

CHINO VALLEY UNIFIED SCHOOL DISTRICT
SPECIAL MEETING OF THE BOARD OF EDUCATION
5130 Riverside Drive, Chino, CA 91710
District Board Room
5:00 p.m.– Special Meeting
September 13, 2018

AGENDA

- The public is invited to address the Board of Education regarding items listed on the agenda. Comments on an agenda item will be accepted during consideration of that item, or prior to consideration of the item in the case of a closed session item. Persons wishing to address the Board are requested to complete and submit to the Administrative Secretary, Board of Education, a "Request to Speak" form available at the entrance to the Board room.
- In compliance with the Americans with Disabilities Act, please contact the Administrative Secretary, Board of Education, if you require modification or accommodation due to a disability.
- Agenda documents that have been distributed to members of the Board of Education less than 72 hours prior to the meeting are available for inspection at the Chino Valley Unified School District Administration Center, 5130 Riverside Drive, Chino, California, during the regular business hours of 7:30 a.m. to 4:30 p.m., Monday through Friday.
- Order of business is approximate and subject to change.

I. OPENING BUSINESS

I.A. CALL TO ORDER – 5:00 P.M.

1. Roll Call
2. Pledge of Allegiance
3. Comments from the Audience on Items on the Agenda

II. ACTION

Motion _____ Second _____
Preferential Vote: _____
Vote: Yes _____ No _____

II.A. ADMINISTRATION

II.A.1. Sycamore Academy of Science and Cultural Arts—Chino Valley Charter School Petition
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Recommend the Board of Education adopt Resolution 2018/2019-17 Adopting Recommended Findings of Fact regarding the Sycamore Academy of Science and Cultural Arts—Chino Valley charter school petition pursuant to Education Code section 47605(b).

III. ADJOURNMENT

CHINO VALLEY UNIFIED SCHOOL DISTRICT

Our Motto:

Student Achievement • Safe Schools • Positive School Climate
Humility • Civility • Service

DATE: September 13, 2018
TO: Members, Board of Education
FROM: Norm Enfield, Ed.D., Superintendent
**SUBJECT: SYCAMORE ACADEMY OF SCIENCE AND CULTURAL ARTS-
CHINO VALLEY CHARTER SCHOOL PETITION**

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BACKGROUND

California Education Code section 47605 establishes the procedures and timelines for charter school petitions. Pursuant to section 47605, Sycamore Academy of Science and Cultural Arts-Chino Valley submitted a charter school petition on July 19, 2018.

A public hearing was held on August 16, 2018, in accordance with Education Code section 47605(b).

Education Code section 47605(b) further requires that: "Following review of the petition and the public hearing, the governing board of the school district shall either grant or deny the charter within 60 days of receipt of the petition... ."

District representatives have carefully reviewed the Sycamore Academy of Science and Cultural Arts-Chino Valley charter school petition and attachments, including the Sycamore Academy of Science and Cultural Arts-Chino Valley charter school Budget.

RECOMMENDATION

It is recommended the Board of Education adopt Resolution 2018/2019-17 Adopting Recommended Findings of Fact regarding the Sycamore Academy of Science and Cultural Arts-Chino Valley charter school petition pursuant to Education Code section 47605(b).

FISCAL IMPACT

Loss of ADA and categorical funding for the number of District students who enroll in the Sycamore Academy of Science and Cultural Arts-Chino Valley charter school.

PLEASE NOTE: Although this is a possible fiscal impact, by law, the Board may not base a decision on the potential fiscal impact. Rather, the decision may only be based on the statutory grounds set out in Education Code section 47605.

**CHINO VALLEY UNIFIED SCHOOL DISTRICT
RESOLUTION NO. 2018/2019-17 ADOPTING RECOMMENDED FINDINGS OF FACT
REGARDING THE SYCAMORE ACADEMY OF SCIENCE AND CULTURAL ARTS-
CHINO VALLEY CHARTER SCHOOL PETITION**

WHEREAS, pursuant to California Education Code section 47605 *et seq.*, the Board of Education of the Chino Valley Unified School District (“CVUSD” or “District”) is required to review charter school petitions submitted to the District and grant or deny the proposed charter.

WHEREAS, on July 19, 2018, the Sycamore Academy of Science and Cultural Arts-Chino Valley (“SASCA-CV”) charter petitioners submitted a charter petition to establish the SASCA-CV charter school for students in transitional kindergarten through eighth grade.

WHEREAS, Education Code section 47605 and California Code of Regulations, Title 5, section 11967.5.1, require the CVUSD Board of Education to grant or deny a request for a charter petition within sixty (60) days of receipt of the charter petition.

WHEREAS, the California State Board of Education has developed criteria to be used for the review of charter school petitions presented to the State Board pursuant to Education Code section 47605(j)(2). (California Code of Regulations, Title 5, section 11960 *et. seq.*). Education Code section 47605(j)(2) states, “*The criteria shall address all elements required for charter approval, as identified in subdivision (b) and shall define ‘reasonably comprehensive’ as used in paragraph (5) of subdivision (b) in a way that is consistent with the intent of this part.*” Because the State Board of Education reviews charter petitions that have been denied by school districts, the District reviews charter school petitions for compliance with the State Board of Education regulations.

WHEREAS, the SASCA-CV charter petitioners previously submitted two charter petitions to CVUSD using a different charter school name, Sycamore Preparatory Academy (“SPA”), on January 19, 2017 and September 14, 2017. The CVUSD Board denied the first SPA petition on March 16, 2017 by a vote of 5-0, which Ms. Hale appealed to the San Bernardino County Board of Education (“SBCBOE”). The SBCBOE denied Ms. Hale’s appeal on June 5, 2017 by a vote of 4-1.

The CVUSD Board denied the September 14, 2017 SPA charter petition on November 9, 2017 by a vote of 4-1, which Ms. Hale then appealed to the SBCBOE. The SBCBOE denied Ms. Hale’s appeal on February 5, 2018 by a vote of 3-1, which Ms. Hale next appealed to the State Board of Education.

On or about June 1, 2018, the California Department of Education recommended that the State Board of Education hold a Public Hearing to deny Ms. Hale’s appeal of the SBCBOE’s denial of the September 14, 2017 SPA charter petition. On June 12, 2018, the Advisory Commission on Charter Schools voted to approve the California Department of Education’s denial recommendation by a vote of 5-2. The September 14, 2017 SPA charter petition was not placed on the State Board of Education’s July 2018 agenda.

WHEREAS, during the regularly scheduled meeting of the CVUSD Board of Education on August 16, 2018, a Public Hearing on the July 19, 2018 SASCA-CV charter petition was conducted in accordance with the provisions of Education Code section 47605(b), at which time the CVUSD Board of Education considered the level of public support for the SASCA-CV charter petition by teachers employed by the District, other employees of the District, and parents.

WHEREAS, during the August 16, 2018 SASCA-CV Public Hearing, SASCA-CV charter school lead petitioner Barbara Hale, presented and CVUSD Board members asked questions concerning the SASCA-CV charter petition for a total of 29 minutes.

During Ms. Hale’s presentation, the following individuals also spoke in support of the SASCA-CV charter petition: John Arndt, ICON School Management, Inc.’s Chief Financial Officer; Jeff Morabito, Director of Curriculum, Instruction, and Assessment of the existing Sycamore Academy of Science and Cultural Arts charter school in Wildomar (“SASCA-W”), California; and Richard Hansberger, counsel for the charter petitioners.

The District notes ICON School Management is employed by the SASCA-W charter school as the in-house and back office service provider at a cost of \$10,000 per month, Jeff Morabito is employed by the SASCA-W charter school, and Mr. Hansberger is employed by the SASCA-W charter school for legal services. Therefore, all individuals speaking in support of the SASCA-CV charter petition are employed by the existing SASCA-W charter school.

WHEREAS, there was no discernible public support at the August 16, 2018 SASCA-CV Public Hearing for the SASCA-CV charter petition because no teachers employed by the District, other employees of the District, or parents spoke in support of the SASCA-CV charter petition. No potential SASCA-CV students or Chino Valley community members spoke in support of the SASCA-CV charter petition.

The SASCA-CV charter petition at page 67 states that, “*the families of the Chino Valley community continue to support the establishment of a Sycamore school*” and at page 117 states, “*The Chino Valley parent community has been highly visible in their support and desire to have public school choice for their children.*” However, the SASCA-CV charter petition and attachments fail to contain any evidence that Chino Valley families “*continue to support the establishment of a Sycamore school*” or that the Chino Valley parent community “*has been highly visible in their support and desire to have public school choice for their children.*”

Ms. Hale’s July 19, 2018 cover letter to the CVUSD Board of Education states that, “*The parents that we have been working with desire an additional choice in education for one or more of their children.*”

At the August 16, 2018 SASCA-CV Public Hearing, Ms. Hale stated that “*we have over three hundred parents that have supported us.*” According to the February 5, 2018 San Bernardino County Superintendent of Schools Charter Advisory Committee Staff Report, the September 14, 2017 SPA charter petition was submitted with only 163 parent signatures, and some of those parent signatures were also found on Intent to Enroll forms for the Allegiance STEAM Academy-Thrive charter school. Ms. Hale has never demonstrated that “*over three hundred parents*” supported her

charter petitions. There is no evidence that there are *currently* 300 parents that support the July 19, 2018 SASCA-CV charter petition.

Ms. Hale admitted during the August 16, 2018 Public Hearing that her team “*just started reaching out to [parents] to see if they support this petition.*” Therefore, when the July 19, 2018 SASCA-CV charter petition was submitted and as of the August 16, 2018 Public Hearing, the SASCA-CV charter petition did not have **any support** from Chino Valley parents, despite Ms. Hale’s statement in her cover letter that her team was working with parents that “*desire an additional choice.*”

The complete absence of Chino Valley public support for the SASCA-CV charter school is noteworthy because Ms. Hale’s two prior charter petitions submitted to the CVUSD also both had little or no public support from the Chino Valley community.

At the February 16, 2017 CVUSD Board of Education Public Hearing for Ms. Hale’s first SPA charter petition, only eleven individuals spoke in support of the January 19, 2017 SPA charter petition: Mr. Hansberger, the Chief Development Officer of SavantCo (now ICON Management), two Ronald Reagan Charter School Alliance Board members, the SASCA-W Operations coordinator, the SASCA-W Support Services Coordinator, the SASCA-CV lead charter petitioner Ms. Hale, a California Charter Schools Association representative, and three CVUSD parents. Out of the eleven individuals, nine of the individuals who spoke were employed by the SASCA-W charter school. One CVUSD teacher spoke in opposition to Ms. Hale’s first charter petition.

At the October 5, 2017 CVUSD Board of Education Public Hearing for Ms. Hale’s second charter petition, only five individuals spoke in support of the September 14, 2017 SPA charter petition: the SASCA-CV lead charter petitioner Ms. Hale, a California Charter Schools Association representative, the Chief Development Officer of SavantCo (now ICON Management), and two CVUSD parents.

As with the current SASCA-CV charter petition, there was no discernible public support from teachers employed by the District and other employees of the District for Ms. Hale’s two prior charter petitions.

WHEREAS, all of the members of the CVUSD Board of Education have read and carefully considered the July 19, 2018 SASCA-CV charter petition and attachments, including the SASCA-CV Budget, the Paul S. Horvat Certified Public Accountant’s Review and Analysis of the SASCA-CV charter petition and Budget, and this Resolution.

WHEREAS, in reviewing the SASCA-CV charter school petition, the CVUSD Board of Education has been cognizant of the intent of the Legislature that charter schools are and should become an integral part of the California educational system and that establishment of charter schools should be encouraged.

WHEREAS, in reviewing the SASCA-CV charter petition, District staff, working with Superintendent Dr. Norm Enfield, with District legal counsel, and with Certified Public Accountant Paul S. Horvat, have reviewed and analyzed all of the information presented by the SASCA-CV charter petition and attachments, including the SASCA-CV charter school Budget.

Because the District staff's review finds that granting the SASCA-CV charter petition is not consistent with sound educational practice, District staff have made a recommendation to the CVUSD Board of Education in the form of this Resolution that the July 19, 2018 SASCA-CV charter petition be **denied**.

NOW, THEREFORE, BE IT RESOLVED that the CVUSD Board of Education finds that all of the above recitals are true and correct and incorporates them herein by this reference.

BE IT FURTHER RESOLVED that the CVUSD Board of Education, having fully considered the July 19, 2018 SASCA-CV charter petition, hereby **denies** the SASCA-CV charter petition pursuant to Education Code section 47605(b) based upon the following factual findings specific to the July 19, 2018 SASCA-CV charter petition:

- I. The SASCA-CV charter petitioners are demonstrably unlikely to successfully implement the program set forth in the SASCA-CV charter petition. [Education Code section 47605(b)(2)];**
- II. The SASCA-CV charter petition fails to contain the required number of teacher signatures. [Education Code section 47605(b)(3)];**
- III. The SASCA-CV charter petition fails to provide all of the legally required affirmations and assurances in compliance with state law. [Education Code section 47605(b)(4)];**
- IV. The SASCA-CV charter petition fails to contain reasonably comprehensive descriptions of five (5) of the fifteen (15) required elements of a charter petition. [Education Code section 47605(b)(5)].**

BE IT FURTHER RESOLVED that the CVUSD Board of Education hereby finds that all of the foregoing findings are supported by the following specific facts:

- I. THE SASCA-CV CHARTER PETITIONERS ARE DEMONSTRABLY UNLIKELY TO SUCCESSFULLY IMPLEMENT THE PROGRAM SET FORTH IN THE SASCA-CV CHARTER PETITION. [EDUCATION CODE SECTION 47605(b)(2)]**

Education Code section 47605(b)(2) provides that a charter petition may be denied if specific facts support a finding that *“the petitioners are demonstrably unlikely to successfully implement the program set forth in the petition.”*

A. The SASCA-CV Charter Petitioners Are Demonstrably Unlikely To Successfully Implement The Program Set Forth In The SASCA-CV Charter Petition Because The SASCA-CV Budget Presents An Unrealistic Financial And Operational Plan For The Proposed SASCA-CV Charter School In The Area of Financial Administration.

California Code of Regulations, Title 5, section 11967.5.1(c)(3) states that a factor to be considered in determining whether charter petitioners are “*demonstrably unlikely to successfully implement the program*” set forth in the charter petition is whether the charter petitioners have presented an unrealistic financial and operational plan for the proposed charter school.

California Code of Regulations, Title 5, section 11967.5.1(c)(3) provides:

“An unrealistic financial and operational plan is one to which any or all of the following applies: . . .”

“(B) In the area of financial administration, the charter or supporting documents do not adequately:

1. Include, at a minimum, the first-year operational budget, start-up costs, and cash flow, and financial projections for the first three years.

2. Include in the operational budget reasonable estimates of all anticipated revenues and expenditures necessary to operate the school, including, but not limited to, special education, based, when possible, on historical data from schools or school districts of similar type, size, and location.

3. Include budget notes that clearly describe assumptions on revenue estimates, including, but not limited to, the basis for average daily attendance estimates and staffing levels.

4. Present a budget that in its totality appears viable and over a period of no less than two years of operations provides for the amassing of a reserve equivalent to that required by law for a school district of similar size to the proposed charter school.

5. Demonstrate an understanding of the timing of the receipt of various revenues and their relative relationship to timing of expenditures that are within reasonable parameters, based, when possible, on historical data from schools or school districts of similar type, size, and location.” (Emphasis added.)

