# Attachment 3: California State Board of Education Approval Letter with Conditions Dated August 12, 2020

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## California State Board of Education Approval Letter with Conditions Dated August 12, 2020, and Enclosures

**The below letter was prepared on the official letterhead of the California Department of Education (CDE), bearing the CDE Seal, address, and contact information.**

August 12, 2020

Ken Higginbotham, Board President
Ogo Okoye-Johnson, Chief Executive Officer
Eagle Collegiate Academy
PO Box 803234
Santa Clarita, CA 91380

Dear President Higginbotham and CEO Johnson:

Subject: State Board of Education Approval of the Establishment of Eagle Collegiate Academy with Conditions

At its July 9, 2020, meeting, the State Board of Education (SBE) approved the establishment of Eagle Collegiate Academy (ECA) for a five-year term effective
July 1, 2020, through June 30, 2025, under the authorization of the SBE and under the following conditions:

* The ECA charter term is for five years, effective July 1, 2020, and ending June 30, 2025, however, the school shall begin instruction between July 1, 2021, and September 30, 2021.
* ECA will provide evidence to the California Department of Education (CDE) by May 28, 2021, of prospective enrollment of 168 pupils, plus or minus 25 percent of that enrollment goal, for the 2021–22 school year.
* ECA will submit a plan to the CDE by October 1, 2020, that describes how ECA will implement the International Baccalaureate (IB) program. Thereafter, an annual update, due by October 1, will describe the prior year implementation outcomes, and the proposed IB implementation actions for the current academic year.
* All ECA facility improvements, including improvements to roadway access and occupancy permits, required to begin school operations in 2021 will be completed and ready for the CDE inspection on or before May 28, 2021.
* ECA will submit to the CDE a revised budget and a revised charter petition that addresses deficiencies and/or includes necessary language as outlined in the CDE staff analysis.

Additionally, the ECA Board must address the following findings:

* The CDE requires ECA to provide the necessary language in the petition to meet the requirement of Element 1: Description of Educational Program
(Enclosure 1, pp. 15–19). ECA must add language to the petition that includes an implementation plan and a professional development plan for the IB program at ECA, as well as a description for how English Learner pupils will receive targeted English Language Development instruction.
	+ - The CDE requires ECA to provide the necessary language in the petition to meet the requirement of Element 2: Measurable Pupil Outcomes (Enclosure 1, p. 20). ECA must add language to the petition that addresses increases in pupil academic achievement both schoolwide and for groups of pupils.
		- The CDE requires ECA to provide the necessary language in the petition to meet the requirement of Element 4: Governance Structure (Enclosure 1, pp. 22–23). ECA must add language that provides assurances that ECA is not in violation of its bylaws and confirms the number of parents, pupils, and community members selected to the site council.
		- The CDE requires ECA to provide the necessary language in the petition to meet the requirement of Element 5: Employee Qualifications (Enclosure 1, pp. 24–25). ECA must add language to identify those positions that ECA regards as key in each category and specify the additional qualifications expected of individuals assigned to those positions.

The revised petition is to be submitted in Microsoft Word format to the Charter Schools Division by email at sbeoversight@cde.ca.gov **within 60 days of the date of this letter.**

The CDE provides Enclosure 1 for your reference.

Pursuant to California *Education Code* Section 47604.32, Matthew Huddleston, Education Programs Consultant, will be the staff contact for ECA.

Additionally, as California Assessment of Student Performance and Progress data and fiscal reports become available, the CDE will continue to monitor the academic performance and fiscal viability of ECA, which could result in the CDE requesting a written response, an action plan, or additional documentation.

If you have any questions regarding this letter, please contact Carrie Lopes, Education Administrator, by phone at 916-323-2694 or by email at clopes@cde.ca.gov.

Sincerely,

/s/

Stephanie Farland, Director

Charter Schools Division

SF:mlh

Enclosure

cc: Karen Stapf Walters, Executive Director, California State Board of Education

Lisa Constancio, Deputy Superintendent, Operations and Administration Branch, California Department of Education

*Sent via First Class Mail and Email to:*

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## CHARTER SCHOOL PETITION REVIEW FORM:Eagle Collegiate Academy

CALIFORNIA DEPARTMENT OF EDUCATION

### Key Information Regarding Eagle Collegiate Academy

#### Proposed Grade Span and Build-Out Plan

##### Table 1: 2020–25 Proposed Enrollment

TK–transitional kindergarten/K–kindergarten

NA–Not Applicable. Grade levels not served.

| Grade | 2020–21 | 2021–22 | 2022–23 | 2023–24 | 2024–25 |
| --- | --- | --- | --- | --- | --- |
| TK/K | 48 | 48 | 48 | 48 | 48 |
| 1 | 48 | 48 | 48 | 48 | 48 |
|  2 | 48 | 48 | 48 | 48 | 48 |
|  3 | 24 | 48 | 48 | 48 | 48 |
|  4 | 0 | 24 | 48 | 48 | 48 |
|  5 | 0 | 24 | 48 | 48 | 48 |
|  6 | 0 | 0 | 25 | 50 | 50 |
|  7 | 0 | 0 | 0 | 50 | 50 |
|  8 | 0 | 0 | 0 | 0 | 50 |
|  9 | NA | NA | NA | NA | NA |
| 10 | NA | NA | NA | NA | NA |
| 11 | NA | NA | NA | NA | NA |
| 12 | NA | NA | NA | NA | NA |
| Total | 168 | 240 | 313 | 388 | 438 |

#### Proposed Location

Eagle Collegiate Academy (ECA) plans to lease a facility within the boundaries of Acton-Agua Dulce Unified School District (AADUSD). The ECA petitioners are currently in negotiations to lease a property on 13136 Sierra Highway, Agua Dulce, California.

#### Brief History

On September 26, 2019, the petitioner submitted the ECA petition to AADUSD. On November 14, 2019, AADUSD voted to deny the ECA petition by a vote of five to zero. On November 25, 2019, the petitioner submitted the ECA petition to the Los Angeles County Office of Education. On January 21, 2020, the Los Angeles County Board of Education voted to deny the ECA petition by a vote of six to zero.

The ECA petitioner submitted a petition to the State Board of Education (SBE) on January 27, 2020.

#### Lead Petitioner

Ogo Okoye-Johnson, Lead Petitioner

### SUMMARY OF REQUIRED CHARTER ELEMENTS PURSUANT TO CALIFORNIA *EDUCATION CODE* SECTION 47605(b)

| Charter Requirements Pursuant to CaliforniaEducation Code Section 47605(b) | Meets Requirements |
| --- | --- |
| Sound Educational Practice (California *Education Code* [*EC*] sections 47605[b] and [b][1]) | Yes |
| Ability to Successfully Implement the Intended Program (*EC* Section 47605[b][2]) | No |
| Required Number of Signatures (*EC* Section 47605[b][3]) | Yes |
| Affirmation of Specified Conditions (*EC* sections 47605[b][4] and [d]) | Yes |
| Exclusive Public School Employer (*EC* Section 47605[b][6]) | Yes |
| 1. Description of Educational Program (*EC* Section 47605[b][5][A])
 | No |
| 1. Measurable Pupil Outcomes (*EC* Section 47605[b][5][B])
 | No |
| 1. Method for Measuring Pupil Progress (*EC* Section 47605[b][5][C])
 | Yes |
| 1. Governance Structure (*EC* Section 47605[b][5][D])
 | No |
| 1. Employee Qualifications (*EC* Section 47605[b][5][E])
 | No |
| 1. Health and Safety Procedures (*EC* Section 47605[b][5][F])
 | Yes |
| 1. Racial and Ethnic Balance (*EC* Section 47605[b][5][G])
 | Yes |
| 1. Admission Requirements (*EC* Section 47605[b][5][H])
 | Yes |
| 1. Annual Independent Financial Audits (*EC* Section 47605[b][5][I])
 | Yes |
| 1. Suspension and Expulsion Procedures (*EC* Section 47605[b][5][J])
 | Yes |
| 1. Retirement Coverage (*EC* Section 47605[b][5][K])
 | Yes |
| 1. Public School Attendance Alternatives (*EC* Section 47605[b][5][L])
 | Yes |
| 1. Post-employment Rights of Employees (*EC* Section 47605[b][5][M])
 | Yes |
| 1. Dispute Resolution Procedures (*EC* Section 47605[b][5][N])
 | Yes |
| 1. Closure Procedures (*EC* Section 47605[b][5][O])
 | Yes |
| Standards, Assessments, and Parent Consultation (*EC* sections 47605[c][1] and [2]) | Yes |
| Effect on Authorizer and Financial Projections (*EC* Section 47605[g]) | Yes |
| Teacher Credentialing (*EC* Section 47605[l]) | Yes |
| Transmission of Audit Report (*EC* Section 47605[m]) | Yes |
| Goals to Address the Eight State Priorities (*EC* Section 47605[b][5][A][ii]) | No |
| Transferability of Secondary Courses (*EC* 47605 [b][5][A][iii]) | Yes |

