: Reports and/or studies that document teachers' consistency in their grading of Cognitive Skills, and/or teachers' ability to use the Cognitive Skills Rubric in a consistent manner.

7. Records of how content knowledge assessments are created and chosen.	Scope of Request Unclear	Clarification: Any written criteria and/or guidelines that govern the creation of the content knowledge assessments used in the Summit Learning Platform.
8. Records of what is done when a student has not mastered the content knowledge required for a project (i.e., the options offered to the student and any descriptions of how they may catch up).	Scope of Request Unclear	Clarification: Charter school documents that describe to teachers and/or parents and/or students the process followed when a student is assigned to conduct a Real World Project before they have mastered the content knowledge Summit Public Schools deems necessary for the student to successfully complete the Real World Project they have been assigned.
9. Records related to how Habits of Success are assessed	Scope of Request Unclear	Clarification: The measurement instrument and/or protocol used to assess students' Habits of Success, the scoring rubric; and instructions to teachers about how to interpret students' performance assessed by the measurement instrument and/or protocol.
10. Records related to how the validity of these assessments of Habits of Success were established.	Scope of Request Unclear	Clarification: Records of any psychometric validation of the assessment instrument and/or protocol that measures Habits of Success.
11. Records of how Sense of Purpose is assessed	Scope of Request Unclear	Clarification: The measurement instrument and/or protocol used to assess students' Sense of Purpose, the scoring rubric; and instructions to teachers about how to interpret students' performance on the measurement instrument and/or protocol.
12. Records related to how the validity of these assessments of Habits of Success were established.	Scope of Request Unclear	Clarification: Records of any psychometric validation of the assessment instrument and/or protocol that measures Sense of Purpose.

Note: Our original request noted "Habits of Success." It should have noted "Sense of Purpose."		
Records Related to Academic Performance of Summit Public Schools, School Years 2003-04 through 2018-19:		
13. For each Summit Public Schools high school, records of student graduation rates, reported student attrition rates, and reported student college and career readiness rates for each year that the school was open and data were collected.	Information is publicly available on the California Department of Education's DataQuest / Dashboard. Public interest in allocating staff resources to pull publicly available data not demonstrated.	Clarification: We are compiling, in Exhibit B, a spreadsheet of information available on the California Department of Education's DataQuest / Dashboard and State of Washington public data. Some of the information requested remains unavailable from these public records, and we have found possible errors in the public data. Please review our spreadsheet and insert missing non-publicly available data and correct any errors in the public data we have found.
14. Records of the calculation that supports the claim that had been published on the "About Us" page of Summit Public School's website (https://summitlearning.org/about-us), that 98% of Summit Public Schools' first graduating class was "accepted into at least one four-year college," including description of the cohort of students included in the calculation (e.g., was it anyone in the senior class, regardless of when they entered?).	Responsive records available.	No clarification necessary.
15. Records of Summit Public Schools graduates' acceptance rates to 4-year universities for school years 2007-08 through 2018-19.	Responsive records available.	No clarification necessary.
16. Records related to claims that had been published on the Summit website	No responsive records (note/; www.summitlearni	Clarification: Summit Public Schools operated www.summitlearning.org when the page was online and

(https://www.summitlearning.org/about-us) that 100% of Summit Public Schools graduates are eligible for 4-year colleges, 98% are accepted to 4-year colleges, and 55% graduate from college within 6 years (i.e., records of how these statistics were calculated, including to which graduation years and to which Summit Public Schools high schools they refer).	ng.org is not operated by Summit Public Schools	contained this information, and the claims are made about graduates of Summit Public Schools. Most of the claims also currently appear on the page https://summitps.org/the-summit-model/our-results/
17. Records of Summit Public Schools' graduation rate and how it was calculated, for the school years 2007-08 through 2018-19.	Information is publicly available on the California Department of Education's DataQuest / Dashboard. Public interest in allocating staff resources to pull publicly available data not demonstrated.	Request withdrawn
18. Records of Summit Public Schools' college acceptance rates, completion rates, and graduation rates by demographic subgroups, for school years 2007-08 through 2018-19.	Information is publicly available on the California Department of Education's DataQuest / Dashboard. Public interest in allocating staff resources to pull publicly available data not demonstrated.	Clarification: We are compiling, in Exhibit B, a spreadsheet of information available on the California Department of Education's DataQuest / Dashboard and State of Washington public data. Some of the information requested remains unavailable from these public records, and we have found possible errors in the public data. Please review our spreadsheet and insert missing non-publicly available data and correct any errors in the public data we have found.
19.Reports in the possession of Summit Public Schools of any research that evaluates Summit Public Schools outcomes	Scope of Request Unclear	Clarification: Reports and/or studies conducted to examine the academic performance of Summit Public Schools' students at the school site level and/or for Summit

		Public Schools in the aggregate. We are not requesting individual students' grades or performance reports.
20. The research proposal submitted to Summit Public Schools by Harvard professors Thomas Kane and Martin West.	No responsive records found upon initial review.	No clarification necessary.
21. Records related to the decision to solicit the research proposal from Harvard professors Thomas Kane and Martin West and about the decision to not go forward with the proposed research.	No responsive records found upon initial review. (Note: The deliberative process privilege may be applicable to any later located documents).	No clarification necessary.
Records Related to The Summit Learning Platform, School Years 2003-04 through 2018-19:		
22. Records that identify the entity/entities that made curricular decisions about the Summit Learning Platform	Scope of Request Unclear. (Note: Records unrelated to a charter school are not subject to Public Records Act under SB 126 (2019))	Clarification: Records that identify the organizations, departments in those organizations, and job titles of the individuals responsible for making decisions about the content included in the Summit Learning Platform. Records that identify the organizations, departments in those organizations, and job titles of the individuals responsible for the design of the Summit Learning Platform. Because the Summit Learning Program and the Summit Learning Platform were created by Summit Public Schools and implemented by Summit Public Schools in its schools, we reject the assertion that records related to the Summit Learning Program and the Summit Learning Platform are not subject

		to the Public Records Act under SB 126 (2019).
23. Records of the qualifications of individuals who made curricular decisions about the Summit Learning Platform.	Scope of Request Unclear. (Note: Records unrelated to a charter school are not subject to Public Records Act under SB 126 (2019))	Clarification: Records noting the qualifications of the individuals who made curricular and/or design decisions about the Summit Learning Platform. Because the Summit Learning Program and the Summit Learning Platform were created by Summit Public Schools and implemented by Summit Public Schools in its schools, we reject the assertion that records related to the Summit Learning Program and the Summit Learning Platform are not subject to the Public Records Act under SB 126 (2019).
24. Records that identify the entity/entities that made decisions about the content, format, and scoring of assessments used by the Summit Learning Platform.	Scope of Request Unclear. (Note: Records unrelated to a charter school are not subject to Public Records Act under SB 126 (2019))	Records that identify the organizations. departments in those organizations, and job titles of the individuals responsible for making decisions about the content, format, and scoring of assessments used in the Summit Learning Platform. Because the Summit Learning Program and the Summit Learning Platform were created by Summit Public Schools and implemented by Summit Public Schools in its schools, we reject the assertion that records related to the Summit Learning Program and the Summit Learning Platform are not subject to the Public Records Act under SB 126 (2019).
25. Records of the qualifications of individuals who made decisions about the content, format, and scoring of assessments used by the Summit Learning Platform.	Scope of Request Unclear. (Note: Records unrelated to a charter school are not subject to	Clarification: Records noting the qualifications of the individuals who made decisions about the content, format, and scoring of content learning assessments

	Public Records Act under SB 126 (2019))	provided in the Summit Learning Platform. Because the Summit Learning Program and the Summit Learning Platform were created by Summit Public Schools and implemented by Summit Public Schools in its schools, we reject the assertion that records related to the Summit Learning Program and the Summit Learning Platform are not subject to the Public Records Act under SB 126 (2019).
26. Any record related to changes teachers may make to the base curriculum and/or to the assessments used in the Summit Learning Platform.	Scope of Request Unclear. (Note: Records unrelated to a charter school are not subject to Public Records Act under SB 126 (2019))	Clarification: Records that specify changes that teachers have been able to make to the curriculum and assessments provided in the Summit Learning Platform. Because the Summit Learning Program and the Summit Learning Platform were created by Summit Public Schools and implemented by Summit Public Schools in its schools, we reject the assertion that records related to the Summit Learning Program and the Summit Learning Platform are not subject to the Public Records Act under SB 126 (2019).
27. A comprehensive list of embedded content providers.	Scope of Request Unclear. (Note: Records unrelated to a charter school are not subject to Public Records Act under SB 126 (2019))	Clarification: A list of all companies who have provided embedded content for the Summit Learning Platform. We reject the assertion that Because the Summit Learning Program and the Summit Learning Platform were created by Summit Public Schools and implemented by Summit Public Schools in its schools, we reject the assertion that records related to the Summit

		Learning Program and the Summit Learning Platform are not subject to the Public Records Act under SB 126 (2019).
28. Records of contracts with embedded content and third-party service providers.	Scope of Request Unclear. (Note: Records unrelated to a charter school are not subject to Public Records Act under SB 126 (2019))	Clarification: The contracts signed with all companies that have provided embedded content and/or other third-party services to the Summit Learning Platform. Because the Summit Learning Program and the Summit Learning Platform were created by Summit Public Schools and implemented by Summit Public Schools in its schools, we reject the assertion that records related to the Summit Learning Program and the Summit Learning Platform are not subject to the Public Records Act under SB 126 (2019).
Records Related to Student Data Privacy, School Years 2003-04 through 2018-19:		
29. Records of which entity controlled access to student data collected prior to the creation of T.L.P. Education.	Prior to July 1, 2019, Summit Public Schools operated the Summit Learning Program.	Clarification: Your response is that prior to July 1, 2019, Summit Public Schools operated the Summit Learning Program. Is that correct? If it is correct, does this mean that Summit Public Schools controlled access to student data (both personally identifiable and non-personally-identifiable) collected prior to July 1, 2019? If so, please provide the names of entities with whom Summit Public Schools shared student data, whether personally identifiable or non-personally-identifiable. Provide, in each instance, the type of data shared and the purpose(s) for which it was shared.