Due to discrepancies identified during the CVUSD staff’s review of the SASCA-CV charter petition, the District obtained an independent Review and Analysis of the SASCA-CV

charter school petition and attachments, including the Budget, from Certified Public Accountant (“CPA”) Paul S. Horvat.

The September 4, 2018 Paul S. Horvat CPA Review and Analysis of the Sycamore Academy of Science and Cultural Arts Chino Valley Charter Petition and Budget as Submitted on July 19, 2018 (“Paul S. Horvat Review & Analysis”) is attached as Exhibit A hereto and incorporated herein by this reference.

The Paul S. Horvat Review & Analysis of the SASCA-CV charter school petition and Budget concludes that the SASCA-CV charter petition and Budget present an unrealistic financial and operational plan for the proposed SASCA-CV charter school.

The September 4, 2018 Paul S. Horvat CPA Review & Analysis of the SASCA-CV charter petition and Budget states at pages 1 through 2:

EXECUTIVE SUMMARY

After a comprehensive review of the Sycamore Academy of Science and Cultural Arts Chino Valley Charter Petition, Budget, and Attachments as submitted to the Chino Valley Unified School District on July 19, 2018, I conclude that the Sycamore Academy of Science and Cultural Arts Chino Valley charter petition’s Budget presents an unrealistic financial and operational plan for the proposed Sycamore Academy of Science and Cultural Arts Chino Valley charter school.

My findings can be summarized as follows:

1) The SASCA-CV charter petitioners’ year one fund balance includes \$375,000 of Public Charter Schools Grant Program (PCSGP) federally restricted reimbursement program revenue but failed to budget for start-up costs.

2) The SASCA-CV charter petitioners failed to fully explain in detail the Community Bank line of credit loan of \$500,000 which matures before SASCA-CV’s first-year of operation begins, making the loan unavailable to the proposed charter school before it even opens.

The SASCA-CV charter petitioners failed to explain in detail the discrepancy between the charter petition Budget Notes describing the Community Bank line of credit as a SASCA-CV line of credit when the line of credit is in the name of the Ronald Reagan Charter School Alliance (RRCSA).

Also, the SASCA-CV charter petitioners failed to present a complete Community Bank line of credit loan document detailing

the terms of the line of credit. Instead, the SASCA-CV charter petitioners presented only the Community Bank line of credit billing statement which fails to identify all the parties to the loan and the terms of the loan. The line of credit billing statement provided indicates that the line of credit has previously been used because there is an interest paid amount of \$967.70.

3) The SASCA-CV charter petitioners understated their first-year cash flow resulting in nine months of SASCA-CV's year-one having negative cash balances and an accumulated negative or deficit cash balance at the end of year-one of (\$572,656).

4) Because of the material federal revenue and other financing sources deficiencies and disallowances of \$375,000 in PCSGP start-up grant revenue and \$500,000 in line of credit financing sources, a total of \$875,000 is excluded from the SASCA-CV year-one Budget.

Removal of \$875,000 in disallowed SASCA-CV Budget deficiencies results in SASCA-CV's year-one fund balance and fund balance reserve percentage decreasing to a negative (\$228,661) and (8.0%) respectively.

5) The SASCA-CV charter petition identifies the Sycamore Academy of Science and Cultural Arts Foundation (Foundation) as playing an "essential role" in SASCA-CV's educational program.

According to the Internal Revenue Service (IRS) website, the non-profit status of the Foundation has been revoked by the IRS since November 15, 2017.

The CVUSD Board of Education hereby specifically adopts the findings of the September 4, 2018 Paul S. Horvat Review & Analysis of the SASCA-CV charter petition and Budget and finds that the SASCA-CV charter petitioners are demonstrably unlikely to successfully implement the proposed SASCA-CV educational program because the SASCA-CV charter petition and Budget present an unrealistic financial and operational plan for the proposed SASCA-CV charter school in the area of financial administration.

B. The SASCA-CV Charter Petitioners Are Demonstrably Unlikely To Successfully Implement The Program Set Forth In The SASCA-CV Charter Petition Because The SASCA-CV Charter Petition And Supporting Documents Do Not Adequately Describe The Proposed SASCA-CV Charter School’s Facilities.

California Code of Regulations, Title 5, section 11967.5.1(c)(3) states that another factor to be considered in determining whether the charter petitioners are “*demonstrably unlikely to successfully implement the program*” set forth in the charter petition is whether:

“(D) In the area of facilities, the charter and supporting documents do not adequately:

1. Describe the types and potential location of facilities needed to operate the size and scope of educational program proposed in the charter.

2. In the event a specific facility has not been secured, provide evidence of the type and projected cost of the facilities that may be available in the location of the proposed charter school.

3. Reflect reasonable costs for the acquisition or leasing of facilities to house the charter school, taking into account the facilities the charter school may be allocated under the provisions of Education Code section 47614.” (Emphasis added.)

The SASCA-CV charter petition states at page 189 that, “SASCA-CV anticipates requesting and receiving a Field Act compliant facility from the District under Proposition 39 . . .” or, in the event that the SASCA-CV charter school does not receive a Proposition 39 facility, the SASCA-CV charter petitioners will obtain a “*private, non-District building.*”

The SASCA-CV Budget states that if the SASCA-CV charter school rents a private facility:

“For conservative purposes . . . budgeted at \$1.50 per SQFT, above current commercial facility rental rate and charter school facility rental rate in San Bernardino County. Based on research of similarly-sized charter schools in San Bernardino County, we found that charter schools are renting a facility at an average of \$0.78/SQFT.”

However, the SASCA-CV charter petition and attachments fail to “*describe the types and potential location of facilities needed to operate the size and scope of educational program,*” as required by California Code of Regulations, Title 5, section 11967.5.1(c)(3)(D). The SASCA-CV charter petition and attachments do not identify any available “*private, non-District building(s)*” and fail to describe the size and square footage of any such private facility.

The SASCA-CV charter petition and Budget fail to provide a detailed description of the proposed private facility identifying the following:

- a) The suitability of the private facility for the proposed SASCA-CV charter school's educational program, including special education services, physical education, administration, the food services, and all other SASCA-CV programs,
- b) The number of bathrooms and whether the bathrooms are ADA compliant to meet the needs of all SASCA-CV students,
- c) The size, capacity and type of cafeteria, kitchen and food service facilities,
- d) Proximity to incompatible business establishments,
- e) Proximity to residential neighborhoods,
- f) If or when the private facility will be available or if the tenant improvements for the proposed SASCA-CV facility can be completed and ready for SASCA-CV students and staff to safely occupy if the proposed SASCA-CV charter school opens for its Year 1 in fall 2019.

The SASCA-CV Budget fails to present any supporting documentation as to what “*similarly-sized charter schools in San Bernardino County*” were used to compare the “*charter school facility rental rate.*”

The CVUSD Board of Education therefore finds that the SASCA-CV charter petitioners are demonstrably unlikely to successfully implement the proposed SASCA-CV program because the SASCA-CV charter petition and supporting documents do not adequately describe the proposed SASCA-CV charter school's facilities.

II. THE SASCA-CV CHARTER PETITION FAILS TO CONTAIN THE REQUIRED NUMBER OF TEACHER SIGNATURES. [EDUCATION CODE SECTION 47605(b)(3)]

Education Code section 47605(b)(3) provides that a charter petition may be denied if specific facts support a finding that, “*The petition does not contain the number of signatures required by subdivision (a).*”

Education Code section 47605(a)(1)(B) requires that the charter petition be “*signed by a number of teachers that is equivalent to at least one-half of the number of teachers that the charter school estimates will be employed at the charter school during its first year of operation.*”

California Code of Regulations, Title 5, section 11967.5.1(d) states:

“For purposes of Education Code 47605(b)(3), a charter petition that ‘does not contain the number of signatures required by subdivision (a)’ of Education Code section 47605 shall be a petition that did not contain the requisite number of signatures at the time of the submission of the original charter to a school district

governing board pursuant to Education Code section 47605(a)."
(Emphasis added.)

According to the SASCA-CV charter school Budget Narrative "*Salary Positions Assumption*," the SASCA-CV charter school plans to have 11 certificated teachers and one educational specialist on staff during its first year of operation. To meet the requirements of Education Code section 47605(a)(1)(B), the SASCA-CV charter petition must be signed by at least six teachers.

In regards to teacher signatures in support of charter petitions, the Office of the California Attorney General has stated:

"We do not view teachers at an existing charter school as being eligible to submit a petition for the establishment of another charter school. Rather, the evident purpose of the legislation is to require teachers at traditional schools of the district to demonstrate support for the establishment of a charter school prior to submission of a petition." (78 Ops.Cal.Atty.Gen. 297 (1995).)

The Office of the California Attorney General concluded that, "*For purposes of submitting a petition for the establishment of a charter school, a petitioner may not collect signatures from teachers at an already existing charter school.*" (Ibid.)

The SASCA-CV teacher signature sheet states that, "*The petitioners listed below certify that they are teachers who are meaningfully interested in teaching at the Charter School.*"

The SASCA-CV charter petitioners submitted signatures for eight teachers who allegedly have demonstrate "*meaningful interest*" in teaching at the proposed SASCA-CV charter school. District staff reviewed the teacher signatures presented and verified the teachers' credentials, which were all valid.

Out of the eight teacher signatures submitted, six of the teachers (Allison Montejano, Amanda Avila, Jennifer VanBebber, Julie Miranda, Samantha Etchandy, and Stephanie Romo) currently teach at the existing SASCA charter school in Wildomar ("SASCA-W") and one teacher (Dana Morabito) currently teaches at Temecula Preparatory School, a charter school in Winchester, California. The last teacher (Baylee Gerges) currently teaches fourth grade at Boulder Ridge Elementary School.

It is unclear how the six SASCA-W teachers and one Temecula Preparatory School teacher are "*meaningfully interested*" in teaching at the proposed SASCA-CV charter school when they all already have teaching positions at their respective charter schools. Under the Attorney General opinion, because those seven teachers work at existing charter schools, their signatures were not eligible to submit with a petition for the establishment of the SASCA-CV charter school.

At the August 16, 2018 SASCA-CV Public Hearing, CVUSD Board President Pamela Feix's questioned Ms. Hale about the teacher signatures:

“Mrs. Feix: I would also like to ask you, you had eight teachers’ signatures, which is what is required? Eight teachers’ signatures?”

Ms. Hale: Half of the number of first year, so yes.

Mrs. Feix: But five of them are currently teaching in your other facility.

Ms. Hale: That want

Mrs. Feix: So there are only three teachers that are wanting to come to Chino?

Ms. Hale: No, because we have teachers just like I did last time that live here, that live here in Chino. But drive down to Wildomar to work.”

Even though some of the teachers submitting signatures allegedly live in Chino, it is still uncertain whether those teachers would leave their current positions at the SASCA-W charter school to teach at the proposed SASCA-CV charter school, and none of the teachers who supposedly live in Chino appeared at the August 16, 2018 Public Hearing.

Because the SASCA-CV charter petitioners “*may not collect signatures at an already existing charter school*” and six teachers are already employed at the SASCA-W charter school and one teacher is already employed at the Temecula Preparatory Academy charter school, all of their signatures are disqualified, leaving the SASCA-CV charter petition with only one eligible teacher signature.

With only one eligible teacher signature, the SASCA-CV charter petition fails to be “*signed by the number of teachers that is equivalent to at least one-half of the number of teachers that the charter school estimates will be employed*” at the proposed SASCA-CV charter school during its first year of operation under Education Code section 47605(a)(1)(B).

The lack of valid teacher signatures coupled with the nonattendance of any parent or student presence at the SASCA-CV August 16, 2018 Public Hearing is further evidence of the complete lack of public support for the SASCA-CV charter petition in the Chino Valley Unified School District.

The CVUSD Board of Education therefore finds that the SASCA-CV charter petition failed to contain the required number of valid teacher signatures when the SASCA-CV charter petition was submitted to CVUSD, pursuant to Education Code section 47605(b)(3).

III. THE SASCA-CV CHARTER PETITION FAILS TO PROVIDE ALL OF THE LEGALLY REQUIRED AFFIRMATIONS AND ASSURANCES IN COMPLIANCE WITH STATE LAW. [EDUCATION CODE SECTION 47605(b)(4)]

Education Code section 47605(b)(4) requires that the SASCA-CV charter petition contain “an affirmation of each of the conditions described in subdivision (d).”

Section 47605(d) provides in pertinent part:

“(1) In addition to any other requirement imposed under this part, 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 the characteristics listed in Section 220. 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 legal guardian, within this state, except that an 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.” (Emphasis added.)

For purposes of Education Code section 47605(b)(4), California Code of Regulations, title 5, section 11967.5.1(e) states:

“a charter petition that ‘does not contain an affirmation of each of the conditions described in subdivision (d)’ of Education Code section 47605 shall be a petition that fails to include a clear, unequivocal affirmation of each such condition, not a general statement of intention to comply. 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 Education Code section 47605(d).” (Emphasis added.)

The SASCA-CV charter petition fails to include all of the legally required affirmations under Education Code section 47605(b)(4) because the SASCA-CV charter petition and attachments include evidence that the proposed SASCA-CV charter school will fail to comply with Education Code section 220.

The SASCA-CV charter petition states at pages 3 through 4 under “Affirmations/Assurances” that “[t]he Charter School ‘shall not discriminate against a pupil on the basis of the characteristics listed in [Education Code] Section 220’ (actual or perceived 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 Penal Code or association with an individual who has any of the aforementioned characteristics).”

However, the SASCA-CV charter petition fails to comply with Education Code section 220 because it omits the protected characteristic “*immigration status*” in the “*Affirmations/Assurances*” and throughout the SASCA-CV charter petition.

The SASCA-CV charter petition’s “*Affirmations/Assurances*” about the SASCA-CV charter school’s non-discrimination policy is merely a **general statement of intention to comply** with Education Code section 220.

Education Code section 220 states:

“No person shall be subjected to discrimination 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 Penal Code, including immigration status, in any program or activity conducted by an educational institution that receives, or benefits from, state financial assistance, or enrolls pupils who receive state student financial aid.” (Emphasis added.)

The SASCA-CV charter petition states at page 179 that, “SASCA-CV will not discriminate against any staff member on the basis of affiliations, political or religious acts or opinions, race, national origin, ancestry, gender, gender identity, marital status, physical disability, mental disability, medical condition, or age” and similarly at page 183 that, “SASCA-CV will not discriminate against any staff member on the basis of affiliations, political or religious acts or opinions, race, national origin, ancestry, gender, gender identity, marital status, physical disability, mental disability, medical condition or age.”

However, the SASCA-CV charter petition’s employee anti-discrimination policy as stated at pages 179 and 183 is inconsistent with Education Code section 47605(b)(4) and Education Code section 220’s requirement that the proposed SASCA-CV charter school explicitly prohibit discrimination against any person on the basis of “*gender expression*,” “*sexual orientation*,” and “*immigration status*.”

The SASCA-CV charter petition states at page 184 that “Sycamore Academy-CV will not discriminate against any employee on the basis of race, color, creed, age, sex, religion, national origin, disability, sexual orientation, or marital/partnership status,” however, this employee anti-discrimination policy fails to comply with Education Code section 220 because it omits “*gender*,” “*gender expression*,” “*gender identity*,” and “*immigration status*,” and also is inconsistent with SASCA-CV’s anti-discrimination policy articulated at pages 179, 180, and 183, by including “*creed*” and “*color*.”