**REQUIREMENTS FOR STATE BOARD OF EDUCATION-AUTHORIZED CHARTER SCHOOLS**

### Sound Educational Practice

*EC* sections 47605(b) and (b)(1)

*California Code of Regulations*, Title 5(5 *CCR*) sections 11967.5.1(a) and (b)

#### Evaluation Criteria

For purposes of *EC* Section 47605(b), a charter petition shall be “consistent with sound educational practice” if, in the SBE’s judgment, it is likely to be of educational benefit to pupils who attend. A charter school need not be designed or intended to meet the educational needs of every student who might possibly seek to enroll in order for the charter to be granted by the SBE.

For purposes of *EC* Section 47605(b)(1), a charter petition shall be “an unsound educational program” if it is either of the following:

1. A program that involves activities that the SBE determines would present the likelihood of physical, educational, or psychological harm to the affected pupils.
2. A program that the SBE determines not likely to be of educational benefit to the pupils who attend.

**The charter petition is “consistent with sound educational practice.”**

#### Comments

ECA intends to open in the 2020–21 school year with 168 pupils in K through grade three; add grade four and grade five in the second year of operation; and add grade six through grade eight, one grade per year, to serve 438 pupils in TK/K through grade eight in 2024–25. The California Department of Education (CDE) notes that the projected enrollment included in the ECA petition proposes to serve 15 pupils in a pre-K program for three and four year olds (Attachment 3, p. 36). ECA intends to locate within the boundaries of AADUSD.

The mission of ECA is to empower pupils to become self-confident, egalitarian, and authentic global citizens prepared for twenty-first century careers and responsibilities. The petition states that ECA will accomplish its mission through the following best practices (Attachment 3, pp. 17–21):

* Rigorous college preparatory emphasis
* International Baccalaureate (IB) programs
* Literacy competence develops life-long learners
* Teacher common planning time and teaming
* Diverse enrichment courses and activities for the whole child
* Parent and community partnerships

ECA will implement the following unifying core values that are embedded into the fabric of the instructional program (Attachment 3, p. 18):

* Scholarship
* Community
* Equity and access
* Integrity

ECA plans to become an IB school. The petition outlines ECA’s IB continuum implementation timeline, Primary Years Program (PYP) for K through grade five, Middle Years Program (MYP) for grade six through grade ten, and Diploma Program (DP) for grade eleven through grade twelve, which is aligned with the Common Core State Standards. The goal of the IB program is to develop pupils according to the IB learner profile. IB learners are inquirers, knowledgeable, thinkers, communicators, principled, open-minded, caring, risk-takers, balanced, and reflective. The petition contains a visual representation of the IB continuum implementation depicting how ECA will be an IB candidate school by the school’s opening in August 2020. The ECA petition states the following about each level of the IB continuum (Attachment 3, pp. 44–49):

* PYP–The program aims to create a transdisciplinary curriculum that is engaging, relevant, challenging, and significant for learners.
* MYP–The program is rigorous and encourages pupils to make practical connections between their lessons and the real world.
* DP–The program will benefit pupils with the breadth and depth of knowledge who demonstrate high physical, intellectual, emotional, and ethical standards.

### Ability to Successfully Implement the Intended Program

*EC* Section 47605(b)(2)

5 *CCR* Section 11967.5.1(c)

#### Evaluation Criteria

For purposes of *EC* Section 47605(b)(2), the SBE shall take the following factors into consideration in determining whether charter petitioners are "demonstrably unlikely to successfully implement the program":

1. If the petitioners have a past history of involvement in charter schools or other education agencies (public or private), the history is one that the SBE regards as unsuccessful, e.g., the petitioners have been associated with a charter school of which the charter has been revoked or a private school that has ceased operation for reasons within the petitioners’ control.
2. The petitioners are unfamiliar, in the SBE’s judgment, with the content of the petition or the requirements of law that would apply to the proposed charter school.
3. The petitioners have presented an unrealistic financial and operational plan for the proposed charter school (as specified).
4. The petitioners personally lack the necessary background in the following areas critical to the charter school’s success, and the petitioners do not have a plan to secure the services of individuals who have the necessary background in curriculum, instruction, assessment, and finance and business management.

**The petitioners are not able to successfully implement the intended program.**

#### Comments

##### Inability to Implement

###### COVID-19 Impact

The state is in an unprecedented time. Due to COVID-19 and the fiscal implications resulting from this pandemic, the CDE felt it necessary to provide an additional fiscal review of all appeals. The CDE has completed this review of the school’s budget and fiscal projections using the latest Local Control Funding Formula (LCFF) calculator, which was developed by the Fiscal Crisis and Management Assistance Team (FCMAT) and based on the May Revise that was released on May 22, 2020, which assumes the 10 percent cut to the LCFF. The recalculation and review for this school is included at the end of this section.

###### Fiscal Analysis

The ECA multi-year projected budget includes the following projected pupil enrollment (Attachment 4):

* 168 TK through grade three in 2020–21
* 240 TK through grade five in 2021–22
* 313 TK through grade six in 2022–23

To be fiscally solvent, the budget plan requires the school to meet its enrollment and average daily attendance projections each year.

The CDE reviewed ECA’s budget and multi-year fiscal plan and determined that the projected budget is not viable in its first year of operation but is viable in the second and third years of operation as follows:

* Fiscal year (FY) 2020–21: Negative ending fund balance of $64,815 with no reserve
* FY 2021–22: Positive ending fund balance of $181,361 with reserves of 7.9 percent
* FY 2022–23: Positive ending fund balance of $555,334 with reserves of 18.6 percent

If approved by the SBE, as a condition for approval, the ECA petitioner will be required to revise the petition to include a revised budget.

###### Aggressive Enrollment/Program Implications

The petitioner does not present a sound plan for its projected enrollment layout. The plan relies on aggressive enrollment and growth to cover expenditures.

The enrollment projections for the school are aggressive with the petitioner proposing to open with 168 pupils in 2020–21 and grow 38 percent to serve 438 pupils in 2024–25. The petitioner states they have received 400 meaningful intent to enroll forms from parents.

The petitioner proposes to open with 168 pupils in K through grade three in the first year of operation; add grade four and grade five in the second year of operation; and add grade six through grade eight, one grade per year, over the subsequent three years of the charter term. ECA proposes to grow from serving 168 to 438 pupils, which is an increase of 38 percent over five years, while also implementing an IB continuum. The concerns regarding aggressive enrollment are compounded by the size of the school district in which the petitioner is proposing to locate. The petitioner is looking to lease a facility within the boundaries of AADUSD. The district is small, serving approximately 1,085 pupils, and is comprised of one elementary school, one junior high school, and one high school. The average enrollment by grade level of each of these schools ranges from 50 to 100 pupils. The majority of the enrollment at the district is from nonclassroom-based charter schools.

According to the petition, the school will be an IB candidate by the school’s opening in August 2020. Because of the complexities of implementing an IB program for K through grade three in the first year, the CDE is concerned about the ability of the petitioner to recruit staff, create a high-quality instructional program, initiate the administrative processes and facilities needed for all grade levels, and meet the requirements for the IB program. The level of professional development for IB teachers is extensive. Professional development for IB teachers must be structured in order for the school to remain consistent with the IB education model across all grade levels (Attachment 3, pp. 44–48). The CDE notes that if teachers taught only one discipline, ECA would possibly need 32 single subject credentialed teachers given the IB program ECA has described in the petition.

###### Facilities

The petition states that ECA plans to lease a facility within the geographic boundaries of AADUSD and has enlisted a local commercial real estate broker to help identify potential private real estate options. ECA is negotiating leasing a property on 13136 Sierra Highway, Agua Dulce, California, and has submitted a lease agreement proposal and received a confirmation email acknowledging receipt from the owner of the property (Attachment 10). The CDE notes that the lease agreement is not signed and states the lease is $8,000 per month for a term that begins on July 1, 2020. The lease agreement does not list when the term ends.