30. Records that describe and explain how the privacy of student data was protected.	Scope of Request Unclear. (Note: Records unrelated to a charter school are not subject to Public Records Act under SB 126 (2019))	Clarification: Records of internal policies and/or procedures designed to protect the privacy of student data. Examples of responsive records may include policy and/or procedure documents and/or instructions to employees. Because the Summit Learning Program and the Summit Learning Platform were created by Summit Public Schools and implemented by Summit Public Schools in its schools, we reject the assertion that records related to the Summit Learning Program and the Summit Learning Platform are not subject to the Public Records Act under SB 126 (2019).
31. Records of the procedures followed in response to a partner school's request to delete a student or students' personally identifiable data.	Scope of Request Unclear. (Note: Records unrelated to a charter school are not subject to Public Records Act under SB 126 (2019))	Clarification: What steps did Summit Public Schools take to ensure that the requested data were deleted? Examples of responsive records may include internal policy and/or procedure documents that explain what was done when a partner school requested that it delete personally identifiable data. Because the Summit Learning Program and the Summit Learning Platform were created by Summit Public Schools and implemented by Summit Public Schools in its schools, we reject the assertion that records related to the Summit Learning Program and the Summit Learning Platform are not subject to the Public Records Act under SB 126 (2019).
32. Records that describe and explain what any and all retained	Scope of Request Unclear	Clarification: Records of any research that may have been

de-identified data has been used for.		conducted using de-identified data. Examples of responsive records may include minutes from staff meetings in which the research was discussed, and/or written proposals and/or plans for the research, and/or reports of findings.
33. Records of any sharing of de-identified data to third parties, including the date data was shared, the entity with which it was shared, and which data were shared.	Scope of Request Unclear	Clarification: If de-identified data was ever shared with third parties, records of with whom it was shared, when it was shared, and which data were shared. Examples of responsive records may include correspondence with a third party that confirms the sharing and/or employee log notes indicating that sharing was done.
34. Records of procedures that ensured that entities or individuals with access to de-identified student data cannot re-identify de-identified data.	Scope of Request Unclear	Clarification: Records of internal policies and/or procedures specifying the steps Summit Public Schools took to ensure that de-identified data could not be re-identified.
35. Records of the security measures undertaken to protect de-identified data.	Scope of Request Unclear	Clarification: Records of security measures in place to protect de-identified data. Did the Summit Learning Security White Paper apply to de-identified data?
36. Records that describe and explain the processes adopted to ensure that the results from data analyses were handled in ways that ensure student privacy.	Scope of Request Unclear Public interest in disclosing the processes used to protect data security is limited.	Clarification: Records that describe the standard practices used by employees, or nonemployees acting at the behest of, Summit Public Schools to maintain the privacy of student data and the analyses of those data. Examples of responsive records may include policy and/or procedure documents and/or instructions describing the processes that must employed to protect the privacy of student data and the analyses of those data.

		Please reference the authority you are using to assert that there is a limit on the public right to know the processes that Summit Public Schools uses to protect student data and any analyses derived therefrom.
37. Records of the specific Heroku and AWS services used for the Summit Learning Platform, and how those services were tied together and secured.	Scope of Request Unclear / Unrelated to charter school operations	Clarification: The Summit Learning Security White Paper notes that "The Summit Learning Platform uses Amazon Web Services (AWS) and Heroku, two leading cloud providers, to host the infrastructure." Requested are records indicating which particular services offered by those providers were used and how those services were tied together and secured. Because the Summit Learning Program and the Summit Learning Platform were created by Summit Public Schools and implemented by Summit Public Schools in its schools, we reject the assertion that records related to the Summit Learning Program and the Summit Learning Platform are not subject to the Public Records Act under SB 126 (2019).
38. Records of how access to student data was managed, including the definitions of various classes of users, evaluation criteria for individuals in these various classes, and procedures by which the access of users only to elements of the system needed for their work was controlled.	Scope of Request Unclear. (Note: Records unrelated to a charter school are not subject to Public Records Act under SB 126 (2019))	Clarification: Records that indicate policies and/or procedures that regulated who was permitted to access student data (including de-identified student data) and which data they were permitted to access. This includes policies and/or procedures intended to ensure that individuals were able to access only the information they needed for their work.

		Because the Summit Learning Program and the Summit Learning Platform were created by Summit Public Schools and implemented by Summit Public Schools in its schools, we reject the assertion that records related to the Summit Learning Program and the Summit Learning Platform are not subject to the Public Records Act under SB 126 (2019).
Records Related to Costs to Partner Schools of Implementing the Summit Learning Program, School Years 2003-04 through 2018-19:		
39. Records of the costs that partner schools have incurred to implement the Summit Learning Program (i.e., costs associated with initial implementation, including teacher onboarding and any technology purchase costs,); maintenance costs associated with technology infrastructure, such as broadband and Chromebooks, and costs of ongoing professional development for teachers and administrators as the Summit Learning platform evolved).	Scope of Request Unclear. (Note: Records unrelated to a charter school are not subject to Public Records Act under SB 126 (2019))	Clarification: Records that indicate the costs associated with implementing the Summit Learning Program that partner schools would have had to incur in the course of its implementation. Examples of responsive records may include lists Summit Public Schools provided to partner schools that specified technological requirements and/or professional development for teachers (that the school would have had to pay for). Because the Summit Learning Program and the Summit Learning Platform were created by Summit Public Schools and implemented by Summit Public Schools in its schools, we reject the assertion that records related to the Summit Learning Program and the Summit Learning Platform are not subject to the Public Records Act under SB 126 (2019).
Records Related to Teacher In-Service Training and Support for Partner Schools, School Years 2003-04 through-2018-19:	Scope of Request Unclear. (Note: Records unrelated to a charter school	

Note: this is a heading, not a request. It was mislabeled in the original Exhibit A as request 40.	are not subject to Public Records Act under SB 126 (2019))	
41. Any written description of the training that partner-school teachers and administrators received before they implemented the Summit Learning Program, and the support they received when they are using the program.	Scope of Request Unclear. (Note: Records unrelated to a charter school are not subject to Public Records Act under SB 126 (2019))	Clarification: Records that describe the training that was provided by Summit Public Schools to partner school teachers and administrators about how to implement the Summit Learning Program in their schools. Examples of responsive records may include agendas from training sessions and/or outlines of trainings sent to partner schools. Because the Summit Learning Program and the Summit Learning Platform were created by Summit Public Schools and implemented by Summit Public Schools in its schools, we reject the assertion that records related to the Summit Learning Program and the Summit Learning Platform are not subject to the Public Records Act under SB 126 (2019).
42. Records of the criteria used to determine that a partner school's staff has been adequately trained to use the program.	Scope of Request Unclear. (Note: Records unrelated to a charter school are not subject to Public Records Act under SB 126 (2019))	Clarification: Records of assessments that Summit Public Schools conducted to determine that Partner School teachers and administrators were capable of implementing the Summit Learning Program. Because the Summit Learning Program and the Summit Learning Platform were created by Summit Public Schools and implemented by Summit Public Schools in its schools, we reject the assertion that records related to the Summit Learning Program and the Summit Learning Platform are not subject

		to the Public Records Act under SB 126 (2019).
43. Records of any funding received by Summit Public Schools for staff training for partner schools, including the names of the entity/entities that provided the funding and how the funding was used.	Responsive records available	No clarification necessary.
44. The training materials Summit Public Schools provided to partner schools.	Scope of Request Unclear. (Note: Records unrelated to a charter school are not subject to Public Records Act under SB 126 (2019))	Clarification: Materials used to train partner school teachers and administrators. Because the Summit Learning Program and the Summit Learning Platform were created by Summit Public Schools and implemented by Summit Public Schools in its schools, we reject the assertion that records related to the Summit Learning Program and the Summit Learning Platform are not subject to the Public Records Act under SB 126 (2019).
45. Records of the nature of the ongoing training provided to partner school staff, after the initial onboarding of the program, including the period of time in which partner schools received ongoing training and the name(s) of the entity/entities that have provided funding for the ongoing training and the name(s) of the entity/entities that provided it.	Scope of Request Unclear. (Note: Records unrelated to a charter school are not subject to Public Records Act under SB 126 (2019))	Clarification: Records that indicate the scope and content of ongoing training for teachers and administrators conducted after a Partner School had begun implementing the Summit Learning Program. Because the Summit Learning Program and the Summit Learning Platform were created by Summit Public Schools and implemented by Summit Public Schools in its schools, we reject the assertion that records related to the Summit Learning Program and the Summit Learning Platform are not subject to the Public Records Act under SB 126 (2019).

Records Related to Performance and Retention of Summit Learning Partner Schools, school years 2003-04 through 2018-19:		
46. Records related to the analysis that supports the claim, published in the document entitled *Summit Basecamp* (https://drive/google.com/file/d/PB78bMee75noei1CWnRqZk14NIZNSFk4TOxq2N3UDR6eHYw/view, that as a result of participating in Summit "Basecamp," the students attending partner schools "demonstrated higher-than-average growth" in reading and math on the NWEA MAP test.	Scope of Request Unclear. (Note: Records unrelated to a charter school are not subject to Public Records Act under SB 126 (2019))	Clarification: Studies conducted to examine the Partner School students' NWEA MAP scores that formed the basis of the claim that those scores "demonstrated higher than average growth" on the NWEA MAP test. Because the Summit Learning Program and the Summit Learning Platform were created by Summit Public Schools and implemented by Summit Public Schools in its schools, we reject the assertion that records related to the Summit Learning Program and the Summit Learning Platform are not subject to the Public Records Act under SB 126 (2019).
47. The names and addresses of U.S. public and charter schools using the Summit Learning Program prior to the incorporation of T.L.P. Education.	Records unrelated to a charter school are not subject to Public Records Act under SB 126 (2019))	Clarification: Because the Summit Learning Program and the Summit Learning Platform were created by Summit Public Schools and implemented by Summit Public Schools in its schools, we reject the assertion that records related to the Summit Learning Program and the Summit Learning Platform are not subject to the Public Records Act under SB 126 (2019).
48. The names and addresses of schools that applied to but were not accepted by Summit Public Schools for the Summit Learning Program partnership, or that were accepted and subsequently removed as partner schools by Summit Public Schools along with the reasons each school was	No responsive records available. In any event, records unrelated to a charter school are not subject to Public Records Act under SB 126 (2019))	We assume that you have no responsive records either because (a) there were no schools that applied to but were not accepted by Summit Public Schools to the Summit Learning Program or that were accepted but were subsequently removed from the Program by Summit Public Schools; or that

rejected or removed as a partner school.		(b) you have no documents that indicate that any school applied to but was not accepted by Summit Public Schools to the Summit Learning Program or that a school was accepted and subsequently removed from the Program by Summit Public Schools. Please confirm that our understanding is correct Because the Summit Learning Program and the Summit Learning Platform were created by Summit Public Schools and implemented by Summit Public Schools in its schools, we reject the assertion that records related to the Summit Learning Program and the Summit Learning Platform are not subject to the Public Records Act under SB 126 (2019).
49. The names and addresses of schools that have asked to withdraw from the Summit Learning Program partnership, and the reasons they provided for doing so.	No responsive records available. In any event, records unrelated to a charter school are not subject to Public Records Act under SB 126 (2019))	We assume that you have no responsive records either because no school has ever asked to withdraw from the Summit Learning Program or because you have no documents that indicate that a school has asked to withdraw from the Summit Learning Program. Please confirm that our understanding is correct. Because the Summit Learning Program and the Summit Learning Platform were created by Summit Public Schools and implemented by Summit Public Schools in its schools, we reject the assertion that records related to the Summit Learning Program and the Summit Learning Platform are not subject to the Public Records Act under SB 126 (2019).