The SASCA-CV charter petition states at page 180 that SASCA-CV charter school staff will “[p]rovide for participation in educational programs without regard to disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or any other characteristic that is contained in the definition hate crimes set forth in Penal Code section 422.55 or association with persons with such characteristics, both in what is taught and how it is taught,” however, the SASCA-CV charter petition fails to include Education Code section 220’s protected characteristic “immigration status.”

The SASCA-CV charter petition provides at page 198 that:

“SASCA-CV will be committed to providing a school that is free from discrimination and sexual harassment, as well as any harassment based upon the actual or perceived characteristics of race, religion, creed, color, gender, gender identity, gender expression, nationality, national origin, ancestry, ethnic group identification, genetic information, age, medical condition, marital status, sexual orientation, pregnancy, physical or mental disability, childbirth or related medical conditions, or on the basis of a person's association with a person or group with one or more of these actual or perceived characteristics, or any other basis protected by federal, state, local law, ordinance or regulation.”

However, page 198 of the SASCA-CV charter petition fails to comply with Education Code section 220 because it omits the protected characteristic “immigration status.”

Not only does the SASCA-CV charter petition contain evidence that the proposed SASCA-CV charter school will fail to comply with Education Code section 220, but SASCA-CV’s anti-discrimination policy at page 198 of the SASCA-CV charter petition is inconsistent with SASCA-CV’s anti-discrimination policy articulated at pages 179, 180, and 183, because it includes “creed” and “color.”

The SASCA-CV charter petition states under “Open Enrollment Policy” at page 205:

“No student will be denied admittance to the school based on race, sexual orientation, religion, ethnicity, national origin, gender, gender identity, disability, or any other protected classification under local, state, and federal laws; including any other characteristics outlined in the definition for hate crimes under Section 422.55 of the Penal Code.”

The SASCA-CV’s Open Enrollment Policy above also fails to comply with Education Code section 220 because it omits “gender expression” and “immigration status.”

It also conflicts with the SASCA-CV charter petition’s affirmation and assurance at pages 2 and 3 that the proposed SASCA-CV charter school will prohibit discrimination on the basis of gender expression and immigration status, thereby evidencing “that the charter will fail to comply

with the conditions described in Education Code section 47605(d). (California Code of Regulations, title 5, section 11967.5.1(e).)

The SASCA-CV charter petition states under “*Non-Discrimination Statutes and Affirmations*” at page 208:

“SASCA-CV shall not discriminate on the basis of race, ethnicity, national origin, religion, gender, gender identity, gender expression, home language, disability, or any other protected classification under local, state, and federal laws, including any other characteristics outlined in the definition for hate crimes under Section 422.55 of the Penal Code.”

The SASCA-CV charter petition’s page 205 fails to comply with Education Code section 220 because it omits “*sexual orientation*” and “*immigration status*.”

The SASCA-CV charter petition’s anti-discrimination policy is also inconsistent with “*Public Random Drawing/Lottery*” section at page 209, which states admission to the proposed SASCA-CV charter school is open to all students regardless of “*ethnicity, creed, national origin, gender or disability*.” The SASCA-CV charter petitioners fail to prohibit discrimination based on “*gender expression*,” “*sexual orientation*,” “*race*” and “*immigration status*” in the Public Random Drawing/Lottery procedures.

Further, the SASCA-CV charter school petitioners fail to protect persons from “*gender identity*,” “*gender expression*,” and “*immigration status*” discrimination in the SASCA-CV charter petition’s proposed “*Nondiscriminatory Harassment Policy*” at pages 249 through 250.

Because of the inconsistent anti-discrimination policies in the SASCA-CV charter petition, it is therefore uncertain which anti-discrimination policy will be applied in any given situation and whether the proposed SASCA-CV charter school will discriminate against any pupil or employee on the basis of the characteristics lists in Education Code section 220, especially because **all** of the SASCA-CV charter petition’s anti-discrimination policies fail to prohibit discrimination on the basis of “*immigration status*.”

The chart below demonstrates the SASCA-CV charter petition’s failure to comply with Education Code section 220:

Chart 1: The SASCA-CV Charter Petition's Anti-Discrimination Policies Compliance With Education Code section 220									
Education Code § 220 Protections	Pages 3-4	Page 179	Page 180	Page 183	Page 184	Page 198	Page 205	Page 208	Pages 249-250
Disability	✓	✓	✓	✓	✓	✓	✓	✓	✓
Gender	✓	✓	✓	✓	Un-protected	✓	✓	✓	✓
Gender Identity	✓	✓	✓	✓	Un-protected	✓	✓	✓	Un-protected
Gender Expression	✓	Un-protected	✓	Un-protected	Un-protected	✓	Un-protected	✓	Un-protected
Nationality	✓	✓	✓	✓	✓	✓	✓	✓	✓
Race or Ethnicity	✓	✓	✓	✓	✓	✓	✓	✓	✓
Religion	✓	✓	✓	✓	✓	✓	✓	✓	✓
Sexual Orientation	✓	Un-protected	✓	Un-protected	✓	✓	✓	Un-protected	✓
Immigration Status	Un-protected	Un-protected	Un-protected	Un-protected	Un-protected	Un-protected	Un-protected	Un-protected	Un-protected

The CVUSD Board of Education therefore finds that the SASCA-CV charter petition fails to provide a clear, unequivocal affirmation, as required by Education Code section 47605(b)(4), because the SASCA-CV charter petition contains evidence that the proposed SASCA-CV charter school will fail to comply with Education Code section 220.

IV. THE SASCA-CV CHARTER PETITION FAILS TO CONTAIN REASONABLY COMPREHENSIVE DESCRIPTIONS OF FIVE (5) OF THE FIFTEEN (15) REQUIRED ELEMENTS OF A CHARTER PETITION. [EDUCATION CODE SECTION 47605(b)(5)]

Education Code section 47605(b)(5) requires that the SASCA-CV charter petition contain **reasonably comprehensive descriptions of all fifteen** of the required elements of a charter petition listed at Education Code subsections 47605(b)(5)(A)-(O).

California Code of Regulations, Title 5, section 11967.5.1(g), provides:

“A ‘reasonably comprehensive’ description, within the meaning subdivision (f) of this section and Education Code section 47605(b)(5) shall include, but not be limited to, information that:

(1) Is substantive and is not, for example, a listing of topics with little elaboration.

(2) For elements that have multiple aspects, addresses essentially all aspects the elements, not just selected aspects.

(3) *Is specific to the charter petition being proposed, not to charter schools or charter petitions generally.*

(4) *Describes, as applicable among the different elements, how the charter school will:*

- (A) *Improve pupil learning.*
- (B) *Increase learning opportunities for its pupils, particularly pupils who have been identified as academically low achieving.*
- (C) *Provide parents, guardians, and pupils with expanded educational opportunities.*
- (D) *Hold itself accountable for measurable, performance-based pupil outcomes.*
- (E) *Provide vigorous competition with other public school options available to parents, guardians, and students.”*

Education Code section 47605 provides that the legal grounds for the denial of a charter petition exist if **“one or more of the [statutory] findings” are supported by specific facts.** Therefore, the SASCA-CV charter petition’s failure to provide a reasonably comprehensive description of even **one statutorily required element** is a legal basis for denial of the SASCA-CV charter petition.

The CVUSD Board of Education hereby finds that the SASCA-CV charter petition fails to provide reasonably comprehensive descriptions of **five of the fifteen** required elements as shown by the following specific facts:

A. The SASCA-CV Charter Petition Fails To Contain A Reasonably Comprehensive Description Of The Educational Program Of The Proposed SASCA-CV Charter School. [Education Code section 47605(b)(5)(A)]

Education Code section 47605(b)(5)(A) requires that the SASCA-CV charter petition contain a reasonably comprehensive description of the proposed SASCA-CV charter school’s educational program, including:

“(i) The educational program of the school, designed, among other things, to identify those whom the school is attempting to educate, what it means to be an ‘educated person’ in the 21st century, and how learning best occurs. The goals identified in that program shall

include the objective of enabling pupils to become self-motivated, competent, and lifelong learners.

(ii) The 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 SASCA-CV charter petition fails to contain a reasonably comprehensive description of the educational program of the proposed SASCA-CV charter school because:

1. **The SASCA-CV charter petition fails to provide a reasonably comprehensive description of the proposed SASCA-CV charter school’s instructional approaches. [California Code of Regulations, Title 5, section 11967.5.1(f)(1)(E)]**

California Code of Regulations, Title 5, section 11967.5.1(f)(1) states that a factor to be considered in determining whether a charter petition contains a “*reasonably comprehensive description*” of the proposed charter school’s educational program, is if the charter petition, at a minimum:

*“(E) 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 Education Code section 60605 and to achieve the objectives specified in the charter.**” (Emphasis added.)*

The SASCA-CV charter petition states at page 12 that the SASCA-CV charter school uses the “*constructivist theory of learning*” and at page 67 that “*Constructivist practices . . . will be the basis for instruction in all core academic areas:*” ELA/Literacy, Mathematics, Science, and History/Social Studies, however the SASCA-CV charter petition does not describe how the “*constructivist practices*” will be implemented as a basis for all pupil instruction in each core academic area.

For the proposed SASCA-CV charter school to effectively implement constructivist teaching, “*considerable time will be required for responding to the individual constructions of students*” because student constructions “*have two important properties: 1) they are complex in form, and 2) they differ from student to student.*” (Airasian & Walsh, *Constructivist Cautions*, (1977) Phi Delta Kappan, 444, 448.) Implicit in the need for more time in teaching with

constructivism, is that teachers will have “to cover a smaller amount of content in great depth.” (Id.)

To illustrate the many different instructional strategies identified in the SASCA-CV charter petition, the District prepared the following Chart:

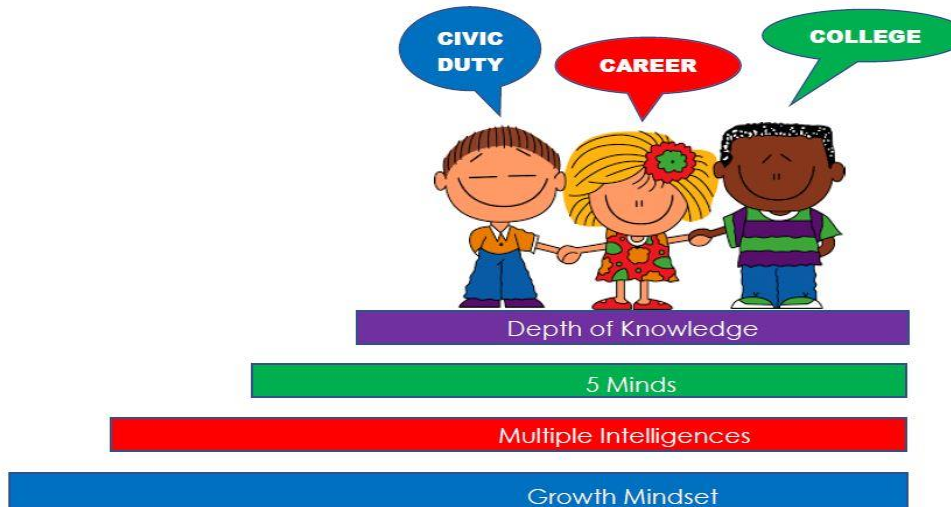
Chart 2: SASCA-CV Charter School’s Multiple Instructional Strategies		
Instructional Strategy		Researcher
1	S.P.E.C (p. 16)	Leading EDGE
2	Visible Learning (p. 19)	Professor John Hattie
3	Growth Mindset (p. 22)	Dr. Carol Dweck
4	Theory of Multiple Intelligences (p. 23)	Dr. Howard Gardner
5	Five Minds for the Future (p. 25)	Dr. Howard Gardner
6	Depth of Knowledge (p. 27)	Dr. Norman Webb
7	Habits of Highly Effective People (p. 29)	Dr. Stephen Covey
8	Kagan Cooperative Learning (p. 32)	Dr. Spencer Kagan
9	Service Learning (p. 34)	Campaign for the Civic Mission of Schools

Because of the time-consuming nature of implementing constructivist teaching, it is not clear when and how the SASCA-CV charter petition’s many educational theories and instructional approaches listed above will be sufficiently implemented into the SASCA-CV charter school’s actual curriculum to be used across all of the proposed SASCA-CV charter school’s grade levels.

The February 5, 2018 San Bernardino County Superintendent of Schools Charter Advisory Committee Staff Report on Ms. Hale’s September 14, 2017 SPA charter petition’s instructional strategies states at page eight that:

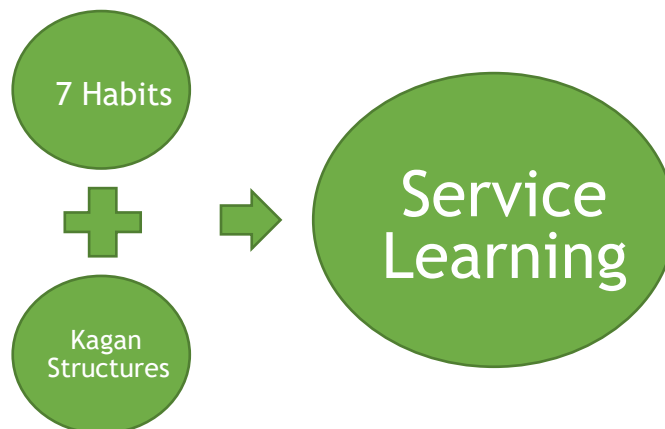
“The Petition does not provide reasonably comprehensive descriptions of how it can implement all of these, or each of them, nor which are material versus exemplary.”

The SASCA-CV charter petition at page 28 states: *“It is critical to understand how a Growth Mindset, Multiple Intelligences, 5 Minds and Depth of Knowledge are in strategic alignment for the purpose of developing higher level thinking that is continually seeking more knowledge and greater understanding”* and includes the following graphic to *“encapsulate that understanding:”*



However, the SASCA-CV charter petition and the graphic at page 28 fail to describe how *all* of the nine instructional strategies can be implemented and how *all* of the nine instructional strategies work together, and fails to adequately describe how Depth of Knowledge, Five Minds, Multiple Intelligences, and Growth Mindset develop “*higher level thinking.*” The SASCA-CV charter petition and the graphic also fail to show how Depth of Knowledge, Five Minds, Multiple Intelligences, and Growth Mindset instructional strategies “*will enable the school’s pupils to master the content standards for the four core curriculum areas adopted by the SBE*” as required by California Code of Regulations, Title 5, section 11967.5.1(f)(1)(E), and how Depth of Knowledge, Five Minds, Multiple Intelligences, and Growth Mindset instructional strategies are aligned to the Common Core State Standards.

The SASCA-CV charter petition at page 35 states: “*we have developed this graphic to demonstrate how the 7 Habits, Kagan Structures and Service Learning are related*” and includes the following graphic:



The SASCA-CV charter petition states at page 35:

“As the graphic demonstrates, the 7 Habits are used to develop oneself and guide behavior. The Kagan Structures help students learn how to work within their learning community. Together, the 7 Habits and Kagan Structures guide students in their Service Learning experiences, seeking out service within their community, helping them to work with a diverse population and collaboratively communicate to solve real world problems through differing opinions, personalities and beliefs in a polite and respectful way.”

However, the SASCA-CV charter petition and the SASCA-CV charter petitioners’ graphic at page 35 fail to describe how the other six instructional strategies are to be implemented in addition to the 7 Habits, Kagan Structures, and Service Learning instructional strategies. The SASCA-CV charter petition and the graphic also fail to show how the 7 Habits, Kagan Structures, and Service Learning instructional strategies “*will enable the school’s pupils to master the content standards for the four core curriculum areas adopted by the SBE*” as required by California Code of Regulations, Title 5, section 11967.5.1(f)(1)(E), and how the 7 Habits, Kagan Structures, and Service Learning instructional strategies are aligned to the Common Core State Standards.