The ECA petition states that the property was recently used as a church with functional utilities and amenities. ECA will work in conjunction with the owner to ensure that the Certificate of Occupancy is issued prior to the school opening. ECA is budgeting $96,000 in rent and $150,000 for tenant improvements for the first year of operation (Attachment 4 and Attachment 10).

The petition states that the property will serve the following uses:

* Twenty classrooms
* Offices and reception area
* Specialty rooms
* Outdoor area
* Technology infrastructure

During a February 18, 2020, phone call with the ECA petitioner, the CDE confirmed that the petitioner plans to add modular buildings on the proposed leased property on Sierra Highway in order to accommodate the projected enrollment outlined in the petition, as follows:

* 2020–21: 8 classrooms–no modular buildings will need to be added in ECA’s first year of operation
* 2021–22: 10 classrooms–ECA will add one double modular building
* 2022–23: 14 classrooms–ECA will add two double modular buildings
* 2023–24: 18 classrooms–ECA will add two double modular buildings
* 2024–25: 22 classrooms–ECA will add two double modular buildings

Additionally, Eagle Collegiate Academy Foundation has notified the owners of the following properties of the intention to negotiate the sale of the respective lots as alternative sites for the school:

* 15 Vac/Vic Deerglen Lane, Agua Dulce, California
* 0 Alpine Street, Agua Dulce, California
* 9807 Sierra Highway, Agua Dulce, California

The CDE notes that the AADUSD findings show that the petitioners underestimate facility costs. The petitioner budgets $2,500 to $2,800 annually for building repairs and maintenance, and $10,000 to $29,466 annually for housekeeping services, thus underestimating the likely expenses for maintaining an active, working campus. The AADUSD findings also state that the estimated $100,000-worth of improvements required to be made in order to have the building ready within three months is a low estimate given the staff’s experience with school construction projects. Additionally, regardless of the number of portables added, the AADUSD findings state that the site appears incapable of housing 500 pupils, which is what ECA projects to enroll in 2024–25. AADUSD determined that the proposed site was not feasible and is unsafe for pupils, and that the proposed budget insufficiently covers the cost of making the site safe and suitable for pupils (Attachment 6, pp. 8–9).

The CDE notes that the leasing costs for the proposed double modular buildings are incorporated into the budget that was submitted and are as follows: FY 2021–22: $25,200; FY 2022–23: $75,600; FY 2023–24: $100,800; and FY 2024–25: $126,000. The CDE is unclear on the actual size and cost of the double modular buildings; therefore, if approved by the SBE, the ECA petitioner must submit a budget plan and purchase agreement for the proposed modular buildings.

###### Fiscal Analysis Based on May Revise

The ECA multi-year projected budget was calculated using an older version of the FCMAT LCFF calculator. Therefore, the CDE used the Governor’s FY 2020–21 May Revise to recalculate ECA’s LCFF revenue. The CDE finds that ECA has overstated the LCFF revenue by $162,659; $240,765; and $316,585 for FY 2020–21 through 2022–23, respectively. Accordingly, the CDE adjusted the LCFF revenue for FY 2020–21 through 2022–23 in the budget analysis.

The CDE concludes that the ECA projected budget is not viable with the projected enrollment of 168, 240, and 313 and negative ending fund balances of $217,239; $195,478; and $106,815 with no reserves for FY 2020–21 through 2022–23, respectively.

### Required Number of Signatures

*EC* Section 47605(b)(3)

5 *CCR* Section 11967.5.1(d)

#### Evaluation Criteria

For purposes of *EC* Section 47605(b)(3), a charter petition that “does not contain the number of signatures required by [law]” …, shall be a petition that did not contain the requisite number of signatures at the time of its submission …

**The petition does contain the required number of signatures at the time of its submission.**

#### Comments

The ECA petition does contain the required number of teacher signatures at the time of its submission.

### Affirmation of Specified Conditions

*EC* sections 47605(b)(4) and (d)

5 *CCR* Section 11967.5.1(e)

#### Evaluation Criteria

For purposes of *EC* Section 47605(b)(4), a charter petition that "does not contain an affirmation of each of the conditions described in (*EC* Section 47605[d])" …, shall be a petition that fails to include a clear, unequivocal affirmation of each such condition. Neither the charter nor any of the supporting documents shall include any evidence that the charter will fail to comply with the conditions described in *EC* Section 47605(d).

| Criteria | Criteria Met |
| --- | --- |
| 1. [A] charter school shall be nonsectarian in its programs, admission policies, employment practices, and all other operations, shall not charge tuition, and shall not discriminate against a pupil on the basis of disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or any other characteristic that is contained in the definition of hate crimes set forth in Section 422.55 of the California *Penal Code*. Except as provided in paragraph (2), admission to a charter school shall not be determined according to the place of residence of the pupil, or of his or her parent or guardian, within this state, except that any existing public school converting partially or entirely to a charter school under this part shall adopt and maintain a policy giving admission preference to pupils who reside within the former attendance area of that public school.
 | Yes |
| 1. (A) A charter school shall admit all pupils who wish to attend the school.
2. If the number of pupils who wish to attend the charter school exceeds the charter school’s capacity, attendance, except for existing pupils of the charter school, shall be determined by a public random drawing. Preference shall be extended to pupils currently attending the charter school and pupils who reside in the school district except as provided for in Section 47614.5. Preferences, including, but not limited to, siblings of pupils admitted or attending the charter school and children of the charter school’s teachers, staff, and founders identified in the initial charter, may also be permitted by the chartering authority on an individual charter school basis.
3. In the event of a drawing, the chartering authority shall make reasonable efforts to accommodate the growth of the charter school and, in no event, shall take any action to impede the charter school from expanding enrollment to meet pupil demand.
 | Yes |
| 1. If a pupil is expelled or leaves the charter school without graduating or completing the school year for any reason, the charter school shall notify the superintendent of the school district of the pupil’s last known address within 30 days, and shall, upon request, provide that school district with a copy of the cumulative record of the pupil, including a transcript of grades or report card, and health information. This paragraph applies only to pupils subject to compulsory full-time education pursuant to *EC* Section 48200.
 | Yes |

**The petition does contain the required affirmations.**

#### Comments

The ECA petition does contain the required affirmations (Attachment 3, pp. 3–5); however, the Affirmations and Assurances pages of the petition are not signed by the petitioner.

If approved by the SBE, as a condition for approval, the ECA petitioner will be required to submit a signed copy of the Affirmations and Assurances section of the petition.

### Exclusive Public School Employer

*EC* Section 47605(b)(6)

5 *CCR* Section 11967.5.1(f)(15)

#### Evaluation Criteria

The declaration of whether or not the district shall be deemed the exclusive public school employer of the employees of the charter school for the purposes of the Educational Employment Relations Act (Chapter 10.7 [commencing with Section 3540] of Division 4 of Title 1 of the California *Government Code*), as required by *EC* Section 47605(b)(6), recognizes that the SBE is not an exclusive public school employer and that, therefore, the charter school must be the exclusive public school employer of the employees of the charter school for the purposes of the Educational Employment Relations Act (EERA).

**The petition does include the necessary declaration.**

#### Comments

The ECA petition does include the necessary declaration (Attachment 3, p. 3).