Records Related to the Relationship between Summit Public Schools and T.L.P. Education (aka "Summit Learning"):		
50. Records of the legal status of T.L.P. Education.	No responsive records available. In any event, records unrelated to a charter school are not subject to Public Records Act under SB 126 (2019))	Clarification: Summit Public Schools created the Summit Learning Program and created T.L.P. Education as a separate entity. Therefore, Summit Public Schools, in the course of its operations, would necessarily have knowledge of and records describing the legal status of T.L.P. Education. Because the Summit Learning Program and the Summit Learning Platform were created by Summit Public Schools and implemented by Summit Public Schools in its schools, we reject the assertion that records related to the Summit Learning Program and the Summit Learning Platform are not subject to the Public Records Act under SB 126 (2019).
51. Any written description of the reason for founding T.L.P. Education.	No responsive records available. In any event, records unrelated to a charter school are not subject to Public Records Act under SB 126 (2019))	Clarification: Summit Public Schools created the Summit Learning Program and created T.L.P. Education as a separate entity. Therefore, Summit Public Schools, in the course of its operations, would necessarily have knowledge of and records describing why it created T.L.P. Education.
52. Records related to the licensing of Summit Public Schools' intellectual property by T.L.P. Education, including any licensing fees.	Responsive record available	No clarification necessary.
53. Records related to any financial or non-financial (in-kind) support that Summit Public Schools has	No responsive records available. In any event,	Clarification: Summit Public Schools created the Summit Learning Program and created

provided to T.L.P. Education, including the type of support (financial or in-kind), the estimated value of the support, the purpose of the support, and the date the support was provided.	records unrelated to a charter school are not subject to Public Records Act under SB 126 (2019))	T.L.P. Education as a separate entity. Therefore, Summit Public Schools, in the course of its operations, would necessarily have knowledge of and records describing the support it provided to T.L.P. Education. Because the Summit Learning Program and the Summit Learning Platform were created by Summit Public Schools and implemented by Summit Public Schools in its schools, we reject the assertion that records related to the Summit Learning Program and the Summit Learning Platform are not subject to the Public Records Act under SB 126 (2019).

NEPC

NATIONAL EDUCATION POLICY CENTER

December 20, 2019

Nnanna Ogbu
Assistant General Counsel
Summit Public Schools
780 Broadway
Redwood City, CA 94063

Dear Mr. Ogbu:

Please find attached Exhibit B referred to in our letter of December 13, 2019. It contains all the data available in public sources that address our requests to Summit Public Schools for the following:

13. For each Summit Public Schools high school, records of student graduation rates, reported student attrition rates, and reported student college and career readiness rates for each year that the school was open and data were collected.

18. Records of Summit Public Schools' college acceptance rates, completion rates, and graduation rates by demographic subgroups, for school years 2007-08 through 2018-19.

In your Exhibit A, your response to these requests was, "Information is publicly available on the California Department of Education's DataQuest / Dashboard. Public interest in allocating staff resources to pull publicly available data not demonstrated." As we mentioned in our letter of December 13, 2019, we sought the answers to our questions in the California Dashboard and the CDE's DataQuest database; and, because three Summit Schools are in Washington, in the Washington Office of Superintendent of Public Instruction's Washington State Report Card and the Washington State Charter School Commission's Performance Framework Reports. Although some of the requested data can be found in those places, not all of it can be. Also, it appears that some of the information in the public record may be inaccurate. For example, the California DataQuest database reports that Summit Prep had a 0% college and career readiness rate for the 2007-2008. That seems unlikely.

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Boulder, CO 80309-0249
nepc@colorado.edu

We request that you review the documentation we provide in the attached Exhibit B, correct any errors in the public record, and provide the information we have requested that we have now determined is unavailable in the public record. Exhibit B contains the following tables; all cells in those tables for which we have determined information to be unavailable in the public record, and for which we would like Summit Public Schools to provide information, are highlighted in yellow:

Table 1: Summit Public Schools - California Schools: Graduation Rate, 2006-2019
Table2: Summit Public Schools - California Schools: Dropout Rate, 2003-2019
Table 3: Summit Public Schools - California Schools: College and Career Readiness Rate, 2006-2019
Table 4: Summit Public Schools - Washington Schools: Graduation Rate, 2018-2019
Table 5: Summit Public Schools - Washington Schools: Dropout Rate, 2015-2019
Table 6: Summit Public Schools - Washington Schools: College and Career Readiness Rate, 2015-2019
Table 7: Summit Public Schools - All Schools: College-Going Rates
Table 8: Summit Public Schools - All Schools: College Acceptance Rate
Table 9: Summit Public Schools - All Schools: College Completion Rate
Table 10: Summit Public Schools - All Schools: College Graduation Rate

It is in the public interest as well as the interest of Summit Public Schools that the data we publish is complete and accurate.

Sincerely,

Faith Boninger
Assistant Research Professor
Co-Director, Commercialism in Education Research Unit
National Education Policy Center
School of Education
University of Colorado Boulder
University of Colorado Boulder

Alex Molnar
Research Professor
Co-Director, Commercialism in Education Research Unit
Publications Director
National Education Policy Center
School of Education
University of Colorado Boulder

C: William S. Koski, Youth and Education Law Project, Stanford Law School
Kevin Welner, Director, National Education Policy Center, School of Education, University of Colorado Boulder
Katherine Schultz, Dean, School of Education, University of Colorado Boulder

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Nnamna Ogbu
Assistant General Counsel

nogbu@summitps.org

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@summitps

Faith Boninger
Alex Molnar
National Education Policy Center
School of Education, 249 UCB
University of Colorado
Boulder, Colorado 80309-0249

December 22, 2019

Dear Ms. Boninger and Mr. Molnar:

Thank you for your December 13, 2019 response and updates/comments to Exhibit A. Please note that, as of today, we have not received the Exhibit B referenced in your response. Please provide the document as soon as you are able.

In the meantime, I hope to provide some clarity with respect to my initial response, which appears to have raised legal and operational concerns for you.

SUMMIT PUBLIC SCHOOLS

- Your letter requests that I provide the authority for the assertion that you "must respond within 10 business days." As you may be familiar, the California modeled its Public Records Act (the "CPRA") after the federal Freedom of Information Act. Personally, I find it helpful to look to the federal guidance when responding to requests, the scope of which are unclear. The federal guidance recommends federal agencies ask requesters to clarify their requests within 20 working days. From my perspective, it is reasonable for a local agency, such as SPS, to ask for clarification within 10 business days to determine which open matters remain pending and which open matters are resolved.

- Thank you for the clarification that you are not requesting drafts or new records. The CPRA requires local agencies to notify a requester if there is exemption or privilege that prevents the disclosure of a potentially responsive record. Given the broad scope of your request, we were compelled to state that draft documents, if any, are exempt from disclosure even if they were within the scope of your request. In addition, several categories of your request imply that a responsive record could be created. As an example, your most recent email asks that we review the contents of Exhibit B and complete the missing information, which would constitute the creation of a new record. SPS appreciates your flagging areas of concern with publicly available information, and I will pass along your comments to staff.

- You are correct that Summit Public Schools created the Summit Learning Program and the Summit Learning Platform. Further, it is also true that the SPS schools participate in the Summit Learning Program and use the Summit Learning Platform. We do not dispute that *some* aspects of the Summit Learning Program and the Summit Learning Platform are within the scope of SB 126 (2019), specifically those aspects related to the operation of an SPS school. Senate Bill 126 (2019) clarified that "to the extent a governing body of a charter school or an entity managing a charter school engages in activities

that are unrelated to a charter school....the California Public Records Act ....shall not apply with regard to those unrelated activities unless otherwise required by law." Accordingly, to the extent activities relating to the Summit Learning Program and the Summit Learning Platform are unrelated to the operation of an SPS school, they are exempt from the Public Records Act. In any event, certain records relating to the Summit Learning Program are no longer retained by or accessible to SPS nor do we have authority to demand such records.

- Thank you for clarifying that your request seeks information relating to Summit Public School: Atlas, Summit Public School: Olympus, and Summit Public School: Sierra, which are operated by Summit Public Schools Washington. To further your research project, the State of Washington's Office of Public School Instruction provides data relating to schools in the state on its Data Administration Page (https://www.k12.wa.us/data-reporting/reporting/data-administration) and Washington State Report Card page (https://washingtonstatereportcard.ospi.k12.wa.us/)

- You state in "Exhibit A" "Summit Public Schools created the Summit Learning Program and created T.L.P. Education as a separate entity. Therefore, Summit Public Schools, in the course of its operations, would necessarily have knowledge of and records describing the legal status of T.L.P. Education." SPS created the Summit Learning Program, but SPS did not create T.L.P. Education as a separate entity or otherwise. To further your inquiry, SPS would recommend contacting T.L.P. Education and/or visiting the State of California Secretary of State's webpage, which hosts entity documents for organizations such as SPS. I assume the Secretary of State hosts entity documents from T.L.P. Education as well.

- You have asked SPS to create a record consisting of the "the job titles of personnel required to fulfill the requests, their respective rates of pay, and the time required by personnel in each job category to produce the records requested." The CPRA does not obligate local agencies to create new records not kept in the ordinary course of business.

- Your letter requests an "explanation of why you expect it to take as long as you suggest to conduct a diligent search for documents responsive to each of the requests we have made" The CPRA does not require the explanation that you have requested. Nevertheless, SPS hopes to provide certain records, which were not marked as "scope of request unclear" at earlier dates. You should expect to receive documents in batches based upon staff availability.

- Your letter references an earlier informal request for information. I understand that a member of our staff relayed that, after internal consultation, SPS was unable to accommodate your request at the time. As you can imagine, providing records on an accelerated timeframe would cause some of the same employees who expressed that they did not have capacity to assist your research project to vacate their day-to-day projects and long-term projects to assist your research project. To the best of my knowledge, the

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Assistant General Counsel

nogbu@summitps.org

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CPRA does not require local agencies to reallocate and reprioritize resources in this fashion.

SPS acknowledges our obligation to disclose responsive records that can be located with reasonable effort (i.e. a search that is reasonably calculated to locate responsive documents). In accordance with the CPRA, we expect to undertake a reasonable search for responsive records (subject to, in certain cases, clarity regarding the records you seek). If you prefer that we limit the scope of our search and provide only those certain documents we can locate with reasonable effort by a specified date, we can accommodate that request.

As an update, I expect to share a response to your revised Exhibit A in January. The entire Summit Public Schools organization will be closed until January 6, 2020. Thank you.