In addition to its complex instructional strategies, the SASCA-CV charter petition contains a program called Science, Technology, Engineering, Arts, and Mathematics (“STEAM”).

However, the entire SASCA-CV charter petition includes only **one** paragraph at page 121 describing the proposed SASCA-CV charter school’s STEAM program.

Page 121 of the SASCA-CV charter petition states, in relevant part:

“SASCA-CV will focus on Science, Technology, Engineering, Arts, and Mathematics as integrated units.”

“STEAM is both an interdisciplinary and applied approach that is coupled with hands-on, problem-based teaming. The design of such units will begin with the Next Generation Science Standards.”

In May 2014, California State Superintendent of Public Instruction Tom Torlakson released a report titled “*INNOVATE: A Blueprint for Science, Technology, Engineering, and Mathematics in California Public Education,*” detailing the multiple years of proper training, materials, and implementation necessary to successfully operate a grades TK-8 STEM program. (<https://www.cde.ca.gov/pd/ca/sc/documents/innovate.pdf>.)

The SASCA-CV charter petition completely fails to describe how the proposed SASCA-CV charter school’s STEAM (STEM + Arts) program will be implemented, how SASCA-CV administrators and teachers will be trained and certified in implementing the STEAM educational model, and/or how SASCA-CV’s STEAM program will meet the needs of SASCA-CV’s special student populations.

The SASCA-CV charter petition fails to explain how the proposed SASCA-CV charter school’s STEAM program “*will enable the school’s pupils to master the content standards*” for science as required by California Code of Regulations, Title 5, section 11967.5.1(f)(1)(E).

In addition to the STEAM program, the SASCA-CV charter petition identifies courses of study for the proposed SASCA-CV charter school program.

Because the SASCA-CV charter petition states at page 111 that “*SASCA-CV will adopt a course of study for grades TK-8 to align with the Common Core State Standards in English Language Arts & Literacy in History/Social Studies, Science, and Technical Subjects (“ELA /Literacy”) and Mathematics . . .*” the District reviewed the existing SASCA-W charter school’s California Assessment of Student Performance and Progress (“CAASPP”) results in English Language Arts (“ELA”) and Math for 2016 and 2017.

Chart 3 below shows SASCA-W students’ 2016 and 2017 CAASPP assessments in ELA and Math.

Chart 3: Comparing 2016 and 2017 CAASPP Assessments in ELA & Math for All SASCA-W Students									
Year	Group	ELA				Math			
		% Standard Not Met	% Standard Nearly Met	% Standard Met	% Exceeds Standards	% Standard Not Met	% Standard Nearly Met	% Standard Met	% Exceeds Standards
2017	All SASCA-W Students	29.7%	26.1%	28.8%	15.4%	39.3%	31.9%	18.8%	10.1%
2016	All SASCA-W Students	32%	25%	29%	14%	32%	39%	18%	11%

Source: CAASPP

In 2016, **32%** of SASCA-W students failed to meet the CAASPP assessment standard in Math, and in 2017, and the percentage of SASCA-W students failing to meet the CAASPP assessment standard in Math **increased to 39.3%**. **Therefore, Chart 3 demonstrates that the percentage of SASCA-W students failing to meet state standards in Math increased by 7.3 points from 2016 to 2017.**

In fact, the SASCA-CV charter petitioners concede SASCA-W’s performance gap for all SASCA-W students in Math in SASCA-W charter school’s 2017-2018 Local Control Accountability Plan and Annual Update (“LCAP”) at page four:

*“Sycamore Academy has decided to **recognize the performance gap for all students in math . . .**”* (Emphasis added.)

At the August 16, 2018 SASCA-CV Public Hearing, Director of Curriculum, Instruction, and Assessment Mr. Morabito stated that, “*Our curriculum is at the forefront of academic success. It is research based, proven Common-Core and NGSS aligned and mixes new ideas with proven strategies.*” Despite Mr. Morabito’s enthusiasm for the proposed SASCA-CV charter school’s curriculum, the existing SASCA-W charter school has failed to maintain or decrease the performance gap for all students in Math.

Because the existing SASCA-W charter school has failed to maintain or decrease the performance gap for all students in Math, the District is concerned that the proposed SASCA-CV charter school program will have the same or similar negative effect on SASCA-CV students’ performance on the CAASPP assessment in Math.

The District further notes that Chart 3 above evidences that the SASCA-CV charter petitioners have failed to implement an educational program at SASCA-W charter school whereby the majority of SASCA-CV students meet or exceed state standards.

In 2016, 71% of SASCA-W students failed to meet state standards in Math (Standard Not Met or Standard Nearly Met). That percentage increased to 71.2% in 2017. Even in ELA, 57% of SASCA-W students failed to meet state standards in 2016 (Standard Not Met or Standard Nearly Met). That percentage only decreased to 55.8% in 2017.

Therefore, the SASCA-CV charter petition fails to indicate how SASCA-CV’s Math curriculum “*will enable the school’s pupils to master the content standards*” when the SASCA-W students’ performance on CAASPP assessment for Math is below California state standards.

a. *Instructional Approach For Independent Study*

Moreover, the SASCA-CV charter petition also fails to contain a reasonably comprehensive description of “*the instructional approach or approaches the charter school will utilize, including, but not limited to, the curriculum and teaching methods*” with regards to the proposed SASCA-CV charter school’s independent study program, “Home Study.”

Education Code section 47612.5 requires that a charter school providing independent study shall comply with Article 5.5 (commencing with Section 51745) of Chapter 5 of Part 28 of the Education Code and implementing regulations adopted thereunder.

Education Code section 51746 states:

“It is the intent of the Legislature that school districts . . . offering independent study shall provide . . . [t]he services of qualified personnel to assess the achievement, abilities, interests, aptitudes, and needs of participating pupils to determine . . . [w]hether full-time independent study is the most appropriate alternative for the pupil being referred.” (Emphasis added.)

Because a school district means a charter school for the purposes of Education Code section 51746, the proposed SASCA-CV charter school's independent study program must determine "[w]hether full-time independent study is the most appropriate alternative for the pupil being referred." (5 C.C.R. section 11700.1(c); Educ. Code section 51746.)

However, neither the SASCA-CV charter petition nor the SASCA-CV charter petition's attachment "*Independent Study Policy*," provide for this critical assessment under Education Code section 51746 **prior to** a child's enrollment in the SASCA-CV independent study program. Therefore, the SASCA-CV charter petition and Independent Study Policy fail to ascertain whether a student is **capable of independent study**, prior to a student's placement in independent study, which is evidence that the SASCA-CV petition fails to contain a reasonably comprehensive description of SASCA-CV's independent study program.

The District notes that the Independent Study Policy is in draft form, undated, and not approved by the RRCSA Board.

The SASCA-CV charter petition's attachment Independent Study Policy states at page two that:

*"Parents/guardians and students are expected to . . . Meet with the credentialed teacher **once every 5 school days as determined by the teacher** and noted on the Work Assignment Record or Master Agreement and not to exceed 20 school days", and at page 4 that "Independent study teachers shall . . . Meet with the student and parent **every 5 school days as appropriate but not to exceed 20 school days.**" (Emphasis added.)*

The SASCA-CV charter petition states at page 98 that independent study pupils will only meet with credentialed **teachers "at least [once] every twenty (20) school days."** (Emphasis added.)

The District notes if SASCA-CV teachers meet with independent study pupils once every 20 school days, it is in **direct violation** of Education Code section 51749.5(a)(7)(A)'s requirement that, "*Certificated employees and each pupil shall communicate in person, by telephone, or by any other live visual or audio connection **no less than twice per calendar month** to assess whether each pupil is making satisfactory educational progress.*" (Emphasis added.)

The CVUSD Board of Education therefore finds that the SASCA-CV charter petition fails to contain a reasonably comprehensive description of the proposed SASCA-CV charter school's instructional approaches, as required by California Code of Regulations, Title 5, section 11967.5.1(f)(1)(E).

2. The SASCA-CV charter petition fails to provide a reasonably comprehensive description of how the proposed SASCA-CV charter school will meet the needs of special student populations. [California Code of Regulations, Title 5, section 11967.5.1(f)(1)(G)]

California Code of Regulations, Title 5, section 11967.5.1(f)(1) states that a factor to be considered in determining whether a charter petition contains a “*reasonably comprehensive description*” of the proposed educational program, is if the charter petition, at a minimum:

“(G) 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.”

The SASCA-CV charter petition and attachments fail to provide a reasonably comprehensive description of how the proposed SASCA-CV charter school “*will meet the needs of students with disabilities, English learners, . . . and other special student populations.*”

a. *Students With Disabilities*

The SASCA-CV charter petition at page 66 includes a chart of the CVUSD’s enrollment by special student populations for the 2015-2016 school year, identifying English language learner students, socioeconomically disadvantaged students, foster youth and special education students. Page 123 of the SASCA-CV charter petition explicitly states that “*targeted populations*” include “*Students with Disabilities.*”

Because the SASCA-CV charter petition indicates that special education students will be targeted for enrollment at the proposed SASCA-CV charter school, the District reviewed the existing SASCA-W charter school’s 2016 and 2017 CAASPP results in ELA and Math for students with disabilities.

Chart 4 below demonstrates the SASCA-CV charter petitioners’ poor record in serving students with disabilities by comparing the 2017 and 2016 CAASPP scores of SASCA-W students with disabilities and scores of SASCA-W students with no reported disability:

Chart 4: Comparing 2016 and 2017 CAASPP Results SASCA-W Students with Disability v. SASCA-W Students with No Reported Disability								
Student Subgroup	2017 CAASPP				2016 CAASPP			
	% Exceeding state standards	% Meeting state standards	% Nearly met state standard	% State standard not met	% Exceeding state standards	% Meeting state standards	% Nearly met state standard	% State standard not met
Students with Disability (ELA)	0%	6.4%	27.7%	66%	0%	5%	29%	66%
Students with No Reported Disability (ELA)	17.9%	32.4%	25.9 %	23.8%	16%	32%	25%	27%
Difference	17.9%	26%	1.8%	- 42.2%	16%	27%	- 4%	- 39%
Students with Disability (Math)	0%	6.5%	15.2 %	78.3%	3%	5%	18%	74%
Students with No Reported Disability (Math)	11.7%	20.7%	34.5 %	33.1%	12%	20%	42%	26%
Difference	11.7%	14.2%	19.3 %	- 45.2%	9%	15%	24%	- 48%

Source: CAASPP

Chart 4 above indicates that in both the 2016 and 2017 CAASPP assessment in ELA, the percentage of SASCA-W students with disabilities that did not meet state standards is **more than twice** the percentage of SASCA-W students with no reported disability.

Chart 4 also shows that in the 2017 CAASPP assessment in Math, the percentage of SASCA-W students with disabilities that did not meet state standards for Math is **more than twice** the percentage of SASCA-W students with no reported disability.

Notably, the percentage of SASCA-W students with disabilities that did not meet California state standards in Math actually **increased** from 74% in 2016 to 78.3% in 2017.

The District further notes that **zero (0)** SASCA-W students with disabilities exceeded California state standards in ELA or Math in 2017.

Education Code section 47601(f) in setting out the legislative intent for the Charter Schools Act of 1993 states that it is the intent of the California Legislature to “[h]old the schools established under this part accountable for meeting measurable pupil outcomes.” Based on the SASCA-W CAASPP assessment results for students with disabilities, the SASCA-CV charter petitioners, who have been operating the existing SASCA-W charter school since 2009, are failing to hold themselves accountable to meet measurable pupil outcomes in increasing SASCA-W students with disabilities’ CAASPP assessment scores.

In fact, the SASCA-CV charter petitioners concede SASCA-W’s performance gap for SASCA-W students with disabilities in Math in the 2018-2019 LCAP for the SASCA-W charter school at pages 4 and 5, respectively:

“After analyzing the data provided by the California School Dashboard, the group of students that are in the greatest need is the Students with Disabilities in the area of math. According to the California School Dashboard, the Students with Disabilities declined 6 points in math are still 105 points away from achieving level 3. The 105-point gap to achieve level 3 is the largest gap by any student group in any content area according to the dashboard.” (Emphasis added.)

“Students with Disabilities scored ‘Very low’, 105 points below level 3 and 61.7 points behind students without a disability.” (Emphasis added.)

Because the SASCA-W charter school petitioners admit they have failed to decrease the performance gap for students with disabilities in Math, the District is concerned the proposed SASCA-CV charter school’s Math program will have the same or similar negative effect on SASCA-CV students with disabilities’ performance on the CAASPP assessment in Math.

Therefore, the SASCA-CV charter petition fails to provide a reasonably comprehensive description of how the proposed SASCA-CV charter school will meet the needs of special student populations, such as students with disabilities as required by California Code of Regulations, Title 5, section 11967.5.1(f)(1).

b. English Learner Students

The SASCA-CV charter petition also fails to provide a reasonably comprehensive description of how the proposed SASCA-CV charter school will meet the needs of English learner students.

The SASCA-CV charter petition states at page 70 that *“SASCA-CV will comply with all applicable federal and state legal requirements regarding English Learners (EL) as it pertains to annual notification to parents.”* However, a general statement of compliance does not provide sufficient assurances that the proposed SASCA-CV charter school will meet the federal and state legal requirements regarding protections for English learners.

The SASCA-CV charter petition states at page 71 that, *“Students will be assessed with . . . California--Initial Identification Assessment (ELPAC-IA)”* and *“Once a student is determined to be an English Language Learner according to ELPAC-IA, the English Language Proficiency Assessment for California (ELPAC) will be administered annually.”*

Under Education Code section 313(d)(2), the annual “Summative Assessment ELPAC” is given to students who are identified as an English learner on the Initial Assessment ELPAC, every year in spring until they are reclassified as English proficient.

While the SASCA-CV charter petition’s attachment, “*English Learner Reclassification Recommendation Form*” and two parent/guardian notice letters, identified the “Summative Assessment,” the SASCA-CV charter petition’s description of the English learner program fails to explicitly state that the Summative Assessment ELPAC will be administered annually every spring until SASCA-CV English learner students are reclassified as English proficient.

The SASCA-CV charter petition states at page 71 that, “*Parents will be informed of the assessment results within 30 calendar days following the receipt of the test results.*”

Under United States Code, Title 20, section 6312(e)(3)(A), a local education agency “*shall, not later than 30 days after the beginning of the school year, inform parents of an English learner*” of all of the following:

“(i) the reasons for the identification of their child as an English learner and in need of placement in a language instruction educational program;

(ii) the child’s level of English proficiency, how such level was assessed, and the status of the child’s academic achievement;

(iii) the methods of instruction used in the program in which their child is, or will be, participating and the methods of instruction used in other available programs, including how such programs differ in content, instructional goals, and the use of English and a native language in instruction;

(iv) how the program in which their child is, or will be, participating will meet the educational strengths and needs of their child;

(v) how such program will specifically help their child learn English and meet age-appropriate academic achievement standards for grade promotion and graduation;

(vi) the specific exit requirements for the program, including the expected rate of transition from such program into classrooms that are not tailored for English learners, . . .