**THE 15 CHARTER ELEMENTS**

### 1. Description of Educational Program

*EC* Section 47605(b)(5)(A)

5 *CCR* Section 11967.5.1(f)(1)

#### Evaluation Criteria

The description of the educational program …, as required by *EC* Section 47605(b)(5)(A), at a minimum:

| Criteria | Criteria Met |
| --- | --- |
| 1. Indicates the proposed charter school’s target student population, including, at a minimum, grade levels, approximate numbers of pupils, and specific educational interests, backgrounds, or challenges.
 | Yes |
| 1. Specifies a clear, concise school mission statement with which all elements and programs of the school are in alignment and which conveys the petitioners' definition of an "educated person” in the twenty-first century, belief of how learning best occurs, and goals consistent with enabling pupils to become or remain self-motivated, competent, and lifelong learners.
 | Yes |
| 1. Includes a framework for instructional design that is aligned with the needs of the pupils that the charter school has identified as its target student population.
 | No |
| 1. Indicates the basic learning environment or environments (e.g., site-based matriculation, independent study, community-based education, technology-based education).
 | Yes |
| 1. Indicates the instructional approach or approaches the charter school will utilize, including, but not limited to, the curriculum and teaching methods (or a process for developing the curriculum and teaching methods) that will enable the school’s pupils to master the content standards for the four core curriculum areas adopted by the SBE pursuant to *EC* Section 60605 and to achieve the objectives specified in the charter.
 | Yes |
| 1. Indicates how the charter school will identify and respond to the needs of pupils who are not achieving at or above expected levels.
 | Yes |
| 1. Indicates how the charter school will meet the needs of students with disabilities, English learners, students achieving substantially above or below grade level expectations, and other special student populations.
 | No |
| 1. Specifies the charter school’s special education plan, including, but not limited to, the means by which the charter school will comply with the provisions of *EC* Section 47641, the process to be used to identify students who qualify for special education programs and services, how the school will provide or access special education programs and services, the school’s understanding of its responsibilities under law for special education pupils, and how the school intends to meet those responsibilities.
 | Yes |

**The petition does not overall present a reasonably comprehensive description of the educational program.**

#### Comments

The ECA petition does not, overall, present a reasonably comprehensive description of the educational program. The petition does not include a reasonably descriptive plan for the implementation of the IB PYP, MYP, and DP at ECA nor does it include a reasonable comprehensive description of the professional development (PD) plan for IB teacher training. Additionally, the ECA petition does not sufficiently describe how English learners (ELs) will receive targeted English language development (ELD) instruction.

If approved by the SBE, as a condition for approval, the ECA petitioner will be required to revise the petition to include the necessary language for Element 1–Description of Educational Program by including an implementation plan and a PD plan for the IB program at ECA as well as a description for how EL pupils will receive targeted ELD instruction.

##### Educational Program

The petition states that ECA will offer a robust college preparatory program with rigorous honors, advanced placement (AP) courses, and IB courses to ensure that ECA pupils graduate with the required skills to be successful in college and chosen career fields. ECA plans to become an IB school offering the IB PYP, MYP, and DP; however, the petition does not sufficiently describe the teaching methodologies to be used with the intended pupil population, with language based on IB pedagogy, and for the instruction scope and sequence skills in each subject. The petition states that literacy will be infused in all content areas through the use of graphic organizers and tools that enhance literacy across all the content areas. The petition states that adequate common planning time will be provided for teachers to plan, collaborate, share best practices, and conduct vertical articulation of the skills and activities that begin in preschool and that will prepare pupils to be successful in college. ECA will offer relevant enrichment courses and creative extracurricular programs that will develop the innate and acquired talents of pupils. The petition states ECA will work collaboratively with parents and community members to ensure the success of ECA pupils by providing opportunities to involve all stakeholders in decision-making and implementation of school programs.

##### Plan for Low-Achieving Pupils

The petition states that ECA will initiate universal assessments in math and literacy for all pupils entering ECA in order to identify academically low-achieving pupils and allow ECA to target interventions to the most at-risk pupils from the beginning of school. Additionally, teachers will assess pupils through informal measures such as checklists, running records, class work, and observations, and will use the results from the assessments to design instruction and pupil support. The pupil support program at ECA will include the student success team and response to intervention processes. The petition lists the following interventions to be given to pupils depending on identified needs (Attachment 3, pp. 90–95):

* Instructional activities and/or materials modified to accommodate the pupil’s specific academic needs
* Supplemental math lab, writing lab, and literacy lab in the academic center to close skill gaps, or a study hall period to help pupils stay on pace
* Additional help during the school day from teachers, support staff, peers, and/or volunteer tutors
* Supplemental instruction, including extra help and/or targeted academic interventions to raise skills to grade level

##### Plan for High-Achieving Pupils

The ECA petition states that academically high-achieving pupils will be identified using the results of the California Assessment of Student Performance and Progress, school-wide benchmark assessments, classroom assessments, and/or classroom observations. The petition lists the following strategies to be used to support pupils who are academically high-achieving (Attachment 3, pp. 95–96):

* Pupils at the elementary level could read ahead and complete comprehension activities while the teachers works with the rest of the class
* Pupils at the secondary level could be challenged to develop projects and prototypes of concepts under study that require extensive engagement with local and global industry partners
* Multi-age groups in math classes, honors classes, AP classes, and the IB program
* Pairing high-achieving pupils with low-performing pupils to serve as peer tutors for a small portion of the day to develop leadership and social skills, and deepen their own understanding
* Participation in college preparatory electives such as Nano Technology, Aerospace Engineering, and Environmental Science
* Participation in enrichment activities during and after school

##### Plan for English Learners

The petition states that ECA will comply with all applicable federal and state legal requirements for ELs and applicable district mandates as they pertain to annual notification to parents, pupil identification, placement, program options, EL and core content instruction, teacher qualifications and training, reclassification to fluent English proficient status, monitoring and evaluation program effectiveness, and standardized testing requirements. The petition states that ECA will develop an EL plan, which will document identification, services, program, and evaluation, and will be evaluated and revised annually to ensure that ECA complies with all legal requirements and meets the rights of all pupils and parents. The petition states that families will complete a home language survey, which will indicate whether pupils speak a language other than English at home, and will be given the English Language Proficiency Assessment for California within 30 calendar days of initial enrollment. ELs will receive specific instruction in ELD during the school day through integrated or designated ELD instruction. However, the petition also states that pupils will be placed in appropriate English classes with the correct EL classification based on the results of their tests (Attachment 3, p. 60). Thus, it is unclear how ECA will use a pupil’s EL classification for placement and how this placement will affect the targeted ELD instruction the EL pupil will receive. The ECA petition states that teachers will incorporate the following six research based key strategies to support ELs (Attachment 3, pp. 97–110):

1. Vocabulary and language development
2. Guided interaction (collaborative learning)
3. Metacognition and authentic assessment
4. Explicit instruction
5. Meaning-based context and universal themes
6. Modeling, graphic organizers, and visuals

The petition states that reclassified fluent English proficient pupils will be monitored for four years after reclassification.

##### Plan for Special Education

The petition states that ECA shall comply with all applicable state and federal laws in serving pupils with disabilities, including, but not limited to, Section 504 of the Rehabilitation Act, the Americans with Disabilities Act, and the Individuals with Disabilities in Education Improvement Act. The petition states that ECA intends to be categorized as a public school of the district in accordance with *EC* Section 47641(b). The ECA petition identifies a plan for pupils with disabilities, including identification, referral for assessment, development and implementation of the Individualized Education Program, interim and initial placements, special education strategies for instruction and services, staffing, and reporting. The petition also outlines the ECA proposed IB inclusion policy (Attachment 3, pp. 110–130).

### 2. Measurable Pupil Outcomes

*EC* Section 47605(b)(5)(B)

5 *CCR* Section 11967.5.1(f)(2)

#### Evaluation Criteria

Measurable pupil outcomes, as required by *EC* Section 47605(b)(5)(B), at a minimum:

| Criteria | Criteria Met |
| --- | --- |
| 1. Specify skills, knowledge, and attitudes that reflect the school’s educational objectives and can be assessed, at a minimum, by objective means that are frequent and sufficiently detailed enough to determine whether pupils are making satisfactory progress. It is intended that the frequency of objective means of measuring pupil outcomes vary according to such factors as grade level, subject matter, the outcome of previous objective measurements, and information that may be collected from anecdotal sources. To be sufficiently detailed, objective means of measuring pupil outcomes must be capable of being used readily to evaluate the effectiveness of and to modify instruction for individual students and for groups of students.
 | No |
| 1. Include the school’s API growth target, if applicable.
 | Not Applicable |

**The petition does not present a reasonably comprehensive description of measurable pupil outcomes.**

#### Comments

The ECA petition does not present a reasonably comprehensive description of measurable pupil outcomes. The ECA petition includes a table that outlines the actions, measurable outcomes, method of measurement, and person(s) responsible aligned to each of the eight state priorities (Attachment 3, pp. 142–162); however, the petition does not outline measurable pupil outcomes that address increases in pupil academic achievement both schoolwide and for groups of pupils.