Kind regards,

Nnanna Ogbu

Gmail

Faith Boninger <fboninger@gmail.com>

NEPC Response to December 3, 2019 Determination Letter - Exhibit B

2 messages

Faith Boninger <fboninger@gmail.com> Sun, Dec 22, 2019 at 7:15 PM
To: Nnanna Ogbu <nogbu@summitps.org>, Alex John Molnar <Alex.Molnar@colorado.edu>, Bill Koski <BKoski@law.stanford.edu>, Kathy Schultz <Katherine.Schultz@colorado.edu>, Kevin G Welner <Kevin.Welner@colorado.edu>

Dear Mr. Ogbu.
I just saw that you hadn't received our letter with Exhibit B, which I sent on Friday, December 20, so I am resending it here. Also attached is a cover letter. Please confirm receipt.
Thank you,
Faith Boninger

---------- Forwarded message ---------
From: **Faith Boninger** <fboninger@gmail.com>
Date: Fri, Dec 20, 2019 at 4:58 PM
Subject: Re: NEPC Response to December 3, 2019 Determination Letter
To: Nnanna Ogbu <nogbu@summitps.org>
Cc: Alex John Molnar <Alex.Molnar@colorado.edu>, Bill Koski <BKoski@law.stanford.edu>, Kevin G Welner <Kevin.Welner@colorado.edu>, Kathy Schultz <Katherine.Schultz@colorado.edu>

Dear Mr. Ogbu,
Please find the attached Exhibit B to which we referred in our letter of December 13, 2019, along with a cover letter.
Sincerely,
Faith Boninger and Alex Molnar

On Fri, Dec 13, 2019 at 3:24 PM Faith Boninger <fboninger@gmail.com> wrote:

> Dear Mr. Ogbu,
> Please find attached our response to your letter of December 3, 2019, and your associated Exhibit A.
> Sincerely,
> Faith Boninger and Alex Molnar
>
> --
> **Faith Boninger**
> National Education Policy Center
> Co-Director, Commercialism in Education Research Unit
> School of Education
> University of Colorado
> faith.boninger@colorado.edu
> nepc.colorado.edu
> Follow @NEPCTweet on Twitter

--
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National Education Policy Center
Co-Director, Commercialism in Education Research Unit
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Follow @NEPCTweet on Twitter

---

2 attachments

12.20.19 cover letter for Exhibit B.pdf
208K

Exhibit B to NEPC PRA Request, 12.20.19.xlsx
538K

Nnanna Ogbu <nogbu@summitps.org> Mon, Dec 23, 2019 at 6:45 PM
To: Faith Boninger <fboninger@gmail.com>
Cc: Alex John Molnar <Alex.Molnar@colorado.edu>, Bill Koski <BKoski@law.stanford.edu>, Kathy Schultz <Katherine.Schultz@colorado.edu>, Kevin G Welner <Kevin.Welner@colorado.edu>

Received. Thank you.

> On Dec 22, 2019, at 6:15 PM, Faith Boninger <fboninger@gmail.com> wrote:
>
> [Quoted text hidden]
> <12.20.19 cover letter for Exhibit B.pdf>
> <Exhibit B to NEPC PRA Request, 12.20.19.xlsx>

NEPC

NATIONAL EDUCATION POLICY CENTER

January 14, 2020

Nnanna Ogbu
Assistant General Counsel
Summit Public Schools
780 Broadway
Redwood City, CA 94063

Dear Mr. Ogbu:

Thank you for your December 22, 2019 letter. We look forward to your responses to the Exhibits A (revised) and B that we sent last month.

Below we respond to specific points made in your December 22, 2019 letter.

Your point 2 begins: "Thank you for the clarification that you are not requesting drafts or new records."

> Our response to your point 2:
>
> We hope that Summit Public Schools will agree to review and complete Exhibit B and correct, if necessary, any errors in the public record.

Your point 3 begins: "You are correct that Summit Public Schools created the Summit Learning Program..."

> Our response to your point 3: Are we correct that your response is that although Summit Public Schools created and promoted the use of the Summit Learning Program and Summit Learning Platform by schools not part of the Summit Public Schools charter network, that Summit Public Schools has no records related to the creation and promotion of the Summit Learning Program and Summit Learning Platform?

Your point 4 begins: "Thank you for clarifying that your request seeks information relating to..."

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nepc@colorado.edu

Our response to your point 4: Thank you for pointing us to the public sources of information regarding Summit Public Schools' schools in Washington. As you can see in Exhibit B, which you now have, some of the data we are seeking is not available on those sites. If you do not provide this information or do not explictitly inform us that Summit Public Schools does not have records containing the information we have requested, may we infer that the Summit Public Schools does not have responsive records?

Your point 5 begins by noting that we: "... state in 'Exhibit A' 'Summit Public Schools created the Summit..." You then assert: "SPS did not create T.L.P. Education as a separate entity or otherwise."

Our response to point 5: Your response contradicts Summit Public Schools' published material ("We determined that this was the right time to launch a new nonprofit organization dedicated specifically to the Summit Learning Program...") in *Excellence is Equity: Summit Public Schools End-of-Year Summary 2018–19* [p.39], https://drive.google.com/file/d/1M5oisCLwRLeRdtHxpl7yT3v6j5yf96aD/view).

It is clear in the public record that Summit Public Schools did in fact create T.L.P Education. Please provide us with records releated to the creation of T.L.P. by Summit Public Schools.

Your point 6 begins: "You have asked SPS to create a record consisting of "the job titles of...."

Your point 7 begins with "Your letter requests an 'explanation of why you expect it to take as long..."

Our reponse to your points 6 and 7:

To clarify, we are not requesting a "new record," we are asking for the specific information (i.e., "the job titles of the personnel required to fill the requests, their respective rates of pay, and the time required by personnel in each job category to produce the records requested") we would need to assess any costs Summit Public Schools would propose to levy related to producing the records we have requested.

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Please provide us with the authority on which you rely to charge fees and costs for the time used by Summit Public Public Schools personnel to produce responsive records.

If you do in fact have such authority, we need to know (as we have already specified) the itemized record of cost of the time needed by Summit Public Schools personnel to produce the responsive records we have requested, as well as the amount and justification for any fees charged.

We reiterate our request that all charges be waived because the University of Colorado Boulder is a nonprofit organization.

Your point 8 begins:"Your letter references an earlier informal request for information...."

Our response to your point 8: To clarify the nature of our informal request, it was not the case that we asked the Summit Public Schools to devote an unreasonable amount of time to respond to us.

Faith Boninger spoke with Cat Uong, Summit Public Schools Manager of Development & Partnerships, on the phone on October 16, 2019. At Ms. Uong's request, Boninger put her request in an email on October 17, 2019, explaining that she was asking to interview someone at Summit Public Schools "knowledgeable about the history and development of Summit Public Schools and the Summit Learning Program," who could "direct [her] to answers to [her] questions in public sources or, if that's not possible, answer the questions directly." As you can see in the attached transcript of the full email correspondence, Ms. Uong represented Summit Public Schools' senior leadership team when she responded that Summit Public Schools was "not able to accommodate [us] at this time." Ms. Uong did not, in the correspondence, ask how long the interview might take or suggest when Summit Public Schools might be able to accommodate our request, if not at that time.

We appreciate Summit Public Schools' intention to fulfill its obligation to disclose responsive records that can be located with reasonable effort. In our December 13, 2019 response to your Determination Letter, we

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expressed continued willingness to have informal conversations with relevant Summit Public Schools representatives to gather the information we are seeking.

Is Summit Public Schools willing to have such an informal conversation at this time?

You can reach us by phone at (480) 390-6736 (Faith) or (480) 797-7261 (Alex) and/or in writing at fboninger@gmail.com (Faith) and alex.molnar@colorado.edu (Alex).

Thank you again for your time and effort in this matter.

Sincerely,

Faith Boninger
Assistant Research Professor
Co-Director, Commercialism in Education Research Unit
National Education Policy Center
School of Education
University of Colorado Boulder
University of Colorado Boulder

Alex Molnar
Research Professor
Co-Director, Commercialism in Education Research Unit
Publications Director
National Education Policy Center
School of Education
University of Colorado Boulder

C: William S. Koski, Youth and Education Law Project, Stanford Law School
Kevin Welner, Director, National Education Policy Center, School of Education, University of Colorado Boulder
Katherine Schultz, Dean, School of Education, University of Colorado Boulder

NEPC

NATIONAL EDUCATION POLICY CENTER

February 13, 2020

Nnanna Ogbu
Assistant General Counsel
Summit Public Schools
780 Broadway
Redwood City, CA 94063

Dear Mr. Ogbu:

We are following up on our correspondence regarding our PRA request. In your December 20, 2019 letter, you said you expected to share a response to our edited Exhibit A in January. We also sent you Exhibit B on December 20 and December 22, 2019 and a response to your letter of December 22, 2019 on January 14, 2020. When may we expect to hear from you?

Thank you,

Faith Boninger
Assistant Research Professor
Co-Director, Commercialism in Education Research Unit
National Education Policy Center
School of Education
University of Colorado Boulder
University of Colorado Boulder

Alex Molnar
Research Professor
Co-Director, Commercialism in Education Research Unit
Publications Director
National Education Policy Center
School of Education
University of Colorado Boulder

C: William S. Koski, Youth and Education Law Project, Stanford Law School
Kevin Welner, Director, National Education Policy Center, School of Education, University of Colorado Boulder
Katherine Schultz, Dean, School of Education, University of Colorado Boulder

Gmail

Faith Boninger <fboninger@gmail.com>

follow-up inquiry from Boninger and Molnar

4 messages

Faith Boninger <fboninger@gmail.com> Thu, Feb 13, 2020 at 9:04 AM
To: Nnanna Ogbu <nogbu@summitps.org>, Alex John Molnar <Alex.Molnar@colorado.edu>, Bill Koski <BKoski@law.stanford.edu>, Kevin G Welner <Kevin.Welner@colorado.edu>, Kathy Schultz <Katherine.Schultz@colorado.edu>

Dear Mr. Ogbu,
Please see attached.
Best,
Faith

--
Faith Boninger
National Education Policy Center
Co-Director, Commercialism in Education Research Unit
School of Education
University of Colorado
faith.boninger@colorado.edu
nepc.colorado.edu
Follow @NEPCTweet on Twitter

2.13.20 follow-up inquiry from Boninger, Molnar.pdf
199K

Nnanna Ogbu <nogbu@summitps.org> Tue, Feb 18, 2020 at 12:32 PM
To: Faith Boninger <fboninger@gmail.com>
Cc: Alex John Molnar <Alex.Molnar@colorado.edu>, Bill Koski <BKoski@law.stanford.edu>, Kevin G Welner <Kevin.Welner@colorado.edu>, Kathy Schultz <Katherine.Schultz@colorado.edu>

Dear Ms. Boninger:

This is to confirm that Summit Public Schools received the letters referenced in your February 13, 2020 letter. We appreciate your continued interest in Summit Public Schools and anticipate providing a formal response on or around Friday, February 21, 2020.