(vii) in the case of a child with a disability, how such program meets the objectives of the individualized education program of the child, as described in section 614(d) of the Individuals with Disabilities Education Act (20 U.S.C. 1414(d)); and

(viii) information pertaining to parental rights that includes written guidance—

- (I) detailing the right that parents have to have their child immediately removed from such program upon their request;
- (II) detailing the options that parents have to decline to enroll their child in such program or to choose another program or method of instruction, if available; and
- (III) assisting parents in selecting among various programs and methods of instruction, if more than 1 program or method is offered by the eligible entity.”

The SASCA-CV charter petition’s attachments fail to include a sample parent/guardian notice letter regarding the Initial Assessment ELPAC of a student that has a language other than English noted on the student’s home language survey, which lists all of the above parent/guardian rights under United States Code, Title 20, section 6312(e)(3)(A).

The SASCA-CV charter petition states at page 76 that, “*Parents/guardians will be informed of their rights and encouraged to participate in the reclassification process,*” however, the SASCA-CV charter petition’s attachments also do not include a sample parent/guardian letter regarding reclassification procedures and parent/guardian rights.

The District reviewed three of the SASCA-CV charter petition’s attachments related to the English Learner program:

1. One untitled attachment contains English Language Development (“ELD”) standards used for students in grades TK through 8th, however, the document does not provide detailed descriptions of the ELD Proficiency Level Continuum “*emerging, expanding, and bridging*” for each of the standards listed. The document also does not indicate what assessments will be used to show that English learner students will meet those standards.
2. A second attachment, “*English Language Learner Monitoring Form*” is not comprehensive for monitoring reclassified English learner students over four years because it does not identify what internal assessments will be used for monitoring, the scores of the internal assessments, the student’s CAASPP scores, does not indicate whether a student’s English learner status improved, worsened, or remained the same, and does not indicate whether an intervention plan will be used.
3. The third attachment, “*English Learner Reclassification Recommendation Form*” fails to contain any statement about parent opinion and consultation, which is a statutorily required reclassification procedure under Education Code section 313(f)(3).

Therefore, the SASCA-CV charter petition fails to contain a reasonably comprehensive description of how the proposed SASCA-CV charter school will meet the needs of special student populations such as English learner students as required by California Code of Regulations, Title 5, section 11967.5.1(f)(1).

c. *Other Special Student Populations*

The SASCA-CV charter petition and Budget also fail to demonstrate that the proposed SASCA-CV charter school will meet the nutritional needs of students eligible for free and/or reduced price meals.

The SASCA-CV charter petition states at pages 69 through 70 that, “SASCA-CV will . . . [p]rovide [a] Free and Reduced meal program” to “address the unique needs of socioeconomically disadvantaged students in a sensitive and confidential way.” The SASCA-CV Budget at page 2 “assumes a Free or Reduced Price Meals population of 35.7% . . . reflective of the student population in the geographical area.”

However, based on the California Department of Education (“CDE”) 2017-2018 Data for Free or Reduced-Price Meals, **47.05% of CVUSD students, not 35.7%**, were eligible for free and reduced-price meals.

The District is concerned that not all SASCA-CV low-income students eligible for free or reduced-price meals will receive needed meals because the SASCA-CV Budget fails to show that the SASCA-CV charter petitioners understand the actual population of CVUSD students eligible for free and reduced-price meals.

The SASCA-CV Budget fails to describe why the SASCA-CV charter petitioners assumed a free or reduced-price meals student population of 35.7% when the percentage of the CVUSD student population eligible for free and reduced-price meals for the 2017-2018 school year was 47.05%. Because the CVUSD student population eligible for free and reduced-price meals for 2017-2018 was **almost half** of the total enrolled students at CVUSD, the SASCA-CV Budget fails to provide funds for the actual population of students eligible for such meals.

Moreover, the SASCA-CV charter petition’s provision that SASCA-CV will provide a “[f]ree and Reduced meal program” is inconsistent with the assertions found in the SASCA-CV charter petition’s attachments.

For example, one document, “*New Student Application*,” included in the SASCA-CV charter petition’s attachment “*Lottery Form*” asks parents or guardians to affirm a “*food service disclosure*” that: “*I understand the Sycamore Academy of Science and Cultural Arts does NOT have a food service program at this time.*” This document directly contradicts the statements in the SASCA-CV petition at pages 69 through 70 regarding SASCA-CV providing a free and reduced-price meal program.

Additionally, at the “*Books and Supplies*” section of the SASCA-CV Budget Narrative, the “Food” expense of \$162,906.25 is unspecific, and there are no Budget notes showing how the “Food” expense was calculated. The SASCA-CV Budget Narrative at page five states that SASCA-CV “*budgeted for costs associated with . . . having vended meals delivered to schools at a rate of \$3.25 per lunch meal.*” However, the SASCA-CV charter petition and Budget fail to state what food vendor the proposed SASCA-CV charter school would contract with, whether the food vendor will also provide free and reduced-price meals to SASCA-CV students, and to include a food service contract with the \$3.25 per lunch rate.

The SASCA-CV Budget states that the \$3.25 per meal budgeted rate is “*a conservative estimate compared to current meal costs,*” but fails to provide supporting documentation to explain what “*current meal costs*” were used in SASCA-CV charter petitioners’ comparison.

The SASCA-CV charter petition and Budget lack a sufficient description of the SASCA-CV budgeted food costs and fail to provide assurances that all students eligible for the free and reduced-price meals will receive such meals, and that the proposed SASCA-CV charter school will meet the nutritional needs of all such students.

Therefore, the SASCA-CV charter petition fails to contain a reasonably comprehensive description of how the proposed SASCA-CV charter school will meet the needs of other special student populations, including students eligible for free and reduced-price meals, as required by California Code of Regulations, Title 5, section 11967.5.1(f)(1)

3. The SASCA-CV charter petition fails to provide a reasonably comprehensive description of the proposed SASCA-CV charter school’s target student population. [California Code of Regulations, Title 5, section 11967.5.1(f)(1)(A)]

California Code of Regulations, Title 5, section 11967.5.1(f)(1)(A) states that a factor to be considered in determining whether a charter petition contains a “*reasonably comprehensive description*” of the proposed charter school’s educational program, is if the charter petition, at a minimum:

“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.”

The SASCA-CV petition states at page 66 under “*Whom Will SASCA-CV Serve?*” that SASCA-CV charter petitioners “*will make it a priority to recruit a diverse student population, including low-income and academically low achieving students, reflective of similar racial and ethnic backgrounds of those residing in the District.*”

The SASCA-CV charter petitioners state an incorrect standard at page 66, while the correct standard under Education Code section 47605(b)(5)(G) is “*reflective of the general population*”

residing within the territorial jurisdiction of the [CVUSD],” not “reflective of similar racial and ethnic backgrounds of those residing in the District.”

Page 66 of the SASCA-CV charter petition includes two charts: a chart showing the District’s enrollment by ethnicity for the 2015-2016 school year and an undated chart of the District’s enrollment by special student populations. Further research by District staff revealed that the SASCA-CV charter petitioners’ undated chart’s information is based on the District’s enrollment by special student populations for the 2015-2016 school year.

Because the SASCA-CV charter school’s target student enrollment is based on the District’s enrollment from the 2015-2016 school year, it is not reflective of the District’s **most recent** enrollment for the 2017-2018 school year, and therefore the SASCA-CV’s target student population is not accurate for the 2019-2020 school year.

The following table compares the District’s student enrollment demographics for the 2015-2016 school year with the 2017-2018 school year:

Chart 5: CVUSD’s Enrollment by Ethnicity		
	CVUSD, 2015-16	CVUSD, 2017-18
African American	3.0%	3.1%
American Indian or Alaska Native	<1%	0.1%
Asian	13.2%	15.5%
Filipino	4.6%	4.0%
Hispanic or Latino	57.4%	56.0%
Pacific Islander	<1%	0.2%
White	18.8%	17.1%
Two or More Races	2%	2.1%
Not Reported	<1%	1.0%

Source: California Department of Education, *2017-18 Enrollment by Ethnicity*, <https://dq.cde.ca.gov/dataquest/dqcensus/EnrEthGrd.aspx?cds=3667678&agglevel=district&year=2017-18&ro=y&ro=y>.

Based on the above comparison of the District’s 2015-2016 enrollment and 2017-2018 enrollment, the SASCA-CV charter petition fails to provide an accurate target student enrollment for the 2019-2020 school year that is reflective of the most recent similar racial and ethnic backgrounds of students residing in the territorial jurisdiction of the District.

The undated chart in the SASCA-CV charter petition of the District’s enrollment of special student populations is provided below:

Chart 6: Undated Chart in SASCA-CV Charter Petition	
Student Groups	CVUSD
English Language Learners	11.3%
Socio-economically Disadvantaged	47.4%
Foster Youth	0.7%
Special Education	12.8%

The following chart indicates District’s percentages of special student populations for the 2017-2018 school year:

Chart 7: CVUSD’s Enrollment by Special Student Populations	
Student Populations	CVUSD
English Language Learners	10.7%
Socio-economically Disadvantaged	48.2%
Foster Youth	0.5%
Students with Disabilities	12.4%
Homeless Youth	8.1%
Migrant Education	0%

Source: California Department of Education, *2017-18 Enrollment by Subgroup*, <https://dq.cde.ca.gov/dataquest/dqcensus/EnrCharterSub.aspx?cds=3667678&aggllevel=district&year=2017-18&ro=y>.

The SASCA-CV undated chart should have but fails to reflect the *most recent* District special student population enrollment percentages in Chart 7, and further fails to indicate the percentage of homeless youth enrollment in the District.

The SASCA-CV charter petition states at page 205 that “SASCA-CV will adhere to the *McKinney-Vento Homeless Assistance Act*,” however, the proposed SASCA-CV charter school’s recruitment of special student populations fails to include the percentage of homeless youth that is reflective of the District, which was **8.1%** for the 2017-2018 school year.

The SASCA-CV charter petition also completely fails to contain any description of the proposed SASCA-CV charter school’s target student population’s “*specific educational interests, backgrounds, or challenges*” as required by California Code of Regulations, Title 5, section 11967.5.1(f)(1)(A).

The SASCA-CV charter petition provides at page 66 that, “*Aside from the option established by a newly formed 501(c)3 and scheduled to open in the Fall of 2018, the next closest*

site-based charter option for students in the San Bernardino County is approximately 31 miles away in San Bernardino City Unified.”

The SASCA-CV charter petition provides no evidence for its statement that, *“the next closest site based charter option for students in the San Bernardino County is approximately 31 miles away.”*

Upon further research, without counting the District’s Allegiance STEAM Academy charter school, District staff found that there are other site-based charter school options in San Bernardino County, including: SOAR Charter Academy (K-8 charter school) only 28.7 miles away, Woodward Leadership Academy (K-6 charter school), only 28.4 miles away, and one site-based charter school in Riverside County, the REACH Leadership STEAM Academy (TK-12 Charter school), only 22.1 miles away.

The SASCA-CV charter petition at page 117 provides that the proposed SASCA-CV school’s projected student enrollment for the first year is 275 students. Considering that the SASCA-CV charter petition fails to provide a reasonably comprehensive description of its target student enrollment, the District analyzed SASCA-CV charter petition’s projected student enrollment along with the SASCA-CV charter petition’s description of its attendance policy.

Page 117 of the SASCA-CV charter petition states that, *“SASCA-CV recognizes that a student’s attendance record directly contributes to student academic success. Therefore, SASCA-CV has a schoolwide goal of no less than 95% daily attendance rate. Parents will be made aware of the attendance policy.”*

The SASCA-CV charter petition’s attachments included a **draft** Attendance Policy that is **not approved** by the RRCSA Board.

Despite the SASCA-CV charter petition stating that, *“Parents will be made aware of the attendance policy,”* the SASCA-CV charter petition fails to state how parents or guardians will be notified about the draft Attendance Policy, and whether notification will be provided in the parent’s or guardian’s native language, for students not in the SASCA-CV English Learner program.

The District notes that SASCA-CV’s draft Attendance Policy at page one is severely strict:

“Truancies are not acceptable at SASCA. Truancy is defined an unexcused absence without a written excuse from parent/guardian or, SASCA staff member. Repeated violation of the truancy policy will result in further disciplinary action up to and including suspension and/ or expulsion.”

The SASCA-CV truancy policy is also concerning because students that repeatedly violate the truancy policy, may receive *“further disciplinary action up to and including suspension and/ or expulsion,”* but the SASCA-CV charter petition’s attachment draft Suspension and Expulsion Policy and Procedures do not specify how many *“repeated violation[s]”* of the truancy policy will lead to the suspension or expulsion of a student.

Because SASCA-CV’s target student population includes socioeconomically disadvantaged students, students from foster homes, and homeless students, these students may face difficulties in attending school or arriving at school on time. With such a harsh truancy policy, this may cause socioeconomically disadvantaged students, students from foster homes, and homeless students to face more severe disciplinary consequences than other SASCA-CV students.

The SASCA-CV draft Attendance Policy states at page one, “*When families choose to attend SASCA it is assumed that they are serious about their educational experiences and will avoid missing classes or activities.*”

A student missing class does not necessarily mean that the student or their family are not serious about their educational learning and experiences. The California legislature authorized school administrators “*to excuse school absences due to a pupil’s circumstances, even if the excuse is not one of the valid excuses listed in the . . . Education Code (EC) or the uniform standards established by the . . .*” school’s governing board. (CDE, Truancy, <https://www.cde.ca.gov/ls/ai/tr/>). Considering the California legislature’s language, it is unclear why the SASCA-CV’s draft Attendance Policy is so harsh toward excused student absences.

The SASCA-CV charter petition’s draft Attendance Policy at page three cites to Education Code section 48260(a): “*A Truancy-30 (T-30) occurs when the student is not in his/her assigned seat within 30 minutes of his/her assigned grade level start time or otherwise misses more than thirty minutes of a school day without a valid excuse (EC Section 48260(a)).*”

Education Code section 48260(c) provides that, “*a valid excuse includes, but is not limited to, the reasons for which a pupil shall be excused from school pursuant to Sections 48205 and 48225.5 and may include other reasons that are within the discretion of school administrators and, based on the facts of the pupil’s circumstances, are deemed to constitute a valid excuse.*” (Emphasis added.)

The SASCA-CV charter petition’s draft Attendance Policy’s citation to Education Code section 48260 implies that the SASCA-CV charter school will use the excuses for tardies set forth in Education Code section 48205 and Education Code section 48225.5.

In regards to what excuses for tardies are valid, the SASCA-CV charter petition’s draft Attendance Policy states at page three that:

“*Excused tardies include **only** the following:*

- *Medical, dental, optical, or other health-related appointment (with note from the office where appointment was scheduled)*
- *Circumstances discussed with the school ahead of time, and pre-approved by a school administrator*

- *All late arrivals other than those described above will be considered unexcused” (Emphasis added.)*

The SASCA-CV charter petition’s description of the three excused tardies in the draft Attendance Policy is more severe than what is provided for in Education Code section 48205 and Education Code section 48225.5

Education Code section 48205(a) identifies the following **valid excuses**:

“(1) Due to the pupil’s illness.

(2) Due to quarantine under the direction of a county or city health officer.

(3) For the purpose of having medical, dental, optometrical, or chiropractic services rendered.

(4) For the purpose of attending the funeral services of a member of the pupil’s immediate family, so long as the absence is not more than one day if the service is conducted in California and not more than three days if the service is conducted outside California.

...

(7) For justifiable personal reasons, including, but not limited to, an appearance in court, attendance at a funeral service, observance of a holiday or ceremony of the pupil’s religion, attendance at religious retreats

...