### 3. Method for Measuring Pupil Progress

*EC* Section 47605(b)(5)(C)

5 *CCR* Section 11967.5.1(f)(3)

#### Evaluation Criteria

The method for measuring pupil progress, as required by *EC* Section 47605(b)(5)(C), at a minimum:

| Criteria | Criteria Met |
| --- | --- |
| 1. Utilizes a variety of assessment tools that are appropriate to the skills, knowledge, or attitudes being assessed, including, at minimum, tools that employ objective means of assessment consistent with the measurable pupil outcomes.
 | Yes |
| 1. Includes the annual assessment results from the Standardized Testing and Reporting (STAR) program.
 | Not Applicable |
| 1. Outlines a plan for collecting, analyzing, and reporting data on pupil achievement to school staff and to pupils’ parents and guardians, and for utilizing the data continuously to monitor and improve the charter school’s educational program.
 | Yes |

**The petition does present a reasonably comprehensive description of the method for measuring pupil progress.**

#### Comments

The ECA petition does present a reasonably comprehensive description of the method for measuring pupil progress. The petition includes a table outlining the type of assessment, description, score significance, purpose, format, and frequency of the assessment (Attachment 3, pp. 164–166). The petition states that all stakeholders at ECA will be actively involved in the analysis and reporting of data and that data will be reviewed at the individual pupil level, by classroom cohorts, and schoolwide to monitor specific groups of pupils and the effectiveness of various programs and interventions. ECA’s pupil performance data will be sent to parents/guardians in the form of progress reports, report cards, standardized test scores, and EL progress towards English proficiency. The petition states that the ECA Board of Directors, administrators, teachers, pupils, and parents will use data to establish, evaluate, and improve the educational program and school policies (Attachment 3, pp. 162–170).

### 4. Governance Structure

*EC* Section 47605(b)(5)(D)

5 *CCR* Section 11967.5.1(f)(4)

#### Evaluation Criteria

The governance structure of the charter school, including, but not limited to, the process … to ensure parental involvement …, as required by *EC* Section 47605(b)(5)(D), at a minimum:

| Criteria | Criteria Met |
| --- | --- |
| 1. Includes evidence of the charter school’s incorporation as a non-profit public benefit corporation, if applicable.
 | Yes |
| 1. Includes evidence that the organizational and technical designs of the governance structure reflect a seriousness of purpose necessary to ensure that:
	1. The charter school will become and remain a viable enterprise.
	2. There will be active and effective representation of interested parties, including, but not limited to parents (guardians).
	3. The educational program will be successful.
 | No |

**The petition does not present a reasonably comprehensive description of the school’s governance structure.**

#### Comments

The petition does not present a reasonably comprehensive description of the ECA governance structure. The ECA petition states that the ECA Board will have four positions—president, vice president, secretary, and treasurer—that appear to be filled by Board members and that the compensation committee will be responsible for reviewing and recommending compensation of officers to the Board (Attachment 3, pp. 173 and 175). Thus, it appears the officers who are Board members will be compensated for their service. This conflicts with Section 5.4 of ECA’s bylaws, which state that Board members and directors are not compensated (Attachment 8, p. 6). If the office is chosen from ECA’s Board, this may conflict with ECA’s bylaws that no directors serving at any time may be a current employee of the corporation (Attachment 8, p. 11).

The petition states that ECA’s school site council will be comprised as follows: 40 percent teachers, 10 percent classified staff, 10 percent Chief Executive Officer (CEO), 20 percent pupils, and 20 percent parents. This violates *EC* sections 65000(c)(1)(B) and 65000(c)(2)(B), which require that the number of parents, pupils, and community members selected equal the number of school members selected. The ECA petition does not show nor state that it will comply with the requirements of California *Government Code* (*GC*) Section 1090 as required by *EC* Section 47604.1(b)(3).

If approved by the SBE, as a condition for approval, the petitioner will be required to provide assurances that ECA is not in violation of its bylaws; confirm that the number parents, pupils, and community members selected equal the number of school members selected; and state that ECA will comply with the requirements of California *GC* Section 1090.

### 5. Employee Qualifications

*EC* Section 47605(b)(5)(E)

5 *CCR* Section 11967.5.1(f)(5)

#### Evaluation Criteria

The qualifications (of the school’s employees), as required by *EC* Section 47605(b)(5)(E), at a minimum:

| Criteria | Criteria Met |
| --- | --- |
| 1. Identify general qualifications for the various categories of employees the school anticipates (e.g., administrative, instructional, instructional support, non-instructional support). The qualifications shall be sufficient to ensure the health and safety of the school’s faculty, staff, and pupils.
 | Yes |
| 1. Identify those positions that the charter school regards as key in each category and specify the additional qualifications expected of individuals assigned to those positions.
 | No |
| 1. Specify that all requirements for employment set forth in applicable provisions of law will be met, including, but not limited to, credentials as necessary.
 | Yes |

**The petition does not present a reasonably comprehensive description of employee qualifications.**

#### Comments

The ECA petition does not present a reasonably comprehensive description of employee qualifications. The petition states that key positions and expected qualifications of the employees in the respective key positions have been described in each category; however, the petition does not identify those positions nor does it specify the additional qualifications expected of individuals assigned to those positions (Attachment 3, pp. 180–188). The CDE notes that if teachers taught only one discipline, ECA would possibly need 32 single subject credentialed teachers given the IB program ECA has described in the petition.

The petition describes three categories of professional development pertaining to IB training as follows (Attachment 3, pp. 187–188):

* Category One: Training ensures teachers and leaders understand the nature of the IB program and the approaches for teaching and learning.
* Category Two: Training is designed to advance implementation for those who have been implementing IB programs for enough time that they have started to make their own informed decision about their practice.
* Category Three: Training focuses on specific components of an IB education so that schools advance in specialized and unique areas.

The petition states that while IB does not require teachers to be trained before the opening of school, ECA plans to train teachers before the opening in an IB in-school workshop during ECA Summer Institute (Attachment 3, p. 187).

The SBE requires all SBE-authorized charter school to comply with *EC* Section 47605.6(l) (effective July 1, 2020), which requires teachers in charter schools to hold a Commission on Teacher Credentialing certificate, permit, or other document required for the teacher’s certificated assignment.

If approved by the SBE, as a condition for approval, the ECA petitioner will be required to revise the petition to include the necessary language for Element 5–Employee Qualifications by identifying those positions that ECA regards as key in each category and specifying the additional qualifications expected of individuals assigned to those positions.

### 6. Health and Safety Procedures

*EC* Section 47605(b)(5)(F)

5 *CCR* Section 11967.5.1(f)(6)

#### Evaluation Criteria

The procedures …, to ensure the health and safety of pupils and staff, as required by *EC* Section 47605(b)(5)(F), at a minimum:

| Criteria | Criteria Met |
| --- | --- |
| 1. Require that each employee of the school furnish the school with a criminal record summary as described in *EC* Section 44237 and comply with *EC* Section 44830.1.
 | Yes |
| 1. Include the examination of faculty and staff for tuberculosis as described in *EC* Section 49406.
 | Yes |
| 1. Require immunization of pupils as a condition of school attendance to the same extent as would apply if the pupils attended a non-charter public school.
 | Yes |
| 1. Provide for the screening of pupils’ vision and hearing and the screening of pupils for scoliosis to the same extent as would be required if the pupils attended a non-charter public school.
 | Yes |

**The petition does present a reasonably comprehensive description of health and safety procedures.**

#### Comments

The ECA petition does present a reasonably comprehensive description of health and safety procedures. The petition states that ECA will adopt and implement health and safety policies and procedures, and risk management policies in consultation with insurance carriers and risk management experts. The petition states that ECA will develop, review, and annually update ECA’s school safety plan pursuant to *EC* Section 47605(b)(5)(F)(ii)(iii). The petition states that employees and contractors of ECA will be required to submit a criminal background check and furnish a criminal record summary as required by *EC* sections 44237 and 45125.1. ECA’s faculty, staff, and any volunteer or vendor/contracting entity employee who may have frequent or prolonged contact with pupils, will be assessed and examined for tuberculosis prior to commencing employment and working with pupils, and for employees at least once every four years thereafter, as required by *EC* Section 49406. The petition states that ECA shall adhere to all laws related to legally required immunizations for entering pupils as is required at public schools pursuant to *Health and Safety Code* sections 120325 through 120375 and *California Code of Regulations*, Title 17 sections 6000 through 6075. Pupils will be screened for vision, hearing, and scoliosis (Attachment 3, pp. 189–195).