Thank you,
Nnanna
[Quoted text hidden]
--

Nnanna Ogbu
Assistant General Counsel
Summit Public Schools
nogbu@summitps.org

Nnanna Ogbu <nogbu@summitps.org> Tue, Feb 25, 2020 at 10:33 AM
To: Faith Boninger <fboninger@gmail.com>
Cc: Alex John Molnar <Alex.Molnar@colorado.edu>, Bill Koski <BKoski@law.stanford.edu>, Kevin G Welner <Kevin.Welner@colorado.edu>, Kathy Schultz <Katherine.Schultz@colorado.edu>

Dear Ms. Boninger -

Apologies for the delayed update. I expected to provide a response to your letter last Friday. We're re-reviewing the list of requested records and will provide an update soon.

Thank you,
Nnanna

[Quoted text hidden]

Faith Boninger <fboninger@gmail.com> Tue, Feb 25, 2020 at 1:48 PM
To: Nnanna Ogbu <nogbu@summitps.org>
Cc: Alex John Molnar <Alex.Molnar@colorado.edu>, Bill Koski <BKoski@law.stanford.edu>, Kevin G Welner <Kevin.Welner@colorado.edu>, Kathy Schultz <Katherine.Schultz@colorado.edu>

Dear Mr. Ogbu,
Thanks very much for the update. We look forward to hearing from you.
Sincerely,
Faith Boninger
[Quoted text hidden]
--
Faith Boninger
Co-Director, Commercialism in Education Research Unit
National Education Policy Center
[Quoted text hidden]

Appendix C2: Exhibit B to Public Records Request

Table 1: Summit Public Schools - California Schools: Graduation Rate, 2006-2019[1]

School Name	Summit Prep			Summit Everest			Summit Rainier		
School Year Opened	2003-2004			2009-2010			2011-2012		
Initial Grades Served	unavailable			9th grade			unavailable		
Grades Served in 2019-2020	9-12			9-12			9-12		
City	Redwood City			Redwood City			San Jose		
Year of First Graduating Class	2006-2007			2012-2013			2014-2015		
Graduation Rate									
Method of Calculation	1-year Graduation Rate[2]	4-year Cohort Graduation Rate[3]	Revised 4-year Cohort Graduation Rate[4]	1-year Graduation Rate[2]	4-year Cohort Graduation Rate[3]	Revised 4-year Cohort Graduation Rate[4]	1-year Graduation Rate[2]	4-year Cohort Graduation Rate[3]	Revised 4-year Cohort Graduation Rate[4]
Year									
2006-2007	97.2%	No State Calculation	No State Calculation						
2007-2008	98.9%								
2008-2009	97.9%								
2009-2010	96.9%	95.8%			No State Calculation	No State Calculation			
2010-2011	No State Calculation	93.0%							
2011-2012		92.1%						No State Calculation	No State Calculation
2012-2013		95.3%		No State Calculation	unavailable				
2013-2014		91.7%			unavailable				
2014-2015		89.8%			91.0%		No State Calculation	75.0%	
2015-2016		85.7%			93.0%			87.3%	
2016-2017		No State Calculation	94.7%		No State Calculation	91.6%		No State Calculation	88.0%
2017-2018			98.0%			88.3%			89.0%
2018-2019			91.8%			91.0%			86.7%

Key	
Grey Shading	The school was not open in the year indicated.
"Unavailable"	A state source reports this statistic for the year in question, but not for this school.
"No State Calculation"	The state did not calculate this statistic for this school for the year indicated, either because it did not use the statistic in that year, or because the school did not have a relevant class for which to calculate it.
Yellow Highlighting	Indicates cells for which Summit has been requested to provide the information.

School Name	Summit Tahoma			Summit Shasta			Summit Denali		
School Year Opened	2011-2012			2013-2014			2013-2014		
Initial Grades Served	unavailable			unavailable			6th grade		
Grades Served in 2019-2020	unavailable			9-12			6-12		
City	San Jose			Daly City			Sunnyvale		
Year of First Graduating Class	2014-2015			2016-2017			2019-2020		
Graduation Rate									
Method of Calculation	1-year Graduation Rate[2]	4-year Cohort Graduation Rate[3]	Revised 4-year Cohort Graduation Rate[4]	1-year Graduation Rate[2]	4-year Cohort Graduation Rate[3]	Revised 4-year Cohort Graduation Rate[4]	1-year Graduation Rate[2]	4-year Cohort Graduation Rate[3]	Revised 4-year Cohort Graduation Rate[4]
Year									
2006-2007									
2007-2008									
2008-2009									
2009-2010									
2010-2011									
2011-2012	No State Calculation	No State Calculation	No State Calculation						
2012-2013									
2013-2014									
2014-2015		91.4%							
2015-2016		87.2%							
2016-2017		No State Calculation	81.0%	No State Calculation		No State Calculation	No State Calculation		
2017-2018			83.6%			98.1%			
2018-2019			89.8%			94.3%			

Key	
Grey Shading	The school was not open in the year indicated.
"Unavailable"	A state source reports this statistic for the year in question, but not for this school.
"No State Calculation"	The state did not calculate this statistic for this school for the year indicated, either because it did not use the statistic in that year, or because the school did not have a relevant class for which to calculate it.
Yellow Highlighting	Indicates cells for which Summit has been requested to provide the information.

School Name	Summit K2			Summit Tamalpais		
School Year Opened	2014-2015			2016-2017		
Initial Grades Served	7th Grade			unavailable		
Grades Served in 2019-2020	7-12			7-10		
City	El Cerrito/Richmond			Richmond		
Year of First Graduating Class	2019-2020			No graduating class yet		
Graduation Rate						
Method of Calculation	1-year Graduation Rate[2]	4-year Cohort Graduation Rate[3]	Revised 4-year Cohort Graduation Rate[4]	1-year Graduation Rate[2]	4-year Cohort Graduation Rate[3]	Revised 4-year Cohort Graduation Rate[4]
Year						
2006-2007						
2007-2008						
2008-2009						
2009-2010						
2010-2011						
2011-2012						
2012-2013						
2013-2014						
2014-2015	No State Calculation					
2015-2016						
2016-2017				No State Calculation		
2017-2018						
2018-2019						

Key	
Grey Shading	The school was not open in the year indicated.
"Unavailable"	A state source reports this statistic for the year in question, but not for this school.
"No State Calculation"	The state did not calculate this statistic for this school for the year indicated, either because it did not use the statistic in that year, or because the school did not have a relevant class for which to calculate it.
Yellow Highlighting	Indicates cells for which Summit has been requested to provide the information.

Notes and References Table 1

1 Basic information about each school (i.e., date a school opened, grades served in its first year, grades served in 2019-2020, location, and year of its first graduating class) was found primarily on the Summit Public Schools network's website. For links to each individual school, see:

Summit Public Schools (n.d.). Our Schools [webpage]. Retrieved September 24, 2019, from https://summitps.org/our-schools/

In a few instances, information was not available from the Summit Public Schools network's website site. In those instances, we compiled it from the following individual school websites:

Summit Everest (n.d.). About [webpage]. Retrieved September 24, 2019, from https://everest.summitps.org/about/

Summit Tahoma (n.d.). Homepage [webpage]. Retrieved September 24, 2019, from https://tahoma.summitps.org/about/

Summit Tamalpais (n.d.). Homepage [webpage]. Retrieved September 24, 2019, from https://tam.summitps.org/

2 The California DataQuest database defines the one-year graduation rate based on the NCES definition: "Number of Graduates (Year 4) divided by Number of Graduates (Year 4) + Gr. 9 Dropouts (Year 1) + Gr. 10 Dropouts (Year 2) + Gr. 11 Dropouts (Year 3) + Gr. 12 Dropouts (Year 4)."

California Department of Education - DataQuest (n.d.). One-year graduation data [webpage]. Retrieved December 6, 2019, from https://dq.cde.ca.gov/dataquest/

3 The California DataQuest database defines the four-year "Adjusted Cohort Graduation Rate" (ACGR) that it calculated from 2009-2010 through 2015-2016 as the "[n]umber of cohort members who earned a regular high school diploma by the end of year 4 in the cohort divided by the number of first-time grade 9 students in year 1 (starting cohort) plus students who transfer in, minus students who transfer out, emigrate, or die during school years 1, 2, 3, and 4."

California Department of Education - DataQuest (n.d.). Four-year cohort graduation rate and outcome data [webpage]. Retrieved December 6, 2019, from https://dq.cde.ca.gov/dataquest/

4 Beginning in 2016-2017, the state of California changed how it calculates its four-year "Adjusted Cohort Graduation Rate" (ACGR), and cautions against comparing this new, modified, graduation rate with the graduation rates it calculated for prior years. Data for the new, modified, ACGR are available California Department of Education's (CDE) website. CDE defines the new, modified, ACGR as "the number of students who graduate from high school in four years with a regular high school diploma, divided by the number of students who form the adjusted cohort for the graduating class. The four-year cohort is based on the number of students who enter grade 9 for the first time adjusted by adding into the cohort any student who transfers in later during grade 9 or during the next three years and subtracting any student from the cohort who transfers out, emigrates to another country, transfers to a prison or juvenile facility, or dies during that same period."

California Department of Education (n.d.). Four-Year Cohort Graduation Rate and Outcome Data [webpage]. Retrieved December 6, 2019, from https://www.cde.ca.gov/ds/sd/sd/filesacgr.asp

Table 2: Summit Public Schools - California Schools: Dropout Rate, 2003-2019[1]

School Name	Summit Prep			Summit Everest			Summit Rainier		
School Year Opened	2003-2004			2009-2010			2011-2012		
Initial Grades Served	unavailable			9th grade			unavailable		
Grades Served in 2019-2020	9-12			9-12			9-12		
City	Redwood City			Redwood City			San Jose		
Year of First Graduating Class	2006-2007			2012-2013			2014-2015		
Dropout Rate									
Method of Calculation	1-year Dropout Rate[2]	4-year Cohort Dropout Rate[3]	Revised 4-year Cohort Dropout Rate[4]	1-year Dropout Rate[2]	4-year Cohort Dropout Rate[3]	Revised 4-year Cohort Dropout Rate[4]	1-year Dropout Rate[2]	4-year Cohort Dropout Rate[3]	Revised 4-year Cohort Dropout Rate[4]
Year									
2003-2004	unavailable	No State Calculation	No State Calculation						
2004-2005	unavailable								
2005-2006	unavailable								
2006-2007	1.4%								
2007-2008	0.7%								
2008-2009	1.0%								
2009-2010	0.7%	2.1%		unavailable	No State Calculation				
2010-2011	0.7%	1.0%		unavailable					
2011-2012	0.9%	5.0%		unavailable			3.9%	No State Calculation	No State Calculation
2012-2013	1.7%	2.4%		unavailable	unavailable	No State Calculation	1.0%		
2013-2014	1.2%	4.2%		unavailable	unavailable		0.4%		
2014-2015	0.3%	6.8%		0.5%	4.0%		0.4%	6.6%	
2015-2016	0.5%	2.6%		0.0%	4.2%		0.3%	1.4%	
2016-2017	0.7%	No State Calculation	4.3%	0.5%	No State Calculation	4.8%	0.5%	No State Calculation	1.1%
2017-2018	No State Calculation		1.0%	No State Calculation		6.8%	No State Calculation		2.4%
2018-2019			2.0%			2.2%			4.4%

Key	
Grey Shading	The school was not open in the year indicated.
"Unavailable"	A state source reports this statistic for the year in question, but not for this school.
"No State Calculation"	The state did not calculate this statistic for this school for the year indicated, either because it did not use the statistic in that year, or because the school did not have a relevant class for which to calculate it.
Yellow Highlighting	Indicates cells for which Summit has been requested to provide the information.