(9) For the purpose of spending time with a member of the pupil’s immediate family, who is an active duty member of the uniformed services, as defined in Section 49701, and has been called to duty for, is on leave from, or has immediately returned from, deployment to a combat zone or combat support position. Absences granted pursuant to this paragraph shall be granted for a period of time to be determined at the discretion of the superintendent of the school district.

(10) For the purpose of attending the pupil’s naturalization ceremony to become a United States citizen.”

Because the proposed SASCA-CV charter school program plans to eventually serve seventh and eighth grade students, SASCA-CV students aged 14 and up may request work permits, and other SASCA-CV students may participate in outside organizations. Education Code section 48225.5(a) describes **two more valid excuses** that are relevant to those students:

“(1) Notwithstanding Section 48200, a pupil who holds a work permit to work for a period of not more than five consecutive days in the entertainment or allied industries shall be excused from school during the period that the pupil is working in the entertainment or allied industry for a maximum of up to five absences per school year.

“(2) Notwithstanding Section 48200, a pupil shall be excused from school in order to participate with a not-for-profit performing arts organization in a performance for a public school pupil audience for a maximum of up to five days per school year provided the pupil’s parent or guardian provides a written note to the school authorities explaining the reason for the pupil’s absence.”

Because the SASCA-CV draft Attendance Policy cites to the Education Code section that identifies the excuses for absences under Education Code sections 48205 and 48225.5, but only describes **three tardy excuses**, the SASCA-CV charter petition’s attachment draft Attendance Policy is not a reasonably comprehensive description of the proposed SASCA-CV charter school’s Attendance Policy.

Notably, at the May 8, 2017 SBCBOE hearing for Ms. Hale’s appeal of the denial of the first SPA charter petition, President Sherman Garnett questioned Ms. Hale on the SASCA-W charter school’s truancy policy.

The minutes from the May 8, 2017 SBCBOE hearing provide that:

*“President Garnett stated that the **excuse policy only has four options** where the California Education Code has 15, and **asked if they are not willing to work with the students**. Ms. Hale responded it takes a lot for them to suspend a student and they always implement other means of correction. She stated again that they have never involuntarily removed any student from their school. President Garnett stated their petition did not list this, and if the Board considered approving he would insist their discipline policy meet the California Education Code.”* (Emphasis added.)

The District is concerned that, after the submission and denials of two prior charter petitions, the SASCA-CV charter petitioners are still not willing to work with students who have tardy issues because of the SASCA-CV’s draft Attendance Policy’s description of the excused tardies remains harsh. With such a severe policy for tardy excuses, students will not be able to get

a tardy excused, which will unfairly subject those students to more disciplinary action than other SASCA-CV students.

Moreover, the District is concerned with SASCA-CV charter school's willingness to collaborate and work with parents and students because the SASCA-CV's draft Attendance Policy provides strict consequences for students that have five unexcused absences.

The SASCA-CV draft Attendance Policy states at page three that:

*“After five (5) days of unexcused absences, **your child may be dropped from the school’s roster and you would need to re-enroll.** Admission will be based on availability at the time of re-enrollment.”* (Emphasis added.)

These two severe consequences of the student being dropped from the school's roster and required re-enrollment for a child being absent for five days, especially without all of the valid absence excuses under the Education Code evidences that the SASCA-CV charter petitioners are not willing to collaborate or find solutions for children's attendance problems with students and their parents.

The District notes that the 2015-2016 CDE Truancy Report for the SASCA-W charter school states that the census enrollment was 493 students, the cumulative enrollment was 567 students, and there were 231 truant students, or **40.74%** truancy rate. The 2015-2016 CDE Truancy Report for CVUSD shows that the census enrollment was 29,314 students, the cumulative enrollment was 30,812 students, and there were 1,992 truant students, or **6.47%** truancy rate.

Therefore, the SASCA-CV charter petition fails to meet the minimum requirements under Education Code section 47605(b)(5)(A) because it lacks a reasonably comprehensive description of the proposed SASCA-CV charter school's target student population.

4. The SASCA-CV charter petition fails to provide a reasonably comprehensive description of the proposed SASCA-CV charter school's special education plan. [California Code of Regulations, Title 5, section 11967.5.1(f)(1)(H)]

California Code of Regulations, Title 5, section 11967.5.1(f)(1)(H) states that a factor to be considered in determining whether a charter petition contains a “*reasonably comprehensive description*” of the proposed educational program, is if the charter petition, at a minimum:

“(H) 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 Education Code 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.”

The SASCA-CV charter petition states at page 88:

*“SASCA-CV shall comply with **all applicable state and federal laws** in serving students with disabilities, including, but not limited to, Section 504 of the Rehabilitation Act of 1973 . . . , the Americans with Disabilities Act . . . , and the Individuals with Disabilities Education Act.”*

The SASCA-CV charter petition also states at page 88 that *“SASCA-CV will operate as a charter school that is its own LEA . . . As such, SASCA-CV shall participate in an approved special education local plan (SELPA)”*

At page 89, the SASCA-CV charter petition provides that the SASCA-W charter school *“is currently a member of the El Dorado County Charter SELPA and as such, SASCA-CV is given priority preference.”*

The SASCA-CV charter petition’s attachments included a July 16, 2018 letter from the El Dorado Charter SELPA, which states that SASCA-CV *“has met the approval criteria and has been approved for membership within the El Dorado Charter SELPA, pending authorization of their charter petition.”*

However, the El Dorado Charter SELPA July 16, 2018 letter **does not** automatically mean that the SASCA-CV charter petition’s special education plan satisfies the special education program and services requirements of the Education Code and the California Code of Regulations, Title 5, section 11967.5.1(f)(1)(H).

The SASCA-CV charter petition’s special education plan includes the following headings: Indemnification, Services, Identification and Referral, Individualized Education Plan, Eligibility and Placement, Educational Services and Programs, Parent Concerns, Complaints, Funding, Professional Development for SASCA-CV Staff, Reporting, Procedural Safeguards, and Due Process Hearings.

However, a reasonably comprehensive description under California Code of Regulations, Title 5, section 11967.5.1(g) requires that the information *“is substantive and is not, for example, a listing of topics with little elaboration”* and for *“elements that have multiple aspects, addresses essentially all aspects the elements not just selected aspects.”*

As submitted, the SASCA-CV charter school petition’s special education plan fails to provide a reasonably comprehensive description because it neglects to provide substantive details of how the SASCA-CV charter school will meet its responsibilities under the Individuals with Disabilities Education Improvement Act (“IDEIA”), IDEIA’s implementing regulations, and applicable state laws, and to address *“essentially all aspects . . . not just selected aspects.”*

- a. ***The SASCA-CV charter school’s special education plan fails to specify the process to be used to identify students who qualify for special education services under IDEIA, and the process for providing transfer students with special education services under IDEIA.***

The SASCA-CV charter petition states at page 90 that the proposed SASCA-CV charter school “[s]hall implement policies and procedures of the SELPA in which it is a member to ensure timely identification and referral of students suspected of having a disability.”

However, the SASCA-CV charter school’s special education plan does not specify the critical timelines in the process to be used to identify students who qualify for special education programs and services as set forth in Education Code section 56043.

Education Code section 56043 requires:

“(a) A proposed assessment plan shall be developed within 15 calendar days of referral for assessment, . . . unless the parent or guardian agrees in writing to an extension”

(b) A parent or guardian shall have at least 15 calendar days from the receipt of the proposed assessment plan to arrive at a decision.

(c) Once a child has been referred . . . to determine whether the child is an individual with exceptional needs and to determine the educational needs of the child, these determinations shall be made, and an [IEP] team meeting shall occur within 60 days of receiving parental consent for the assessment” (Emphasis added.)

“(f) (1) An [IEP] . . . shall be developed within a total time not to exceed 60 calendar days, . . . from the date of receipt of the parent’s or guardian’s written consent”

(2) A meeting to develop an initial [IEP] for the pupil shall be conducted within 30 days of a determination that the child needs special education and related services” (Emphasis added.)

“(k) A reassessment of a pupil shall occur not more frequently than once a year, unless the parent and the [LEA] agree otherwise in writing, and shall occur at least once every three years, unless the parent and the local educational agency agree, in writing, that a reassessment is unnecessary” (Emphasis added.)

The SASCA-CV charter petition also fails to specify the process for providing transfer students with special education services, the process for obtaining, examining, sending, or copying

special education records, and the critical timelines regarding reassessment under Education Code section 56043.

Education Code section 56043 provides that:

“(m) If an individual with exceptional needs transfers from district to district within the state, the following are applicable . . . :

(1) If the child has an [IEP] and transfers into a district from a district not operating programs under the same local plan in which he or she was last enrolled in a special education program within the same academic year, the [LEA] shall provide the pupil with a free appropriate public education, . . . for a period not to exceed 30 days, by which time the [LEA] shall adopt the previously approved [IEP] or shall develop, adopt, and implement a new [IEP]

. . .

(3) If the child has an [IEP] and transfers from an educational agency located outside the state to a district within the state within the same academic year, the [LEA] shall provide the pupil with a free appropriate public education, including services comparable to those described in the previously approved [IEP] program, . . . until the [LEA] conducts an assessment as specified in paragraph (3) of subdivision (a) of Section 56325.

(4) In order to facilitate the transition . . . described in paragraphs (1) to (3), inclusive, the new school in which the pupil enrolls shall take reasonable steps to promptly obtain the pupil’s records

(n) The parent or guardian shall have the right and opportunity to examine all school records of the child and to receive complete copies within five business days after a request is made . . . and before any meeting regarding an [IEP] of his or her child or any hearing or resolution session

(o) Upon receipt of a request from a [LEA] where an individual with exceptional needs has enrolled, a former educational agency shall send the pupil’s special education records, or a copy of those records, to the new [LEA] within five working days. . . .” (Emphasis added.)

The District’s previous Findings of Fact provided at pages 23 and 25 that Ms. Hale’s September 14, 2017 SPA charter petition “*fails to comply with the primary timeline requirements for pupil assessments and Individual Education Program (‘IEP’) development under Education Code section 56043*” and “*fails to contain any information regarding what services the proposed SPA charter school shall provide for transferring students with IEPs . . . or any information regarding the proposed SPA charter school’s process or timeline for obtaining, examining, sending or copying special education records.*”

Because the SASCA-CV charter petitioners have again failed to specify the process to be used to identify students who qualify for special education services under IDEIA, and providing for transfer students with special education services under IDEIA, the SASCA-CV charter petition fails to give assurances that the SASCA-CV charter school petitioners understand their obligations under IDEIA to SASCA-CV special education students.

b. The SASCA-CV charter school’s special education plan fails to specify how the school will provide or access special education programs and services under IDEIA.

The SASCA-CV charter petition’s special education plan fails to provide a reasonably comprehensive description of the procedures for conducting assessments of pupils with disabilities, outlined in Education Code sections 56320, 56321, 56321.5, 56321.6, 56329, and Code of Federal Regulations, Title 34, sections 300.304(b), and (c).

Education Code section 56320 states, in relevant part:

“Before any action is taken . . . , an individual assessment of the pupil’s educational needs shall be conducted, by qualified persons, in accordance with requirements including, but not limited to, all of the following:

(a)[P]ursuant to Section 1412 (a)(6)(B) of Title 20 of the United States Code, the materials and procedures shall be provided in the pupil’s native language or mode of communication, unless it is clearly not feasible to do so.

...

(f) The pupil is assessed in all areas related to the suspected disability including, if appropriate, health and development, vision, including low vision, hearing, motor abilities, language function, general intelligence, academic performance, communicative status, self-help, orientation and mobility skills, career and vocational abilities and interests, and social and emotional status. A developmental history shall be obtained, when appropriate. For pupils with residual vision, a low vision assessment shall be provided in accordance with guidelines established pursuant to

Section 56136. In assessing each pupil under this article, the assessment shall be conducted in accordance with Sections 300.304 and 300.305 of Title 34 of the Code of Federal Regulations.” (Emphasis added.)

However, the SASCA-CV charter petition’s special education plan does not contain any information about providing assessment materials and procedures in the pupil’s native language or mode of communication, and does not state that assessments of pupils will be in “*all areas related to the suspected disability,*” thus, the SASCA-CV charter petition fails to comply with Education Code section 56320(a) and (f).

The SASCA-CV charter petition’s special education plan does not explain how the evaluation of the pupil will be conducted pursuant to Code of Federal Regulations, Title 34, section 300.304(b) and (c).

The SASCA-CV charter petition provides at page 93 that “[p]arents/guardians of a student with an IEP at SASCA-CV must give written consent for the evaluation and placement of their child, be included in the decision-making process when there is a change of placement under consideration.”

Education Code section 56321 states that:

“(a) If an assessment for the development or revision of the [IEP] is to be conducted, the parent or guardian of the pupil shall be given, in writing, a proposed assessment plan within 15 days of the referral for assessment However, in any event, the assessment plan shall be developed within 10 days after the commencement of the subsequent regular school year or the pupil’s regular school term . . . for each pupil for whom a referral has been made 10 days or less prior to the end of the regular school year”

“(c)(1) The [LEA] . . . shall make reasonable efforts to obtain informed consent from the parent of the child before conducting the assessment, . . .

(2) If the parent of the child does not provide consent . . . or the parent fails to respond . . . , the [LEA] may, but is not required to, pursue the initial assessment” (Emphasis added.)

“(4) The parent or guardian shall have at least 15 days from the receipt of the proposed assessment plan to arrive at a decision” (Emphasis added.)

“(g) [T]o meet the reasonable efforts requirement in subdivision (c), the [LEA] shall document its attempts to obtain parental consent

using the procedures in subdivision (h) of Section 56341.5.”
(Emphasis added.)

The SASCA-CV charter petition’s special education plan fails to explicitly provide that parents or guardians will be given a proposed assessment plan within the critical timelines specified in Education Code section 56321(a), and that the proposed SASCA-CV charter school shall make reasonable efforts to obtain the informed consent of a parent or guardian, or what the proposed SASCA-CV charter school will do if the parents or guardians do not provide consent or fail to respond before the assessment is conducted as required by Education Code section 56321(c).

Education Code section 56321(a) further provides that:

“A copy of the notice of a parent’s or guardian’s rights shall be attached to the assessment plan. A written explanation of all the procedural safeguards under the . . . [IDEIA] . . . and the rights and procedures contained in Chapter 5 . . . shall be included in the notice . . . including information on the procedures for requesting an informal meeting, prehearing mediation conference, mediation conference, or due process hearing; the timelines for completing each process; whether the process is optional; and the type of representative who may be invited to participate.”

The SASCA-CV charter petition states at page 93 that the “school will provide the parents/guardians with a written Notice of Procedural Safeguards” and “SASCA-CV will utilize the Notice of Procedural Safeguards used by the El Dorado County Charter SELPA.”

The District’s previous Findings of Fact on Ms. Hale’s September 14, 2017 SPA charter petition provided at page 28 that, “*The District notes that the SPA charter petitioners failed to include a sample parent/guardian ‘Notice of Procedure Safeguards’ in support of the SPA charter petition.*”

The SASCA-CV charter petitioners have again failed to include the El Dorado County Charter SELPA’s Notice of Procedural Safeguards as an attachment to the SASCA-CV charter petition.

The SASCA-CV charter petition’s special education plan also fails to state and fails to include in a copy of the notice of parent or guardian rights that parents or guardians have the “*right to electronically record the proceedings of the [IEP] team meetings*” under Education Code section 56321.5 and that the notice will “*include[s] information regarding the state special schools for pupils who are deaf, hard of hearing, blind, visually impaired, or deaf-blind*” under Education Code section 56321.6.