The CDE notes that the petition does not state that ECA will comply with *EC* Section 44830.1. If approved by the SBE, as a condition for approval, the ECA petitioner will be required to revise the petition in order to reflect the SBE as the authorizer and include the necessary language for Element 6–Health and Safety Procedures that ECA will comply with *EC* Section 44830.1.

### 7. Racial and Ethnic Balance

*EC* Section 47605(b)(5)(G)

5 *CCR* Section 11967.5.1(f)(7)

#### Evaluation Criteria

Recognizing the limitations on admissions to charter schools imposed by *EC* Section 47605(d), the means by which the school(s) will achieve a racial and ethnic balance among its pupils that is reflective of the general population residing within the territorial jurisdiction of the school district …, as required by *EC* Section 47605(b)(5)(G), shall be presumed to have been met, absent specific information to the contrary.

**The petition does present a reasonably comprehensive description of means for achieving racial and ethnic balance.**

#### Comments

The ECA petition does present a reasonably comprehensive description of means for achieving racial and ethnic balance. The petition states that through outreach efforts, ECA will ensure that pupils that are reflective of the demographic makeup of all district schools, including ELs and pupils with disabilities, and the demographics of the surrounding communities in which ECA families reside, are recruited (Attachment 3, pp. 196–200).

### 8. Admission Requirements, If Applicable

*EC* Section 47605(b)(5)(H)

5 *CCR* Section 11967.5.1(f)(8)

#### Evaluation Criteria

To the extent admission requirements are included in keeping with *EC* Section 47605(b)(5)(H), the requirements shall be in compliance with the requirements of *EC* Section 47605(d)(2)(B) and any other applicable provision of law.

**The petition does present a reasonably comprehensive description of admission requirements.**

#### Comments

The ECA petition does present a reasonably comprehensive description of admission requirements. The petition states that ECA shall admit all pupils who wish to attend and that no test or assessment shall be administered to pupils prior to acceptance and enrollment into ECA. ECA shall adhere to the provisions of the McKinney-Vento Homeless Assistance Act and ensure that each child of a homeless individual and each homeless youth has equal access to the same free, appropriate public education as provided to other children and youths. The petition states that admission preferences in the case of a public random drawing shall be given to the following pupils in the following order (Attachment 3, pp. 201–204):

* Pupils who are currently enrolled (exempt from the drawing pursuant to *EC* Section 47605[d][2][B])
* Siblings of enrolled pupils (includes all siblings and step-siblings living within the same household)
* Residents of the AADUSD attendance area as required by *EC* Section 47605(d)(2)(B)
* Children of ECA’s founding families, Board members, and employees, not to exceed 10 percent of the total enrollment
* Pupils who meet the California state definition of socioeconomically disadvantaged
* All other applicants

The SBE has the discretion to approve the proposed preferences in the ECA petition at a public hearing.

### 9. Annual Independent Financial Audits

*EC* Section 47605(b)(5)(I)

5 *CCR* Section 11967.5.1(f)(9)

#### Evaluation Criteria

The manner in which annual, independent financial audits shall be conducted, which shall employ generally accepted accounting principles, and the manner in which audit exceptions and deficiencies shall be resolved to the SBE’s satisfaction, as required by *EC* Section 47605(b)(5)(I), at a minimum:

| Criteria | Criteria Met |
| --- | --- |
| 1. Specify who is responsible for contracting and overseeing the independent audit.
 | Yes |
| 1. Specify that the auditor will have experience in education finance.
 | Yes |
| 1. Outline the process of providing audit reports to the SBE, CDE, or other agency as the SBE may direct, and specifying the timeline in which audit exceptions will typically be addressed.
 | Yes |
| 1. Indicate the process that the charter school(s) will follow to address any audit findings and/or resolve any audit exceptions.
 | Yes |

**The petition does present a reasonably comprehensive description of annual independent financial audits.**

#### Comments

The ECA petition does present a reasonably comprehensive description of annual independent financial audits (Attachment 3, p. 205).

### 10. Suspension and Expulsion Procedures

*EC* Section 47605(b)(5)(J)

5 *CCR* Section 11967.5.1(f)(10)

#### Evaluation Criteria

The procedures by which pupils can be suspended or expelled, as required by *EC* Section 47605(b)(5)(J), at a minimum:

| Criteria | Criteria Met |
| --- | --- |
| 1. Identify a preliminary list, subject to later revision pursuant to subparagraph (E), of the offenses for which students in the charter school must (where non-discretionary) and may (where discretionary) be suspended and, separately, the offenses for which students in the charter school must (where non-discretionary) or may (where discretionary) be expelled, providing evidence that the petitioners’ reviewed the offenses for which students must or may be suspended or expelled in non-charter public schools.
 | Yes |
| 1. Identify the procedures by which pupils can be suspended or expelled.
 | Yes |
| 1. Identify the procedures by which parents, guardians, and pupils will be informed about reasons for suspension or expulsion and of their due process rights in regard to suspension or expulsion.
 | Yes |
| 1. Provide evidence that in preparing the lists of offenses specified in subparagraph (A) and the procedures specified in subparagraphs (B) and (C), the petitioners reviewed the lists of offenses and procedures that apply to students attending non-charter public schools, and provide evidence that the charter petitioners believe their proposed lists of offenses and procedures provide adequate safety for students, staff, and visitors to the school and serve the best interests of the school’s pupils and their parents (guardians).
 | Yes |
| 1. If not otherwise covered under subparagraphs (A), (B), (C), and (D):
2. Provide for due process for all pupils and demonstrate an understanding of the rights of pupils with disabilities in regard to suspension and expulsion.
3. Outline how detailed policies and procedures regarding suspension and expulsion will be developed and periodically reviewed, including, but not limited to, periodic review and (as necessary) modification of the lists of offenses for which students are subject to suspension or expulsion.
 | Yes |

**The petition does present a reasonably comprehensive description of suspension and expulsion procedures.**

#### Comments

The ECA petition does present a reasonably comprehensive description of suspension and expulsion procedures.

Addressing evaluation criteria A, B, and D, the petition states that the pupil suspension and expulsion policy has been established in order to promote learning and protect the safety and well-being of all pupils at ECA. The petition lists discretionary and non-discretionary offenses and procedures for suspension and expulsion (Attachment 3, pp. 208–224). Additionally, the petition states that ECA is committed to the annual review and modification of the list of offenses, and policies and procedures surrounding suspensions and expulsions (Attachment 3, p. 206). The petition states that no pupil shall be involuntarily removed by ECA for any reason unless the parent or guardian of the pupil has been provided written notice of intent to remove the pupil no less than five school days before the effective date of the action (Attachment 3, p. 208). Additionally, the petition states that a pupil may be expelled by the neutral and impartial Administrative Panel, to be assigned by the ECA Board, following a hearing before it, or by the Board upon an appeal. The Administrative Panel will not include any of the administrators involved in the initial student discipline and shall consist of at least three members who are certificated and neither a teacher of the pupil nor a Board member (Attachment 3, p. 219).

Addressing evaluation criteria C and E, the ECA petition states that when an appeal relating to the placement of the pupil or the manifestation determination has been requested by either the parent or ECA, the pupil will remain in the interim alternative educational setting pending the decision of the hearing officer in accordance with state and federal law, including 20 *United States Code* (*USC*) Section 1415(k), until the expiration of the 45-day time period provided for in an interim alternative educational setting, unless the parent and ECA agree otherwise. In accordance with 20 *USC* Section 1415(k)(3), if a parent or guardian disagrees with any decision regarding placement, or the manifestation determination, or if ECA believes that maintaining the current placement of the pupil is substantially likely to result in injury to the pupil or to others, the parent or guardian, or ECA may request a hearing. In such an appeal, a hearing officer may carry out the following: (1) return a pupil with a disability to the placement from which the pupil was removed; or (2) order a change of placement of a pupil with a disability to an appropriate interim alternative setting for not more than 45 school days if the hearing officer determines that maintaining the current placement of such pupil is substantially likely to result in injury to the pupil or to others (Attachment 3, p. 226).

However, the automatic placement of a pupil in an interim alternative educational setting until the expiration of the 45-day time period is contrary to 20 *USC* Section 1415(k)(3), which only gives a hearing officer the authority to order such a placement.