School Name	Summit Tahoma			Summit Shasta			Summit Denali		
School Year Opened	2011-2012			2013-2014			2013-2014		
Initial Grades Served	unavailable			unavailable			6th grade		
Grades Served in 2019-2020	unavailable			9-12			6-12		
City	San Jose			Daly City			Sunnyvale		
Year of First Graduating Class	2014-2015			2016-2017			2019-2020		
Dropout Rate									
Method of Calculation	1-year Dropout Rate[2]	4-year Cohort Dropout Rate[3]	Revised 4-year Cohort Dropout Rate[4]	1-year Dropout Rate[2]	4-year Cohort Dropout Rate[3]	Revised 4-year Cohort Dropout Rate[4]	1-year Dropout Rate[2]	4-year Cohort Dropout Rate[3]	Revised 4-year Cohort Dropout Rate[4]
Year									
2003-2004									
2004-2005									
2005-2006									
2006-2007									
2007-2008									
2008-2009									
2009-2010									
2010-2011									
2011-2012	unavailable	No State Calculation	No State Calculation						
2012-2013	unavailable								
2013-2014	unavailable			0.0%	No State Calculation		No State Calculation	No State Calculation	
2014-2015	unavailable	3.7%		0.0%			unavailable		
2015-2016	unavailable	3.8%		0.3%			unavailable		
2016-2017	unavailable	No State Calculation	10.3%	0.5%	No State Calculation	1.0%	unavailable		
2017-2018	No State Calculation		7.5%	No State Calculation		0.0%	No State Calculation		
2018-2019			2.0%			2.9%			

Key	
Grey Shading	The school was not open in the year indicated.
"Unavailable"	A state source reports this statistic for the year in question, but not for this school.
"No State Calculation"	The state did not calculate this statistic for this school for the year indicated, either because it did not use the statistic in that year, or because the school did not have a relevant class for which to calculate it.
Yellow Highlighting	Indicates cells for which Summit has been requested to provide the information.

School Name	Summit K2			Summit Tamalpais		
School Year Opened	2014-2015			2016-2017		
Initial Grades Served	7th grade			unavailable		
Grades Served in 2019-2020	7-12			7-10		
City	El Cerrito/Richmond			Richmond		
Year of First Graduating Class	2019-2020			No graduating class yet		
Dropout Rate						
Method of Calculation	1-year Dropout Rate[2]	4-year Cohort Dropout Rate[3]	Revised 4-year Cohort Dropout Rate[4]	1-year Dropout Rate[2]	4-year Cohort Dropout Rate[3]	Revised 4-year Cohort Dropout Rate[4]
Year						
2003-2004						
2004-2005						
2005-2006						
2006-2007						
2007-2008						
2008-2009						
2009-2010						
2010-2011						
2011-2012						
2012-2013						
2013-2014						
2014-2015	unavailable	No State Calculation				
2015-2016	unavailable					
2016-2017	unavailable			unavailable	No State Calculation	
2017-2018	No State Calculation			No State Calculation		
2018-2019						

Key	
Grey Shading	The school was not open in the year indicated.
"Unavailable"	A state source reports this statistic for the year in question, but not for this school.
"No State Calculation"	The state did not calculate this statistic for this school for the year indicated, either because it did not use the statistic in that year, or because the school did not have a relevant class for which to calculate it.
Yellow Highlighting	Indicates cells for which Summit has been requested to provide the information.

Notes and References Table 2

1 Basic information about each school (i.e., date a school opened, grades served in its first year, grades served in 2019-2020, location, and year of its first graduating class) was found primarily on the Summit Public Schools network's website. For links to each individual school, see:

Summit Public Schools (n.d.). Our Schools [webpage]. Retrieved September 24, 2019, from https://summitps.org/our-schools/

In a few instances, information was not available from the Summit Public Schools network's website site. In those instances, we compiled it from the following individual school websites:

Summit Everest (n.d.). About [webpage]. Retrieved September 24, 2019, from https://everest.summitps.org/about/

Summit Tahoma (n.d.). Homepage [webpage]. Retrieved September 24, 2019, from https://tahoma.summitps.org/about/

Summit Tamalpais (n.d.). Homepage [webpage]. Retrieved September 24, 2019, from https://tam.summitps.org/

2 For the Summit Public Schools California schools, for 2006-2007 through 2016-2017, we report "One-Year Dropout Data" available in the California Dataquest database. DataQuest defines this dropout rate as the "1-year Rate Formula: (Adjusted Gr. 9-12 Dropouts/Gr. 9-12 Enrollment)*100."

California Department of Education - DataQuest (n.d.). One-year dropout data [webpage]. Retrieved December 6, 2019, from https://dq.cde.ca.gov/dataquest/

3 The California Department of Education (CDE) defines the "Cohort Dropout Rate" as the "rate of students that leave the 9-12 instructional system without a high school diploma, passing a high school equivalency exam (i.e., GED, HiSET, TASC), or special education certificate of completion and do not remain enrolled after the end of the 4th year."

California Department of Education (n.d.). Cohort outcome data [webpage]. Retrieved December 6, 2019, from https://www.cde.ca.gov/ds/sd/sd/filescohort.asp

4 The California Department of Education adjusted how it calculates its cohort statistics in 2016 and cautions against comparing the new, adjusted cohort rates with the cohort rates provided for prior years. The revised Adjusted Cohort Dropout Rate is defined as "the percentage of cohort students who do not graduate with a regular high school diploma, do not complete high school, and are not still enrolled as a 'fifth year senior'."

California Department of Education (n.d.). Adjusted cohort graduation rate and outcome data [webpage]. Retrieved December 6, 2019, from https://www.cde.ca.gov/ds/sd/sd/filesacgr.asp

Table 3: Summit Public Schools - California Schools: College and Career Readiness Rate, 2006-2019[1]

School Name	Summit Prep		Summit Everest		Summit Rainier	
School Year Opened	2003-2004		2009-2010		2011-2012	
Initial Grades Served	unavailable		9th grade		unavailable	
Grades Served in 2019-2020	9-12		9-12		9-12	
City	Redwood City		Redwood City		San Jose	
Year of First Graduating Class	2006-2007		2012-2013		2014-2015	
College & Career Readiness Rate						
Method of Calculation	1-year College and Career Readiness Rate[2]	4-year Cohort College and Career Readiness Rate[3]	1-year College and Career Readiness Rate[2]	4-year Cohort College and Career Readiness Rate[3]	1-year College and Career Readiness Rate[2]	4-year Cohort College and Career Readiness Rate[3]
Year						
2006-2007	100.0%	No State Calculation				
2007-2008	0.0%					
2008-2009	100.0%					
2009-2010	100.0%		No State Calculation			
2010-2011	100.0%					
2011-2012	100.0%				No State Calculation	No State Calculation
2012-2013	100.0%		100.0%	No State Calculation		
2013-2014	100.0%		100.0%			
2014-2015	94.0%		95.8%		100.0%	
2015-2016	98.6%		95.7%		98.6%	
2016-2017	99.0%	100.0%	97.4%	97.4%	94.3%	96.3%
2017-2018	No State Calculation	96.0%	No State Calculation	97.8%	No State Calculation	95.9%
2018-2019		94.4%		92.6%		92.9%

Key	
Grey Shading	The school was not open in the year indicated.
"Unavailable"	A state source reports this statistic for the year in question, but not for this school.
"No State Calculation"	The state did not calculate this statistic for this school for the year indicated, either because it did not use the statistic in that year, or because the school did not have a relevant class for which to calculate it.
Yellow Highlighting	Indicates cells for which Summit has been requested to provide the information.

School Name	Summit Tahoma		Summit Shasta		Summit Denali	
School Year Opened	2011-2012		2013-2014		2013-2014	
Initial Grades Served	unavailable		unavailable		6th grade	
Grades Served in 2019-2020	unavailable		9-12		6-12	
City	San Jose		Daly City		Sunnyvale	
Year of First Graduating Class	2014-2015		2016-2017		2019-2020	
College & Career Readiness Rate						
Method of Calculation	1-year College and Career Readiness Rate[2]	4-year Cohort College and Career Readiness Rate[3]	1-year College and Career Readiness Rate[2]	4-year Cohort College and Career Readiness Rate[3]	1-year College and Career Readiness Rate[2]	4-year Cohort College and Career Readiness Rate[3]
Year						
2006-2007						
2007-2008						
2008-2009						
2009-2010						
2010-2011						
2011-2012	No State Calculation	No State Calculation				
2012-2013						
2013-2014			No State Calculation		No State Calculation	
2014-2015	100.0%					
2015-2016	100.0%					
2016-2017	96.2%	95.7%	99.0%	99.0%		
2017-2018	No State Calculation	92.9%	No State Calculation	95.2%		
2018-2019		90.9%		98.0%		

Key	
Grey Shading	The school was not open in the year indicated.
"Unavailable"	A state source reports this statistic for the year in question, but not for this school.
"No State Calculation"	The state did not calculate this statistic for this school for the year indicated, either because it did not use the statistic in that year, or because the school did not have a relevant class for which to calculate it.
Yellow Highlighting	Indicates cells for which Summit has been requested to provide the information.