In addition to the Notice of Procedural Safeguards, Education Code subsections 56329(a) and (b) require that a pupil’s parent or guardian be provided, as part of the assessment plan, a “*written notice with all of the following information.*”

“(a) (1) Upon completion of the administration of tests and other assessment materials, **an [IEP] team meeting, including the parent or guardian and his or her representatives, shall be scheduled, . . . to determine whether the pupil is an individual with exceptional needs . . . and to discuss the assessment, the educational recommendations, and the reasons for these recommendations.**

(2) **In making a determination of eligibility under paragraph (1), a pupil shall not, . . . be determined to be an individual with exceptional needs if the determinant factor for the determination is one of the following:**

(A) *Lack of appropriate instruction in reading, including the essential components of reading instruction*

(B) *Lack of appropriate instruction in mathematics.*

(C) *Limited-English proficiency.*

(D) *If the pupil does not otherwise meet the eligibility criteria under Section 300.8(a) of Title 34 of the Code of Federal Regulations.*

(3) **A copy of the assessment report and the documentation of determination of eligibility shall be given to the parent or guardian.**

(b) A parent or guardian has the right to obtain, at public expense, an independent educational assessment of the pupil from qualified specialists, . . . if the parent or guardian disagrees with an assessment obtained by the public education agency[.]” (Emphasis added.)

The SASCA-CV charter petition’s special education plan fails to state that the SASCA-CV charter school will provide parents or guardians with all of the required written notice information identified in Education Code section 56329(a) above, and notify parents or guardians of their right to obtain an “*independent educational assessment*” in accordance with Education Code section 56329(b) above.

Therefore, because the SASCA-CV charter school’s special education plan fails to specify the procedures for conducting assessments of pupils with disabilities, outlined in Education Code sections 56320, 56321, 56321.5, 56321.6, 56329, and Code of Federal Regulations, Title 34, sections 300.304(b), and (c), the SASCA-CV charter petition’s special education plan does not address essentially all aspects of the special education program and fails to specify how the school

will provide or access special education programs and services under IDEIA, in violation of California Code of Regulations, Title 5, section 11967.5.1(f)(1).

Additionally, the proposed SASCA-CV charter school's educational program includes an independent study program. However, the SASCA-CV charter petition and attachments fail to provide any details about how special education services will be delivered through the SASCA-CV independent study program.

Education Code section 51745(c) provides that students with exceptional needs “*shall not participate in independent study, unless his or her individualized education program . . . specifically provides for that participation.*”

The SASCA-CV charter petition states at page 98 that “*Education Code § 47612.5 states that a charter school that provides Independent Study will comply with Education Code § 51745 et seq*” and also states that “*the provision of education through Independent Study is governed by an Independent Study Board Policy.*” The first page of the SASCA-CV draft Independent Study Policy also cites Education Code section 51745(c).

However, the SASCA-CV charter petition's special education plan fails to provide that under Education Code section 51745(c), students with exceptional needs “*shall not participate in independent study, unless his or her individualized education program . . . specifically provides for that participation.*”

Under Education Code section 56325(a)(1), for students transferring from a school district within the boundaries of one Special Education Local Plan Area (“SELPA”) to a local education agency in a different SELPA, a local education agency must provide eligible pupils with “*free appropriate public education, including services comparable to those described in the previously approved individualized education program in consultation with the parents, for a period not to exceed 30 days.*” This educational program during the 30-day review period is called an interim placement.

The SASCA-CV charter petition's attachment draft Independent Study Policy fails to provide any detail on how comprehensive special education services can be implemented within the SASCA-CV independent study program for transfer students, whether or not they have an individualized education program, that allows the proposed SASCA-CV charter school to provide a free appropriate public education during the 30-day interim period.

Therefore, the SASCA-CV charter petition's special education plan fails to provide a reasonably comprehensive description of how the SASCA-CV charter school will provide special education services for independent study students.

- c. ***The SASCA-CV charter school’s special education plan fails to demonstrate the school’s understanding of its responsibilities under law for special education pupils, and how the school intends to meet those responsibilities.***

The SASCA-CV charter petition states at page 91 that “[d]ecisions regarding eligibility, goals/objectives, program, placement and exit from special education shall be the decision of the IEP team,” but fails to provide the proposed SASCA-CV charter school’s IEP team’s procedure for students suspected of having a specific learning disability set forth in Education Code section 56431(c).

Education Code section 56341(c) states:

“(c) For a pupil suspected of having a specific learning disability, at least one member of the [IEP] team shall be qualified to conduct individual diagnostic examinations . . . such as a school psychologist, speech-language pathologist, or remedial reading teacher.” (Emphasis added.)

Page 85 of the SASCA-CV charter petition references a school psychologist as a member of the Student Success Team, however, the SASCA-CV Budget does not include a projected salary and benefits package cost for a school psychologist. It is unclear whether the SASCA-CV charter school will have at least one member of the IEP team qualified to “conduct individual diagnostic examinations” as required under Education Code section 56341(c).

The SASCA-CV charter petition also fails to contain any information regarding the requirements identified at Education Code subsections 56341(d)-(i):

“(d) (1) The [LEA] shall invite an individual with exceptional needs to attend his or her [IEP] meeting if a purpose of the meeting will be the consideration of the postsecondary goals . . . and the needed transition services

(2) If the individual with exceptional needs does not attend . . . the [LEA] shall take steps to ensure that the individual’s preferences and interests are considered.

(e) A [LEA] may designate another [LEA] member of the [IEP] team to serve also as the representative

(f) A member of the [IEP] team described in paragraphs (2) to (5), inclusive, of subdivision (b) shall not be required to attend an [IEP] meeting, . . . if the parent . . . and the [LEA] agree, in writing, that the attendance of the member is not necessary

(g) A member of the [IEP] team described in subdivision (f) may be excused from attending . . . when the meeting involves a

modification to or discussion of the member's area of the curriculum or related services, if both of the following occur:

(1) The parent . . . and the [LEA] consent to the excusal . . .

(2) The member submits . . . to the parent and the [IEP] team input into the development of the [IEP] prior to the meeting.

*(h) A **parent's agreement** under subdivision (f) **and consent** under subdivision (g) **shall be in writing.***

(i) In the case of a child who was previously served under. . . Early Education for Individuals with Exceptional Needs, or the California Early Intervention Services Act . . . an invitation to the initial [IEP] team meeting shall, at the request of the parent, be sent to the infants and toddlers with disabilities service coordinator . . . or other representatives . . . to assist with the smooth transition of services.” (Emphasis added.)

The SASCA-CV charter petition's failure to comply with Education Code subsections 56341(d)-(i) evidences that the proposed SASCA-CV charter petition's special education plan does not demonstrate “*the school's understanding of its responsibilities under the law for special education pupils*” as required by California Code of Regulations, Title 5, section 11967.5.1(f)(1)(H), and shows that the SASCA-CV special education plan does not address “*essentially all aspects the elements, not just selected aspects.*” To give adequate assurances that the SASCA-CV charter school will meet the needs of special education students, the SASCA-CV charter school petitioners should have but failed to provide a reasonably comprehensive description of their special education plan.

The SASCA-CV charter petition's special education plan also fails to state the four items that the IEP team shall consider when developing each pupil's IEP pursuant to Education Code section 56341.1(a).¹

The SASCA-CV charter petition's special education plan fails to provide that, in accordance with Education Code section 56341.1(b), the IEP team must do the following for specific pupils:

“(b)(1) In the case of a pupil whose behavior impedes his or her learning or that of others, consider the use of positive behavioral interventions and supports, and other strategies

(2) In the case of a pupil with limited English proficiency, consider the language needs of the pupil

¹ Education Code section 56341.1(a) provides that the IEP team shall consider: (1) the strengths of the pupil, (2) the concerns of the parents or guardians for enhancing the education of the pupil, (3) the results of the initial or most recent assessment, (4) the academic, developmental, and functional needs of the child.

(3) In the case of a pupil who is blind or visually impaired, provide for instruction in braille, and the use of braille

(4) Consider the communication needs of the pupil

(5) Consider whether the pupil requires assistive technology devices and services

(c) If, in considering the special factors described in subdivisions (a) and (b), the [IEP] team determines that a pupil needs a particular device or service, including an intervention, accommodation, or other program modification . . . the [IEP] team shall include a statement to that effect in the pupil's [IEP]."
(Emphasis added.)

The SASCA-CV charter petition's special education plan further fails to specify what matters the IEP team must address when revising a pupil's IEP under Education Code section 56341.1(d).

The SASCA-CV charter petition's special education plan also fails to contain information about **the required IEP meeting notice requirements** under Education Code section 56341.5(c), which requires that the notice:

"(c) shall indicate the purpose, time, and location of the meeting and who shall be in attendance. Parents or guardians also shall be informed in the notice of the right . . . to bring other people to the meeting . . . and inform the parents of subdivision (i) of Section 56341 relating to the participation of the infants and toddlers with disabilities service coordinator" (Emphasis added.)

The SASCA-CV charter petition's special education plan further fails to state that the SASCA-CV charter petitioners shall "*maintain a record of [their] attempts to obtain parental consent,*" as required by Education Code section 56341.5(h), and "*shall give the parent or guardian a copy of the [IEP], at no cost*" pursuant to Education Code section 56341.5(j).

The SASCA-CV charter petition's special education plan also fails to state the essential information about changing a student's IEP and fails to provide information about the procedure for reassessing pupils with an IEP required under Education Code sections 56380.1 and 56381, respectively.

Therefore, because the SASCA-CV charter petition's special education plan does not specify the legally-required membership of an IEP team or how IEP meetings are to be conducted, the SASCA-CV charter petition's special education plan fails to demonstrate the school's understanding of its responsibilities under IDEIA for special education pupils, and how the school intends to meet those responsibilities under California Code of Regulations, Title 5, section 11967.5.1(f)(1)(H).

The CVUSD Board of Education therefore finds that the SASCA-CV charter petition fails to contain a reasonably comprehensive description of the special education plan of the proposed SASCA-CV charter school, as required by Education Code section 47605(b)(5)(A).

B. The SASCA-CV Charter Petition Fails To Provide A Reasonably Comprehensive Description Of Measurable Pupil Outcomes. [Education Code Section 47605(b)(5)(B)]

Education Code section 47605(b)(5)(B) requires that the SASCA-CV charter petition contain a reasonably comprehensive description of:

“(B) The measurable pupil outcomes identified for use by the charter school. ‘Pupil outcomes,’ for purposes of this part, means the extent to which all pupils of the charter school demonstrate that they have attained the skills, knowledge, and attitudes specified as goals in the charter school’s educational program. Pupil outcomes shall include outcomes that address increases in pupil academic achievement both schoolwide and for all groups of pupils served by the charter school, as that term is defined in subparagraph (B) of paragraph (3) of subdivision (a) of Section 47607. The pupil outcomes shall align with 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.”

The California Code of Regulations, Title 5, section 11967.5.1 (f) (2) provides that:

“(2) Measurable pupil outcomes, as required by Education Code section 47605(b)(5)(B), at a minimum:

(A) 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.

(B) Include the school's Academic Performance Index growth target, if applicable."

The SASCA-CV charter petition states at page 125 that, "*SASCA-CV has clearly defined schoolwide goals in compliance with California Education Code sections 47605(b)(5)(B) and 52060(d).*" The SASCA-CV charter petitioners' general assurances that "*SASCA-CV has clearly defined schoolwide goals*" fail to provide evidence that the SASCA-CV charter petition contains a reasonably comprehensive description of measurable pupil outcomes, as required by California Code of Regulations, Title 5, section 11967.5.1(g).

However, the measurable pupil outcomes in at least four of the Achievement Goals listed in the SASCA-CV charter petition are not specific and lack specific targets or metrics to measure the outcomes identified.

Page 126 of the SASCA-CV charter petition states the pupil outcome for Achievement Goal #2 – Implementation of State Standards: "*100% of EL students gain content and English language proficiency,*" and the methods of assessment of the pupil outcome are: "*Review of ELA assessments, ELPAC progress.*"

The SASCA-CV charter petition's pupil outcome's methods of assessment for Achievement Goal #2 - Implementation of State Standards are too general because it is unclear whether the "*ELA assessments*" includes Smarter Balanced Summative Assessments, Interim Assessments, and the California Alternate Assessments. If the "*ELA assessments*" do include the Smarter Balanced Summative Assessments, because those tests are administered only once a year, this pupil outcome fails to specify assessments and benchmarks with more frequent metrics. Without listing assessments with more frequent metrics, it is unclear how this pupil outcome will "*address increases in pupil academic achievement*" as required by Education Code section 47605(b)(5)(B).

Page 126 of the SASCA-CV charter petition states another pupil outcome for Achievement Goal #2 – Implementation of State Standards as: "*100% of students demonstrate progress each term toward mastery of CCSS,*" and the methods of assessment for the pupil outcome are: "*Classroom observations, assessment results.*"

The SASCA-CV charter petition's pupil outcome for Achievement Goal #2 – Implementation of State Standards "*100% of students demonstrate progress each term toward mastery of CCSS,*" is vague. "*Demonstrate progress*" does not describe the amount of progress expected, or how the SASCA-CV charter school will improve pupil learning. Also, the pupil outcome's method of assessment "*assessment results*" lacks detail and specificity. The SASCA-CV charter petition fails to define the specific assessments that will be used for measuring the pupil outcome of students demonstrating progress toward mastery of the Common Core State Standards.

Page 127 of the SASCA-CV charter petition states the pupil outcome for Achievement Goal #4 – Student Achievement is: "*Students' improved performance on CAASPP is equal to or*

greater than the average of the schools the students would otherwise attend” with the methods of assessment being “CAASPP, ELPAC, survey feedback.”

It is unclear how comparing “*students’ improved performance*” to the average of the schools the students would otherwise attend is a pupil outcome that addresses an “*increase in pupil academic achievement.*” The SASCA-CV charter petition’s pupil outcome does not provide that a certain percentage of students will demonstrate progress in mastery of the Common Core State Standards and CAASPP.

The SASCA-CV charter petition’s pupil outcomes for Achievement Goal #4 – Student Achievement fail to describe outcomes for English learner students. For example, the SASCA-CV charter petition does not include the outcome for English learner reclassification rates and the metric for that outcome, or provide an outcome for English learner students that show they will advance a performance level.

The SASCA-CV charter petition’s pupil outcomes for Achievement Goal #4 – Student Achievement also do not provide for frequent monitoring of student achievement because the SASCA-CV charter petition only lists the CAASPP and the ELPAC, which are administered only once a year.

Under Achievement Goal #4 – Student Achievement, the SASCA-CV charter petition states at page 128 that, “*Designated ‘at-risk’ students show improved performance on multiple measures,*” however the SASCA-CV charter petition fails to specifically identify the “*multiple measures*” used to assess at-risk student improvement, and fails to state how much improvement will be expected.

Achievement Goal #6 – School Climate at page 128 of the SASCA-CV charter petition does not include a pupil outcome and metric for administering an annual survey concerning the proposed SASCA-CV charter school’s climate measures.

Page 129 of the SASCA-CV charter petition states the pupil outcome for Achievement Goal #7 – Course Access is: “*100% of ELD students will participate in ELD instruction and demonstrate progress in ELD,*” and the method of assessments are: “*ELD portfolio, ELPAC results,*” and the school action is “*provide additional support for ELD students.*”

The SASCA-CV charter petition fails to explain how the ELD Portfolio will be used to encourage ELD students to participate in ELD instruction, or how ELPAC results will drive ELD instruction. The school action to “*provide additional support for ELD students,*” does not describe what strategy or instructional practices will be used to provide the additional support for ELD students of the proposed SASCA-CV charter school.

