

California Department of Education

Charter Schools Division

Revised 5/2018

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# California State Board of Education May 2025 Agenda Item #12

## Subject

Academia Avance Charter: Hold a Public Hearing and Consider Revocation of the Charter, pursuant to California *Education Code* Section 47607(h).

## Type of Action

Action, Information, Public Hearing

## Summary of the Issue

The California Department of Education (CDE) provides substantial evidence that Academia Avance Charter (Academia Avance), a California State Board of Education (SBE)-authorized charter school, engaged in fiscal mismanagement, pursuant to California *Education Code* (*EC*) Section 47607(f)(3).

Pursuant to *EC* Section 47607(g), the authority that granted the charter petition shall notify the charter school of any violation and provide the charter school with a reasonable opportunity to remedy the violation. On March 5, 2025, the SBE issued a Notice of Violation to Academia Avance and provided a reasonable opportunity to remedy the violations, pursuant to *EC* Section 47607(g). The SBE requested that Academia Avance provide a written response and supporting evidence that addressed all violations outlined in the Notice of Violation by March 13, 2025.

On March 13, 2025, Academia Avance submitted its Response to the Notice of Violation to the CDE pursuant to *EC* Section 47607(g). The CDE reviewed the Response to the Notice of Violation and found that Academia Avance failed to adequately refute, remedy, or propose to remedy the violations described in the Notice of Violation.

The CDE provides substantial evidence that Academia Avance has engaged in fiscal mismanagement pursuant to *EC* Section 47607(f)(3).

## California Department of Education Recommendation

On May 7, 2025, the SBE will consider issuing a Notice of Intent to Revoke and Notice of Facts in support of revocation of Academia Avance. If the SBE issues the Notice of Intent to Revoke with Notice of Fact, then pursuant to *EC* Section 47607(h) the CDE recommends the SBE consider the final decision to revoke Academia Avance’s charter.

If the SBE finds sufficient grounds for revocation, the CDE recommends that the SBE take the following actions:

1. Adopt the Final Decision to Revoke (Attachment 1)
2. Provide notice to Academia Avance that revocation becomes effective on June 30, 2025
3. Direct Academia Avance to begin the closure procedures set forth in *EC* Section 47605(b)(5)(O) and *California Code of Regulations*, Title 5 Section 11962

## History of Key Issues

*EC* Section 47607(f) states that a charter may be revoked by the authority that granted the charter if the authority finds, through a showing of substantial evidence, that the charter school did any of the following:

1. Committed a material violation of any of the conditions, standards, or procedures set forth in the charter.
2. Failed to meet or pursue any of the pupil outcomes identified in the charter.
3. Failed to meet generally accepted accounting principles, or engaged in fiscal mismanagement.
4. Violated any provision of the law.

Based on substantial evidence that Academia Avance engaged in fiscal mismanagement, pursuant to *EC* Section 47607(f)(3), on March 5, 2025, the SBE issued a Notice of Violation and provided Academia Avance with a reasonable opportunity to remedy all violations, pursuant to *EC* Section 47607(g). In the Notice of Violation, Academia Avance was informed of its opportunity to present evidence that it had remedied all violations to the Advisory Commission on Charter Schools (ACCS) at its April 8, 2025, meeting and to the SBE at its May 7, 2025, meeting.

On March 13, 2025, Academia Avance provided its Response to the Notice of Violation. The CDE reviewed Academia Avance’s Response, including supporting documents.

On April 8, 2025, Academia Avance presented evidence in response to the Notice of Violation. The ACCS reviewed the information presented by Academia Avance and unanimously approved the CDE’s proposed recommendation that the SBE issue a Notice of Intent to Revoke with Notice of Facts to Academia Avance pursuant to *EC* Section 47607(h).

On April 9, 2025, the CDE received and reviewed the fiscal year 2023–24 independent audit report for Academia Avance.

Based on the CDE’s review, there is substantial evidence for the SBE to find that Academia Avance has failed to adequately refute, remedy, or propose to remedy the violations described in the Notice of Violation such that the SBE issue a Notice of Intent to Revoke and Notice of Facts in support of revocation of Academia Avance.

## Fiscal Analysis

There is no state cost related to the revocation of Academia Avance’s charter. If the SBE were to revoke Academia Avance’s charter, some shifting of state expenditures would occur from Academia Avance to other local educational agencies (due to the transfer of students); however, state expenditures would be essentially unchanged.

As the current oversight entity for Academia Avance, the CDE receives approximately 1 percent of the Local Control Funding Formula revenue of the charter school for the oversight activities. As such, there would be a minor loss of revenue to the CDE should the SBE revoke Academia Avance’s charter.

## Attachments

* **Attachment 1:** Draft California State Board of Education Letter Regarding its Final Decision to Revoke the Academia Avance Charter’s Charter (2 Pages)
* **Attachment 2:** Notice of Facts in Support of the Revocation of the Academia Avance Charter’s Charter (6 Pages)