School Name	Summit K2		Summit Tamalpais	
School Year Opened	2014-2015		2016-2017	
Initial Grades Served	7th Grade		unavailable	
Grades Served in 2019-2020	7-12		7-10	
City	El Cerrito/Richmond		Richmond	
Year of First Graduating Class	2019-2020		No graduating class yet	
College & Career Readiness Rate				
Method of Calculation	1-year College and Career Readiness Rate[2]	4-year Cohort College and Career Readiness Rate[3]	1-year College and Career Readiness Rate[2]	4-year Cohort College and Career Readiness Rate[3]
Year				
2006-2007				
2007-2008				
2008-2009				
2009-2010				
2010-2011				
2011-2012				
2012-2013				
2013-2014				
2014-2015	No State Calculation			
2015-2016				
2016-2017			No State Calculation	
2017-2018				
2018-2019				

Key	
Grey Shading	The school was not open in the year indicated.
"Unavailable"	A state source reports this statistic for the year in question, but not for this school.
"No State Calculation"	The state did not calculate this statistic for this school for the year indicated, either because it did not use the statistic in that year, or because the school did not have a relevant class for which to calculate it.
Yellow Highlighting	Indicates cells for which Summit has been requested to provide the information.

Notes and References Table 3

1 Basic information about each school (i.e., date a school opened, grades served in its first year, grades served in 2019-2020, location, and year of its first graduating class) was found primarily on the Summit Public Schools network's website. For links to each individual school, see:

Summit Public Schools (n.d.). Our Schools [webpage]. Retrieved September 24, 2019, from https://summitps.org/our-schools/

In a few instances, information was not available from the Summit Public Schools network's website site. In those instances, we compiled it from the following individual school websites:

Summit Everest (n.d.). About [webpage]. Retrieved September 24, 2019, from https://everest.summitps.org/about

Summit Tahoma (n.d.). Homepage [webpage]. Retrieved September 24, 2019, from https://tahoma.summitps.org/about/

Summit Tamalpais (n.d.). Homepage [webpage]. Retrieved September 24, 2019, from https://tam.summitps.org/

2 The California DataQuest database defines the college and career readiness rate as 12th grade graduates that complete all of the courses required for U.C. and/or C.S.U. Entrance. Please note that for the 2007-2008 school year, a 0% college and career readiness rate is reported by the California Dataquest database for Summit Prep. The 0% college and career readiness rate given in the database seems unlikely.

California Department of Education - DataQuest (n.d.). One-year graduation data [webpage]. Retrieved December 6, 2019, from https://dq.cde.ca.gov/dataquest/

3 The California Department of Education defines the four-year "College and Career Readiness Rate" as 12th grade graduates that complete all of the courses required for U.C. and/or C.S.U. Entrance.

Table 4: Summit Public Schools - Washington Schools: Graduation Rate, 2018-2019[1]

School Name	Summit Sierra	Summit Olympus	Summit Atlas
School Year Opened	2015-2016	2015-2016	2017-2018
Initial Grades Served	9th grade	unavailable	6th and 9th grade
Grades Served in 2019-2020	9-12	9-12	6-11
City	Seattle	Tacoma	West Seattle
Year of First Graduating Class	2018-2019	2018-2019	No graduating class yet
Cohort Graduation Rates[2]			
2018-2019	84.3%	75.0%	No State Calculation

Key	
Grey Shading	The school was not open in the year indicated.
"Unavailable"	A state source reports this statistic for the year in question, but not for this school.
"No State Calculation"	The state did not calculate this statistic for this school for the year indicated, either because it did not use the statistic in that year, or because the school did not have a relevant class for which to calculate it.
Yellow Highlighting	Indicates cells for which Summit has been requested to provide the information.

Notes and References Table 4

1 Basic information about each school (i.e., date a school opened, grades served in its first year, grades served in 2019-2020, location, and year of its first graduating class) was found primarily on the Summit Public Schools network's website. For links to each individual school, see:

Summit Public Schools (n.d.). Our schools [webpage]. Retrieved September 24, 2019, from https://summitps.org/our-schools/

In a few instances, information was not available from the Summit Public Schools network's website site. In those instances, we compiled it from the following individual school websites:

Summit Atlas (n.d.). Homepage [webpage]. Retrieved September 24, 2019, from https://atlas.summitps.org/

Summit Public Schools (n.d.). Our schools - Summit Olympus [webpage]. Retrieved September 24, 2019, from https://summitps.org/our-schools/summit-olympus-tacoma/

Summit Public Schools (n.d.). Our schools - Summit Atlas [webpage]. Retrieved September 24, 2019, from https://summitps.org/our-schools/summit-atlas-west-seattle/

2 The "Washington State Report Card" defines graduation rate as: "Graduation rate is based on a cohort of students. The cohort is made up of all students who start 9th grade together. Students who transfer into or out of a school are added or removed from the cohort. If students stop attending school, they are counted as 'drop outs'. If students have met graduation requirements, they are counted as 'graduates'. If students don't graduate but are still attending, they are considered 'continuing'."

Office of Superintendent of Public Instruction (n.d.). Washington state report card [webpage]. Retrieved December 6, 2019, from https://washingtonstatereportcard.ospi.k12.wa.us/ReportCard/ViewSchoolOrDistrict/106018

Table 5: Summit Public Schools - Washington Schools: Dropout Rate, 2015-2019[1]

School Name	Summit Sierra		Summit Olympus		Summit Atlas	
School Year Opened	2015-2016		2015-2016		2017-2018	
Initial Grades Served	9th grade		unavailable		6th and 9th grade	
Grades Served in 2019-2020	9-12		9-12		6-11	
City	Seattle		Tacoma		West Seattle	
Year of First Graduating Class	2018-2019		2018-2019		No graduating class yet	
Dropout Rate						
Methods of Calculation	1-year Dropout Rate[2]	Cohort Dropout Rate[3]	1-year Dropout Rate[2]	Cohort Dropout Rate[3]	1-year Dropout Rate[2]	Cohort Dropout Rate[3]
Year						
2015-2016	0.0%	No State Calculation	28.2%	No State Calculation		
2016-2017	unavailable		unavailable			
2017-2018	unavailable		unavailable		Not State Calculation	
2018-2019	No State Calculation	9.8%	No State Calculation	14.8%		

Key	
Grey Shading	The school was not open in the year indicated.
"Unavailable"	A state source reports this statistic for the year in question, but not for this school.
"No State Calculation"	The state did not calculate this statistic for this school for the year indicated, either because it did not use the statistic in that year, or because the school did not have a relevant class for which to calculate it.
Yellow Highlighting	Indicates cells for which Summit has been requested to provide the information.

Notes and References Table 5

1 Basic information about each school (i.e., date a school opened, grades served in its first year, grades served in 2019-2020, location, and year of its first graduating class) was found primarily on the Summit Public Schools network's website. For links to each individual school, see:

Summit Public Schools (n.d.). Our schools [webpage]. Retrieved September 24, 2019, from https://summitps.org/our-schools/

In a few instances, information was not available from the Summit Public Schools network's website site. In those instances, we compiled it from the following individual school websites:

Summit Atlas (n.d.). Homepage [webpage]. Retrieved September 24, 2019, from https://atlas.summitps.org/

Summit Public Schools (n.d.). Our schools - Summit Olympus [webpage]. Retrieved September 24, 2019, from https://summitps.org/our-schools/summit-olympus-tacoma/

Summit Public Schools (n.d.). Our schools - Summit Atlas [webpage]. Retrieved September 24, 2019, from https://summitps.org/our-schools/summit-atlas-west-seattle/

2 Washington State's Office of the Superintendent of Public Instruction (OSPI) defines "dropout" as, "If students stop attending school, they are counted as 'drop outs'." Attrition (i.e., "dropout") rate data is available on the OSPI website for years after 2015-2016. However, these data on the website do not include data for Summit Public Schools.

Office of Superintendent of Public Instruction (n.d.). Data portal - Dropout results by school 2014-2015 [webpage]. Retrieved December 6, 2019, from https://www.k12.wa.us/data-reporting/data-portal

3 Washington State's Office of Superintendent of Public Instruction's (OSPI's) "Report Card Graduation 2018-2019" dataset describes the attrition (i.e., "dropout") rate as the "[c]ount of students that dropped out."

Office of Superintendent of Public Instruction (n.d.). Report card graduation 2018-2019 [webpage]. Retrieved December 6, 2019, from https://data.wa.gov/Education/Report-Card-Graduation-2018-19/6iji-4nux

Table 6: Summit Public Schools - Washington Schools: College and Career Readiness Rate, 2015-2019[1]

School Name	Summit Sierra	Summit Olympus	Summit Atlas
School Year Opened	2015-2016	2015-2016	2017-2018
Initial Grades Served	9th grade	Unavailable	6th and 9th grade
Grades Served in 2019-2020	9-12	9-12	6-11
City	Seattle	Tacoma	West Seattle
Year of First Graduating Class	2018-2019	2018-2019	No graduating class yet
College Readiness Rate[2]			
2015-2016	No State Calculation	No State Calculation	
2016-2017			
2017-2018	94.0%	91.0%	93.0%
2018-2019	Unavailable	Unavailable	Unavailable

Key	
Grey Shading	The school was not open in the year indicated.
"Unavailable"	A state source reports this statistic for the year in question, but not for this school.
"No State Calculation"	The state did not calculate this statistic for this school for the year indicated, either because it did not use the statistic in that year, or because the school did not have a relevant class for which to calculate it.
Yellow Highlighting	Indicates cells for which Summit has been requested to provide the information.

Notes and References Table 6

1 Basic information about each school (i.e., date a school opened, grades served in its first year, grades served in 2019-2020, location, and year of its first graduating class) was found primarily on the Summit Public Schools network's website. For links to each individual school, see:

Summit Public Schools (n.d.). Our schools [webpage]. Retrieved September 24, 2019, from https://summitps.org/our-schools/

In a few instances, information was not available from the Summit Public Schools network's website site. In those instances, we compiled it from the following individual school websites:

Summit Atlas (n.d.). Homepage [webpage]. Retrieved September 24, 2019, from https://atlas.summitps.org/

Summit Public Schools (n.d.). Our schools - Summit Olympus [webpage]. Retrieved September 24, 2019, from https://summitps.org/our-schools/summit-olympus-tacoma/

Summit Public Schools (n.d.). Our schools - Summit Atlas [webpage]. Retrieved September 24, 2019, from https://summitps.org/our-schools/summit-atlas-west-seattle/

2 Washington State Charter School Commission's Performance Framework Reports define college readiness rate as "90% of students will finish the year college ready by scoring at least a 70% or higher in all classes."