If approved by the SBE, as a condition for approval, the ECA petitioner will be required to revise the petition to include the necessary language in Element 10–Suspension and Expulsion that when an appeal relating to the placement of the pupils or the manifestation determination has been requested by either the parent or ECA, the pupil shall remain in the interim alternative educational setting pending the decision of the hearing officer or until the expiration of the time period provided in 20 *USC* Section 1415(k)(1)(C), whichever occurs first, unless the parent and ECA agree otherwise.

### 11. Teachers’ and Public Employees’ Retirement System, and Social Security Coverage

**California State Teachers’ Retirement System, California Public Employees’ Retirement System, and Social Security Coverage**

*EC* Section 47605(b)(5)(K)

5 *CCR* Section 11967.5.1(f)(11)

#### Evaluation Criteria

The manner by which staff members of the charter schools will be covered by California State Teachers’ Retirement System (CalSTRS), California Public Employees’ Retirement System (CalPERS), or federal social security, as required by *EC* Section 47605(b)(5)(K), at a minimum, specifies the positions to be covered under each system and the staff who will be responsible for ensuring that appropriate arrangements for that coverage have been made.

**The petition does present a reasonably comprehensive description of CalSTRS, CalPERS, and social security coverage.**

#### Comments

The ECA petition does present a reasonably comprehensive description of CalSTRS and social security coverage. The petition states that all eligible certificated employees of ECA will have membership in CalSTRS and that all eligible classified employees will participate in social security. Additionally, the petition states that all employees will have the opportunity to participate in an optional 401(k) or 403(b) retirement plan, or other plan approved by the Board. The petition states that the CEO will ensure that appropriate arrangements are made for retirement coverage approved by the ECA Board for all ECA employees (Attachment 3, pp. 228–229).

### 12. Public School Attendance Alternatives

*EC* Section 47605(b)(5)(L)

5 *CCR* Section 11967.5.1(f)(12)

#### Evaluation Criteria

The public school attendance alternatives for pupils residing within the school district who choose not to attend charter schools, as required by *EC* Section 47605(b)(5)(L), at a minimum, specify that the parent or guardian of each pupil enrolled in the charter school shall be informed that the pupil has no right to admission in a particular school of any local educational agency (LEA) (or program of any LEA) as a consequence of enrollment in the charter school, except to the extent that such a right is extended by the LEA.

**The petition does present a reasonably comprehensive description of public school attendance alternatives.**

#### Comments

The petition does present a reasonably comprehensive description of public school alternatives (Attachment 3, p. 230).

### 13. Post-employment Rights of Employees

*EC* Section 47605(b)(5)(M)

5 *CCR* Section 11967.5.1(f)(13)

#### Evaluation Criteria

The description of the rights of any employees of the school district upon leaving the employment of the school district to work in a charter school, and of any rights of return to the school district after employment at a charter school, as required by *EC* Section 47605(b)(5)(M), at a minimum, specifies that an employee of the charter school shall have the following rights:

| Criteria | Criteria Met |
| --- | --- |
| 1. Any rights upon leaving the employment of an LEA to work in the charter school that the LEA may specify.
 | Yes |
| 1. Any rights of return to employment in an LEA after employment in the charter school as the LEA may specify.
 | Yes |
| 1. Any other rights upon leaving employment to work in the charter school and any rights to return to a previous employer after working in the charter school that the SBE determines to be reasonable and not in conflict with any provisions of law that apply to the charter school or to the employer from which the employee comes to the charter school or to which the employee returns from the charter school.
 | Yes |

**The petition does present a reasonably comprehensive description of post-employment rights of employees.**

#### Comments

The ECA petition does present a reasonably comprehensive description of post-employment rights of employees (Attachment 3, p. 231).

### 14. Dispute Resolution Procedures

*EC* Section 47605(b)(5)(N)

5 *CCR* Section 11967.5.1(f)(14)

#### Evaluation Criteria

The procedures to be followed by the charter school and the entity granting the charter to resolve disputes relating to the provisions of the charter, as required by *EC* Section 47605(b)(5)(N), at a minimum:

| Criteria | Criteria Met |
| --- | --- |
| 1. Include any specific provisions relating to dispute resolution that the SBE determines necessary and appropriate in recognition of the fact that the SBE is not a LEA.
 | Yes |
| 1. Describe how the costs of the dispute resolution process, if needed, would be funded.
 | Yes |
| 1. Recognize that, because it is not a LEA, the SBE may choose to resolve a dispute directly instead of pursuing the dispute resolution process specified in the charter, provided that if the SBE intends to resolve a dispute directly instead of pursuing the dispute resolution process specified in the charter, it must first hold a public hearing to consider arguments for and against the direct resolution of the dispute instead of pursuing the dispute resolution process specified in the charter.
 | Yes |
| 1. Recognize that if the substance of a dispute is a matter that could result in the taking of appropriate action, including, but not limited to, revocation of the charter in accordance with *EC* Section 47604.5, the matter will be addressed at the SBE’s discretion in accordance with that provision of law and any regulations pertaining thereto.
 | Yes |

**The petition does present a reasonably comprehensive description of dispute resolution procedures.**

#### Comments

The ECA petition does present a reasonably comprehensive description of dispute resolution procedures.

The CDE notes that the ECA petitioner included a letter, dated January 27, 2020, describing the changes to the ECA establishment charter petition necessary for appeal to the SBE, which includes language for Element 14–Dispute Resolution Procedures (Attachment 5, p. 3).

### 15. Closure Procedures

*EC* Section 47605(b)(5)(O)

5 *CCR* Section 11967.5.1(f)(15)

#### Evaluation Criteria

A description of the procedures to be used if the charter school closes, in keeping with *EC* Section 47605(b)(5)(O). The procedures shall ensure a final audit of the charter school to determine the disposition of all assets and liabilities of the charter school, including plans for disposing of any net assets and for the maintenance and transfer of pupil records.

**The petition does include a reasonably comprehensive description of closure procedures.**

#### Comments

The ECA petition does include a reasonably comprehensive description of closure procedures (Attachment 3, pp. 235–236).

**ADDITIONAL REQUIREMENTS UNDER *EDUCATION CODE* SECTION 47605**

### Standards, Assessments, and Parent Consultation

*EC* sections 47605(c)(1) and (2)

5 *CCR* Section 11967.5.1(f)(3)

#### Evaluation Criteria

Evidence is provided that:

| Criteria | Criteria Met |
| --- | --- |
| 1. The school shall meet all statewide standards and conduct the pupil assessments required pursuant to *EC* sections 60605, 60851, and any other statewide standards authorized in statute or pupil assessments applicable to pupils in non-charter public schools.
 | Yes |
| 1. The school shall, on a regular basis, consult with their parents and teachers regarding the school’s educational programs.
 | Yes |

**The petition does provide evidence addressing the requirements regarding standards, assessments, and parent consultation.**

#### Comments

The ECA petition does provide evidence addressing the requirements regarding standards, assessments, and parent consultation (Attachment 3, pp. 3, 162, and 177–179).

### Effect on Authorizer and Financial Projections

*EC* Section 47605(g)

5 *CCR* Section 11967.5.1(c)(3)(A–C)

#### Evaluation Criteria

…[T]he petitioners [shall] provide information regarding the proposed operation and potential effects of the school, including, but not limited to:

| Criteria | Criteria Met |
| --- | --- |
| * The facilities to be utilized by the school. The description of the facilities to be used by the charter school shall specify where the school intends to locate.
 | Yes |
| * The manner in which administrative services of the school are to be provided.
 | Yes |
| * Potential civil liability effects, if any, upon the school and the SBE.
 | Yes |
| The petitioners have provided financial statements that include a proposed first-year operational budget, including startup costs, and cash flow and financial projections for the first three years of operation. | Yes |

**The petition does provide the required information and financial projections.**

#### Comments

The ECA petition does provide the required information and financial projections (Attachment 3, pp. 237–242 and Attachment 4).

ECA plans to lease a facility within the boundaries of AADUSD. The ECA petitioners are currently in negotiations to lease a property at 13136 Sierra Highway, Agua Dulce, California 91390.

### Teacher Credentialing

*EC* Section 47605(l)

5 *CCR* Section 11967.5.1(f)(5)

#### Evaluation Criteria

Teachers in charter schools shall be required to hold a California Commission on Teacher Credentialing certificate, permit, or other document equivalent to that which a teacher in other public schools would be required to hold …It is the intent of the Legislature that charter schools be given flexibility with regard to noncore, non-college preparatory courses.

**The petition does meet this requirement.**

#### Comments

The ECA petition does meet this requirement (Attachment 3, pp. 4 and 180–181).

### Transmission of Audit Report

*EC* Section 47605(m)

5 *CCR* Section 11967.5.1(f)(9)

#### Evaluation Criteria

A charter school shall transmit a copy of its annual independent financial audit report for the preceding fiscal year … to the chartering entity, the Controller, the county superintendent of schools of the county in which the charter is sited …, and the CDE by December 15 of each year.

**The petition does address this requirement.**

#### Comments

The ECA petition does address this requirement (Attachment 3, pp. 205 and 237).

The CDE notes that Article 9, Section 9.5–Financial Audit of ECA’s bylaws states the corporation will conduct an annual independent financial audit of the books and records, including a review of average daily attendance, of ECA as required by *EC* Section 47605(m).

### Goals to Address the Eight State Priorities

*EC* Section 47605(b)(5)(A)(ii)

#### Evaluation Criteria

A charter school shall provide a description of annual goals for all pupils and for each subgroup of pupils identified pursuant to Section 52052, to be achieved in the state priorities, as described in subdivision (d) of Section 52060, that apply for the grade levels served, or the nature of the program operated, by the charter school, and specific annual actions to achieve those goals. A charter petition may identify additional school priorities, the goals for the school priorities, and the specific annual actions to achieve those goals.

**The petition does not address this requirement.**

#### Comments

The ECA petition does not address this requirement. The ECA petition includes a table that outlines the actions, measurable outcomes, method of measurement, and person(s) responsible aligned to each of the eight state priorities (Attachment 3, pp. 142–162); however, the petition does not outline measurable pupil outcomes that address increases in pupil academic achievement both schoolwide and for all groups of pupils.

### Transferability of Secondary Courses

*EC* Section 47605(b)(5)(A)(iii)

#### Evaluation Criteria

If the proposed school will serve high school pupils, a description of the manner in which the charter school will inform parents about the transferability of courses to other public high schools and the eligibility of courses to meet college entrance requirements. Courses offered by the charter school that are accredited by the Western Association of Schools and Colleges may be considered transferable and courses approved by the University of California or the California State University as creditable under the “A” to “G” admissions criteria may be considered to meet college entrance requirements.

**This requirement is not applicable.**

#### Comments

Although the petition at times describes their program as a TK through grade twelve, ECA does not plan to serve secondary pupils.

## CALIFORNIA STATE BOARD OF EDUCATION STANDARD CONDITIONS ON OPENING AND OPERATION

### Department of Justice and Subsequent Arrest Notification

* Each California State Board of Education (SBE)-authorized charter school shall comply with and remain compliant with the requirements of California *Education Code* (*EC*) Section 44830.1, pertaining to criminal history record summaries, fingerprints, and subsequent arrest notices (SANs), and that the School must comply with this Code section in requesting a subsequent arrest service notification from the California Department of Justice (DOJ). The California Department of Education (CDE) will request written assurance on school letterhead that the School is in compliance with *EC* Section 44830.1. This assurance must provide evidence that (1) the School, as a local educational agency and the employer of record, has a DOJ/SAN account; (2) that ***all*** school employees have the appropriate DOJ clearance; (3) that the custodian of records will receive the SANs; (4) that the School has a procedure for monitoring the SANs of the designated custodian of records; and (5) employee records are kept secure at the School and available upon request for review. This assurance must be signed by the school administrator and the custodian of record.

### Insurance Coverage

* Prior to opening, (or such earlier time as the School may employ individuals or acquire or lease property or facilities for which insurance would be customary), submit documentation of adequate insurance coverage, including liability insurance, which shall be based on the type and amount of insurance coverage maintained in similar settings. Additionally, the School will provide a document stating that the District will hold harmless, defend, and indemnify the SBE and the CDE, their officers and employees, from every liability, claim, or demand that may be made by reason of: (1) any injury to volunteer; and (2) any injury to person or property sustained by any person, firm, or corporation caused by any act, neglect, default, or omission of the School, its officers, employees, or agents. In cases of such liabilities, claims, or demands, the School at its own expense and risk will defend all legal proceedings that may be brought against it and/or the SBE or the CDE, their officers and employees, and satisfy any resulting judgments up to the required amounts that may be rendered against any of the parties.

### Memorandum of Understanding/Oversight Agreement

* Prior to opening, either: (a) accept an agreement with the SBE, administered through the CDE, to be the direct oversight entity for the School, specifying the scope of oversight and reporting activities, including, but not limited to, adequacy and safety of facilities; or (b) enter into an appropriate agreement between the charter school, the SBE (as represented by the Executive Director of the SBE), and an oversight entity, pursuant to *EC* Section 47605(k)(1), regarding the scope of oversight and reporting activities, including, but not limited to, adequacy and safety of facilities.

### Special Education Local Plan Area Membership

* Prior to opening, submit written verification of having applied to a Special Education Local Plan Area (SELPA) for membership as a local educational agency and submit either written verification that the School is (or will be at the time pupils are being served) participating in the SELPA; or an agreement between a SELPA, a school district that is a member of the SELPA, and the School that describes the roles and responsibilities of each party and that explicitly states that the SELPA and the district consider the School’s pupils to be pupils of the school district in which the School is physically located for purposes of special education programs and services (which is the equivalent of participation in the SELPA). Satisfaction of this condition should be determined by the Executive Director of the SBE based primarily on the advice of CDE staff following a review of either: (1) the School’s written plan for membership in the SELPA, including any proposed contracts with service providers; or (2) the agreement between a SELPA, a school district, and the School, including any proposed contracts with service providers.

### Educational Program

* Prior to opening, submit a description of the curriculum development process the School will use and the scope and sequence for the grades envisioned by the School; and submit the complete educational program for pupils to be served in the first year including, but not limited to, a description of the curriculum and identification of the basic instructional materials to be used; plans for professional development of instructional personnel to deliver the curriculum and use the instructional materials; and identification of specific assessments that will be used in addition to the assessment identified in *EC* Section 60640 in evaluating student progress. Satisfaction of this condition should be determined by the Executive Director of the SBE based primarily on the advice of CDE staff.

### Student Attendance Accounting

* Prior to opening, submit for approval the specific means to be used for student attendance accounting and reporting that will be satisfactory to support state average daily attendance claims and satisfy any audits related to attendance that may be conducted. Satisfaction of this condition should be determined by the Executive Director of the SBE based primarily on the advice of the Director of the School Fiscal Services Division.

### Facilities Agreements

* Prior to opening, present written agreements (e.g., a lease or similar document) indicating the School’s right to use the principal school sites and any ancillary facilities identified by the petitioners for at least the first year of each School’s operation and evidence that the facilities will be adequate for the School’s needs. Satisfaction of this condition should be determined by the Executive Director of the SBE based primarily on the advice of the Director of the School Facilities and Transportation Services Division.

### Zoning and Occupancy

* Not less than 30 days prior to the School’s opening, present evidence that each School’s facility is located in an area properly zoned for operation of a school and has been cleared for student occupancy by all appropriate local authorities. For good cause, the Executive Director of the SBE may reduce this requirement to fewer than 30 days, but may not reduce the requirement to fewer than 10 days. Satisfaction of this condition should be determined by the Executive Director of the SBE based primarily on the advice of the Director of the School Facilities and Transportation Services Division.

### Final Charter

* Prior to opening, present a final charter that includes all provisions and/or modifications of provisions that reflect appropriately the SBE as the chartering authority and otherwise address all concerns identified by CDE and/or SBE staff, and that includes a specification that the School will not operate satellite schools, campuses, sites, resource centers, or meeting spaces not identified in the charter without the prior written approval of the Executive Director of the SBE based primarily on the advice of the Charter Schools Division (CSD) staff. Satisfaction of this condition is determined by the Executive Director of the SBE based primarily on the advice of the Director of the CSD.

### Processing of Employment Contributions

* Prior to the employment of any individuals by the School, present evidence that the School has made appropriate arrangements for the processing of the employees’ retirement contributions to the California Public Employees’ Retirement System and the California State Teachers’ Retirement System.

### Operational Date

* If any deadline specified in these conditions is not met, approval of the charter is terminated, unless the SBE deletes or extends the deadline not met. If the School is not in operation by September 30, 2020, approval of the charter is terminated.