Washington State Charter School Commission (n.d.). Summit Public Schools: Olympus – 2017-2018 Annual Student Academic Performance Report [webpage]. Retrieved December 6, 2019, from https://charterschool.wa.gov/documents/2017–18-Summit-Olympus-Academic-Performance-Report.pdf

Washington State Charter School Commission (n.d.). Summit Public Schools: Sierra – 2017-2018 Annual Student Academic Performance Report [webpage]. Retrieved December 6, 2019, from https://charterschool.wa.gov/documents/2017–18-Summit-Sierra-Academic-Performance-Report.pdf

Table 7: Summit Public Schools - All Schools: College-Going Rates[2]

Demographic Subgroup	African-American	American Indian or Alaska Native	Asian	Filipino	Hispanic or Latino	Pacific Islander	White	Two or more races	Not Reported	Total (All Groups)
Summit Prep										
2006-2007	No State Calculation									
2007-2008										
2008-2009										
2009-2010										
2010-2011										
2011-2012										
2012-2013										
2013-2014										
2014-2015	Data suppressed by state		90.9%	Data Suppressed by State	70.7%	Data Suppressed by State	82.6%	Data Suppressed by State		77.1%
2015-2016			Data Suppressed by State		88.2%		92.3%			91.4%
2016-2017					80.9%		94.7%			84.5%
2017-2018					75.0%		81.3%			79.8%
2018-2019	No State Calculation									
Summit Everest										
2012-2013	No State Calculation									
2013-2014										
2014-2015	Data Suppressed by State				63.4%	Data Suppressed by State	85.7%	Data Suppressed by State		73.7%
2015-2016					87.5%		100.0%			87.0%
2016-2017					77.6%		77.8%			80.8%
2017-2018					69.4%		90.9%			76.1%
2018-2019	Unavailable									
Summit Rainier										
2014-2015	Data Suppressed by State		Data Suppressed by State	Data Suppressed by State	84.4%	Data Suppressed by State	84.6%	Data Suppressed by State		84.7%
2015-2016					78.6%		Data Suppressed by State			83.6%
2016-2017					76.3%		50.0%			74.7%
2017-2018			81.8%		73.8%		Data Suppressed by State			77.5%
2018-2019	Unavailable									
Summit Tahoma										
2014-2015	Data Suppressed by State	Data Suppressed by State	90.9%	Data Suppressed by State	83.7%	Data Suppressed by State	81.8%	Data Suppressed by State	Data Suppressed by State	86.5%
2015-2016			Data Suppressed by State		86.0%		Data Suppressed by State			90.1%
2016-2017					91.2%					92.3%
2017-2018			100.0%		92.6%		58.3%			88.1%
2018-2019	Unavailable									
Summit Shasta										
2016-2017	Data Suppressed by State		69.6%	Data Suppressed by State	86.7%	Data Suppressed by State	80.0%	92.3%	Data Suppressed by State	84.4%
2017-2018			94.4%	81.8%	77.4%		72.4%	Data Suppressed by State		80.0%
2018-2019	Unavailable									
Summit Sierra										
2018-2019	Unavailable									
Summit Olympus										
2018-2019	Unavailable									
Summit K2										
2018-2019	No State Calculation									
Summit Denali										
2018-2019	No State Calculation									
Summit Tamalpais										
2018-2019	No State Calculation									
Summit Atlas										
2018-2019	No State Calculation									

Key	
Grey Shading	The school was not open in the year indicated.
"Unavailable"	A state source reports this statistic for the year in question, but not for this school.
"No State Calculation"	The state did not calculate this statistic for this school for the year indicated, either because it did not use the statistic in that year, or because the school did not have a relevant class for which to calculate it.
Yellow Highlighting	Indicates cells for which Summit has been requested to provide the information.

Notes and References Table 7

1 NEPC requested college acceptance rates, completion rates, and graduation rates for Summit Public Schools high schools, by demographic subgroups. California's DataQuest database provides data for some schools in some years for "college-going" rates, but not college acceptance rates, completion rates, or graduation rates. College-going rates offer a proxy for the percentage of students (both across and within demographic subgroups) that enrolled in college. This table contains cells for college-going rates for each of the schools in the Summit Public Schools' charter network with graduating classes, 2006-2007 through 2018-2019. If a school did not have a graduating class in a given year, there is no row in the table for that year. According to the California Department of Education's Dataquest database, "[t]o further protect student privacy, data are suppressed (*) on the College-Going Rate (CGR) Reports if the cell size within a selected student population (high school completers) is 10 or less. Additionally, on the Race/Ethnicity reports, "Not Reported" is suppressed, regardless of actual cell size, if the student population for one or more other race/ethnicity groups is suppressed."

2 We report college-going rates available in the California Dataquest database. Dataquest offers data for the school years 2014-2015 through 2017-2018. DataQuest defines "college-going rate" as "all California public high school students who completed high school during the selected reporting year by Race/Ethnicity, Student Group, or across multiple academic years (Multi-Year report) for the selected reporting level (state, county, district, or school)." The California Dataquest's "report provides both a count and a rate of high school completers who enrolled in a postsecondary institution of higher education (e.g., college or university) within 12 or 16 months of completing high school, based on available report filters." We report the "college-going" rate within 12 months of completing high school.

California Department of Education - DataQuest (n.d.). College-going rate [webpage]. Retrieved December 11, 2019, from https://dq.cde.ca.gov/dataquest/

Table 8: Summit Public Schools - All Schools: College Acceptance Rate[1]

Demographic Subgroup	African-American	American Indian or Alaska Native	Asian	Filipino	Hispanic or Latino	Pacific Islander	White	Two or more races	Not Reported	Total (All Groups)
Summit Prep										
2006-2007	No State Calculation									
2007-2008										
2008-2009										
2009-2010										
2010-2011										
2011-2012										
2012-2013										
2013-2014										
2014-2015										
2015-2016										
2016-2017										
2017-2018										
2018-2019										
Summit Everest										
2012-2013	No State Calculation									
2013-2014										
2014-2015										
2015-2016										
2016-2017										
2017-2018										
2018-2019										
Summit Rainier										
2014-2015	No State Calculation									
2015-2016										
2016-2017										
2017-2018										
2018-2019										
Summit Tahoma										
2014-2015	No State Calculation									
2015-2016										
2016-2017										
2017-2018										
2018-2019										
Summit Shasta										
2016-2017	No State Calculation									
2017-2018										
2018-2019										
Summit Sierra										
2018-2019	No State Calculation									
Summit Olympus										
2018-2019	No State Calculation									
Summit K2										
2018-2019	No State Calculation									
Summit Denali										
2018-2019	No State Calculation									
Summit Tamalpais										
2018-2019	No State Calculation									
Summit Atlas										
2018-2019	No State Calculation									

Key	
Grey Shading	The school was not open in the year indicated.
"Unavailable"	A state source reports this statistic for the year in question, but not for this school.
"No State Calculation"	The state did not calculate this statistic for this school for the year indicated, either because it did not use the statistic in that year, or because the school did not have a relevant class for which to calculate it.
Yellow Highlighting	Indicates cells for which Summit has been requested to provide the information.

Notes and References Table 8

1 NEPC requested college acceptance rates, completion rates, and graduation rates for Summit Public Schools high schools, by demographic subgroups. California's DataQuest database provides data for some schools in some years for "college-going" rates, but not college acceptance rates, completion rates, or graduation rates. College-going rates offer a proxy for the percentage of students (both across and within demographic subgroups) that enrolled in college. This table contains cells for the college acceptance rate for each of the schools in the Summit Public Schools' charter network with graduating classes, 2006-2007 through 2018-2019.

Table 9: Summit Public Schools - All Schools: College Completion Rate, Available in Public Sources[1]

Demographic Subgroup	African-American	American Indian or Alaska Native	Asian	Filipino	Hispanic or Latino	Pacific Islander	White	Two or more races	Not Reported	Total (All Groups)
Summit Prep										
2010-2011	No State Calculation									
2011-2012										
2012-2013										
2013-2014										
2014-2015										
2015-2016										
2016-2017										
2017-2018										
2018-2019										
Summit Everest										
2015-2016	No State Calculation									
2016-2017										
2017-2018										
2018-2019										
Summit Rainier										
2018-2019	No State Calculation									
Summit Tahoma										
2018-2019	No State Calculation									
Summit Shasta										
2018-2019	No State Calculation									
Summit Sierra										
2018-2019	No State Calculation									
Summit Olympus										
2018-2019	No State Calculation									
Summit K2										
2018-2019	No State Calculation									
Summit Denali										
2018-2019	No State Calculation									
Summit Tamalpais										
2018-2019	No State Calculation									
Summit Atlas										
2018-2019	No State Calculation									

Key	
Grey Shading	The school was not open in the year indicated.
"Unavailable"	A state source reports this statistic for the year in question, but not for this school.
"No State Calculation"	The state did not calculate this statistic for this school for the year indicated, either because it did not use the statistic in that year, or because the school did not have a relevant class for which to calculate it.
Yellow Highlighting	Indicates cells for which Summit has been requested to provide the information.

Notes and References Table 9

1 NEPC requested college acceptance rates, completion rates, and graduation rates for Summit Public Schools high schools, by demographic subgroups. California's DataQuest database provides data for some schools in some years for "college-going" rates, but not college acceptance rates, completion rates, or graduation rates. College-going rates offer a proxy for the percentage of students (both across and within demographic subgroups) that enrolled in college. This table contains cells for the completion rate after 6 years of being in college for each of the schools in the Summit Public Schools' charter network with graduating classes, 2006-2007 through 2018-2019.

Table 10: Summit Public Schools - All Schools: College Graduation Rate, Available in Public Sources[1]

Demographic Subgroup	African-American	American Indian or Alaska Native	Asian	Filipino	Hispanic or Latino	Pacific Islander	White	Two or more races	Not Reported	Total (All Groups)
Summit Prep										
2010-2011	No State Calculation									
2011-2012										
2012-2013										
2013-2014										
2014-2015										
2015-2016										
2016-2017										
2017-2018										
2018-2019										
Summit Everest										
2015-2016	No State Calculation									
2016-2017										
2017-2018										
2018-2019										
Summit Rainier										
2018-2019	No State Calculation									
Summit Tahoma										
2018-2019	No State Calculation									
Summit Shasta										
2018-2019	No State Calculation									
Summit Sierra										
2018-2019	No State Calculation									
Summit Olympus										
2018-2019	No State Calculation									
Summit K2										
2018-2019	No State Calculation									
Summit Denali										
2018-2019	No State Calculation									
Summit Tamalpais										
2018-2019	No State Calculation									
Summit Atlas										
2018-2019	No State Calculation									

Key	
Grey Shading	The school was not open in the year indicated.
"Unavailable"	A state source reports this statistic for the year in question, but not for this school.
"No State Calculation"	The state did not calculate this statistic for this school for the year indicated, either because it did not use the statistic in that year, or because the school did not have a relevant class for which to calculate it.
Yellow Highlighting	Indicates cells for which Summit has been requested to provide the information.

Notes and References Table 10

1 NEPC requested college acceptance rates, completion rates, and graduation rates for Summit Public Schools high schools, by demographic subgroups. California's DataQuest database provides data for some schools in some years for "college-going" rates, but not college acceptance rates, completion rates, or graduation rates. College-going rates offer a proxy for the percentage of students (both across and within demographic subgroups) that enrolled in college. This table contains cells for college graduation rate for each of the schools in the Summit Public Schools' charter network with graduating classes, 2006-2007 through 2018-2019.