Page 130 of the SASCA-CV charter petition states the pupil outcome for Achievement Goal #8 – Student Performance is: “*Student achievement results will increase at a rate equivalent to one year’s growth or more in one year,*” with the methods of assessment being: “*CAASPP, ELPAC data, Survey feedback, local assessments.*”

The SASCA-CV charter petitioners also fail to identify what “*local assessments*” will be used to measure the outcome that “*Student achievement results will increase at a rate equivalent to one year’s growth or more in one year,*” and fail to specify whether “*local assessments*” will be administrated frequently.

The SASCA-CV charter petition’s Achievement Goal #8 fails to describe any student outcomes in other subject areas, such as Physical Education, Arts, Health, Social Science, and Science.

Because the SASCA-CV charter petition’s measurable pupil outcomes are general and lack specific targets or metrics to measure the outcomes identified, the CVUSD Board of Education therefore finds that the SASCA-CV charter petition fails to contain a reasonably comprehensive description of measurable pupil outcomes, as required by Education Code section 47605(b)(5)(B).

C. The SASCA-CV Charter Petition Fails To Provide A Reasonably Comprehensive Description Of The Method By Which Student Outcomes Will Be Measured. [Education Code section 47605(b)(5)(C)]

Education Code section 47605(b)(5)(C) requires that the SASCA-CV charter petition contain a reasonably comprehensive description of:

“(C) The method by which pupil progress in meeting those pupil outcomes is to be measured. To the extent practicable, the method for measuring pupil outcomes for state priorities shall be consistent with the way information is reported on a school accountability report card.”

California Code of Regulations, Title 5, section 11967.5.1(f)(3) provides that:

“(3) The method by which pupil progress is to be measured, as required by Education Code section 47605(b)(5)(C), at a minimum:

- (A) Utilizes a variety of assessment tools that are appropriate to the skills, knowledge, or attitudes being assessed, including, at a minimum, tools that employ objective means of assessment consistent with [Measurable Pupil Outcomes,] paragraph (2)(A) of subdivision (f) of this section.*
- (B) Includes the annual assessment results from the Statewide Testing and Reporting (STAR) program.*
- (C) 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.”*

The SASCA-CV charter petition identifies at page 123 the following assessment tools: California Assessment of Student Performance and Progress System, which includes the Smarter Balanced Assessment in English Language Arts and Math; Smarter Balanced Interim Assessment in English Language Arts and Math; California Science Test; ELPAC-IA; ELPAC; Physical Fitness Test; Learning Record; Rubrics; Local Assessments; Running Records; and Attendance.

However, the SASCA-CV charter petition fails to identify the California Alternative Assessment (“CA CAAs”) for English Language Arts, Math, and Science as an assessment tool. The CA CAAs “*were developed to be part of a system of curriculum, instructional, and assessment tools such that **students with significant cognitive disabilities would be able to participate in content instruction and assessments that are aligned with the CA CCSS.***” (CDE, CAA Guidance, <https://www.cde.ca.gov/ta/tg/ca/altassessment.asp> (Emphasis added).)

The SASCA-CV charter petition’s attachments included a Smarter Balanced Assessment Consortium rubric for English Language Arts, but not for Math.

The SASCA-CV charter petition fails to provide the criteria of student proficiency for the following assessment tools:

- Smarter Balanced Interim Assessment in English Language Arts and Math;
- California Science Test;
- Physical Fitness Test;
- Running Records; and
- Local Assessments.

The District notes that the SASCA-CV charter petition states, “*Smarter Balanced Proficiency level set by the State*” for SASCA-CV’s third through eighth grade reading measurable pupil outcomes, and second through eighth grade math measurable pupil outcomes. However, the California Smarter Balanced Assessments use different measures, such as “*Standard Met*” or “*Standard Exceeded,*” and “*Depth of Knowledge*” levels, not just “*Proficiency.*”

Therefore, the SASCA-CV charter petition fails to provide a reasonably comprehensive description of the assessment tools that employ objective means of assessment as required by California Code of Regulations, Title 5, section 11967.5.1(f)(3)(A).

The SASCA-CV charter petition also fails to adequately outline the “*plan for . . . analyzing, and reporting data on pupil achievement to school staff and to pupils’ parents and guardians.*”

The SASCA-CV charter petition at pages 132 through 133 describes when certain assessments will be administered, but fails to clearly specify when the assessment results will be reported to school staff and to students’ parents and guardians. For example, the SASCA-CV

charter petition often uses the words “*frequently*” and “*regularly*,” which are both ambiguous without further definition or detail.

The SASCA-CV charter petition identifies a “*Learning Record Assessment System*” at page 133 that “*calls for periodic collection of data (each trimester at a minimum) to monitor, assess, and evaluate students’ progress . . .*” The SASCA-CV charter petition further states at page 134 that the “*Learning Record Assessment System*” includes teachers discussing “*standards for assessment among colleagues, as well as parents and students, to arrive at local interpretations with locally produced illustrations of how well standards are being met.*” However, it is unclear when and how often teachers and parents will meet to discuss the “*standards for assessment.*”

The SASCA-CV charter petition also states at page 135 that “*teaching staff works to identify areas of need and develop[s] an action plan,*” which is “*accomplished by disaggregating data on different groups and student groups and particular program evaluations.*” Again, it is unclear when and how often SASCA-CV teachers and staff will meet to disaggregate the data collected. There is no description of how after disaggregating the data, the SASCA-CV teaching staff will apply the data to increase learning opportunities for students who are traditionally underserved (English learner students, homeless students, foster youth, and socioeconomically disadvantaged students).

Pages 142 through 160 of the SASCA-CV charter petition provide the methods by which pupil outcomes will be measured, sorted by grade level breakdown for Reading, Writing, and Mathematics. Throughout those pages, the SASCA-CV charter petition identifies “*Publisher Embedded Assessments*” and states, “*Proficiency level established by publisher,*” however, the SASCA-CV charter petitioners fail to identify the publishers for SASCA-CV’s Reading, Writing, and Mathematics “*Publisher Embedded Assessments.*”

For methods by which pupil outcomes will be measured for reading in transitional kindergarten and kindergarten at page 142 of the SASCA-CV charter petition, the petition is unclear which student proficiency criteria will be used for assessment tool “*Concepts about Print,*” and the standardized “*Letter and sound identification test,*” and it is also unclear about how many sight words are on the “*Sight Word List.*” The SASCA-CV charter petition identifies the Learning Record as an assessment tool in reading for transitional kindergarten to eighth grades, however, the Learning Record indicators are not by grade levels, the indicators are either basic, proficient, or advanced.

For methods by which pupil outcomes will be measured for writing at pages 149 through 152 of the SASCA-CV charter petition, the student proficiency criteria for the standardized “*Words Their Way*” test is not described. At pages 150 through 153 of the SASCA-CV charter petition, “*Student Content Journals*” and “*Writing Sample*” are listed as assessment tools for students in grades three through eight, but the SASCA-CV charter petition fails to describe the “*proficiency*” required for each assessment tool.

For methods by which pupil outcomes will be measured for Math in first through eighth grades, at pages 155 through 160 of the SASCA-CV charter petition, the petition is unclear on what student proficiency criteria is used for the “*Writing About Math*” assessment tool. The

SASCA-CV charter petition at page 154 states that the assessment tool for kindergarten students is the “*K Readiness Assessment*,” however the petition is unclear about whether this assessment aligns with the California Math standards.

The SASCA-CV charter petition fails to adequately describe the methods by which pupil outcomes will be measured for Science and History. The SASCA-CV charter petition at page 140 only lists the assessment tools to be used for History, and page 141 only lists the assessment tools to be used for Science. The SASCA-CV charter petition does not describe how the identified assessment tools will be used to keep parents or guardians informed of student progress in Science and History.

The CVUSD Board of Education therefore finds that the SASCA-CV charter petition fails to contain a reasonably comprehensive description of the methods by which pupil progress is measured, as required by Education Code section 47605(b)(5)(C).

D. The SASCA-CV Charter Petition Fails To Provide A Reasonably Comprehensive Description Of The Governance Structure Of The Proposed SASCA-CV Charter School. [Education Code section 47605(b)(5)(D)]

Education Code section 47605(b)(5)(D) requires that the SASCA-CV charter petition contain a reasonably comprehensive description of “[t]he governance structure of the charter school.”

California Code of Regulations, Title 5, section 11967.5.1(f)(4)(B) states that a factor to be considered in determining whether a charter petition contains a “*reasonably comprehensive description*” of the proposed charter school’s governance structure is if the petition at a minimum:

“(B) 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.”*

The SASCA-CV charter petition fails to contain a reasonably comprehensive description of the proposed SASCA-CV charter school’s governance structure for the following reasons:

1. The SASCA-CV charter petition fails to contain evidence that there will be active and effective representation of interested parties, including, but not limited to, parents or guardians, on the Ronald Reagan Charter School Alliance Board of Trustees.

Page 166 of the SASCA-CV charter petition provides that the proposed SASCA-CV charter school will be governed by the Ronald Reagan Charter School Alliance (“RRCSA”) Board of Trustees. The District notes that the SASCA-CV charter petition states at page 166 that the “*Minutes from a properly noticed meeting of the RRCSA governing board authorizing the submission of this petition are attached,*” however, the SASCA-CV charter petitioners failed to attach any such RRCSA minutes.

Education Code section 47605(b)(5)(D) requires the SASCA-CV charter petition contain a reasonably comprehensive description of “[t]he governance structure of the charter school, including, but not limited to, **the process to be followed by the charter school to ensure parent involvement.**” (Emphasis added.)

Page 175 of the SASCA-CV charter petition states, “*Parent involvement and governance are two different things*”

However, parent involvement and governance are not “*two different things,*” but instead they are closely related concepts because California Code of Regulations, Title 5, section 11967.5.1(f)(4)(B) explicitly provides that a charter school’s governance structure must “*reflect a seriousness of purpose necessary to ensure that there will be active and effective representation of interested parties, including, but not limited to parents.*”

The SASCA-CV charter petition at page 175 provides that “[a]s is clear from the description of parent involvement in this petition, SASCA-CV has effective processes in place to ensure robust parent involvement according to the requirements of Ed. Code, §47605(b)(5)(D).”

Despite the SASCA-CV charter petition’s alleged “*effective processes in place to ensure robust parent involvement,*” the SASCA-CV charter petition fails to ensure there will be parent involvement, and active and effective representation of SASCA-CV parents or guardians on the RRCSA Board because the SASCA-CV charter petition strictly limits the number of parents or guardians who may be appointed and elected to the RRCSA Board.

The SASCA-CV charter school petition states at page 167 that only “[t]wo parent members are permitted on the Governing Board at one time.” (Emphasis added.)

Article IV of the RRCSA Board Bylaws states:

“Section 2. Number and Qualifications of Trustees

The number of Trustees of the corporation shall not be less than five (5) and not more than nine (9).

No more than two (2) members of the Board may be parents or guardians of children who attend Sycamore Academy of Science and Cultural Arts or any other charter school that the Corporation operates.” (Emphasis added.)

At the February 5, 2018 SBCBOE grant/deny hearing for a prior charter petition, Ms. Hale responded to SBCBOE Member Mr. Alen Ritchie’s question regarding the restriction of parent members on the RRCSA Board:

“Ms. Hale: So, first we will start with why we are limiting it to two parents. And we’ve had parents on board since our school’s inception. We limited it because we found that oftentimes when the board has to make a decision, they make a more narrow decision maybe focusing more on their child’s class, or their child’s grade level, when they are making decisions, therefore, separating that out a little, so-” (Emphasis added.)

Active and effective representation from parents or guardians can never be ensured when the RRCSA Board membership is limited to two parents or guardians because without more parents or guardians present on the RRCSA Board of five members, there will be no decisions by a majority of the RRCSA Board members involving parents or guardians of students currently attending the existing SASCA-W charter school and the proposed SASCA-CV charter school.

Further, the current composition of the RRCSA Board is not composed of **any** parents or guardians of students currently attending the SASCA-W charter school. The District notes that the SASCA-CV charter petition at page seven identifies Elizabeth Halikis as the parent representative for the RRCSA Board, but Ms. Hale admitted at the August 16, 2018 Public Hearing that there are currently **zero** parents of SASCA-W students sitting on the RRCSA Board because Ms. Halikis’ child no longer attends the SASCA-W charter school.

The current RRCSA Board membership and term limits are provided in the table below.

Chart 8: RRCSA Board Members and Terms	
RRCSA Board Members	Term Limits
Roland Skumawitz	5th Term: 8/13/18 – 8/13/20
Elizabeth Halikis	3rd Term: 1/22/18 – 1/22/20
Daniel Leavitt	2nd Term: 8/15/16 – 8/15/18
Dr. Ingrid Flores	6th Term: 1/22/18 – 1/22/20
Matthew Roberson	2nd Term: 1/22/18 – 1/22/20

The District notes that Mr. Leavitt’s term as an RRCSA Board member ended on August 15, 2018. The RRCSA Board held a meeting on August 13, 2018, however, re-electing Mr. Leavitt for another term to the RRCSA Board was not listed in the RRCSA Board agenda.

Based on current RRCSA Board membership, none of the Board members have terms expiring soon and the RRCSA Board has the power to re-elect the existing RRCSA Board

members again, without providing for any parent or guardian Board representatives from the SASCA-W or the proposed SASCA-CV charter school.

Despite the claim at page 176 of the SASCA-CV charter petition that the “*RRCSA Governing Board will strive to ensure that each parent representative on the Board is a parent of a child at both SASCA and SASCA-CV,*” the RRCSA Bylaws fail to require that the RRCSA Board must have two parents or guardians of pupils attending either the existing SASCA-W charter school and the proposed SASCA-CV charter school.

It is also uncertain whether the RRCSA Board is willing to increase the RRCSA Board membership to add a parent or guardian member with a student currently enrolled at the SASCA-W charter school and a parent or guardian member with a student that will be enrolled at the proposed SASCA-CV charter school because the current RRCSA Board member term limits do not allow for new parents or guardians to be appointed and elected if the RRCSA Board wants the board membership to stay at five members.

At the August 16, 2018 Public Hearing, Ms. Hale responded to Board Member Ms. Sylvia Orozco’s question about parents serving on the RRCSA Board:

*“[S]o we practice having **diversity of thought on our board**, so we have a former superintendent, we have university professor. Elizabeth is a special education teacher, Daniel is/was a business owner, now he’s in a different field and then Matt is a banker, so we welcome parents. We need a parent perspective, but we don’t need only the perspective from parents. **We need perspective from a variety of sources and the board has deemed that two parents is the number that they want.** I mean, that’s a good representation.”*
(Emphasis added.)

The SASCA-CV charter petition does not explain when or why the RRCSA Board “*deemed that two parents*” is sufficient to ensure there is “*active and effective representation*” of parents or guardians or if such an official decision of the RRCSA Board is cited in the RRCSA Board Meeting Minutes.

The SASCA-CV charter petitioners have failed to change the restriction of only two parent or guardian representation on the RRCSA Board despite the District and the SBCBOE raising this identical concern four times in their previous denial findings on Ms. Hale’s prior charter petitions.

Ms. Hale also stated at the August 16, 2018 Public Hearing for the SASCA-CV charter petition that:

*“But also, in order to get on our board, you have to go through School Site Council and that’s fifty-percent parents, fifty-percent staff, so people can only get on our board by interviewing with our School Site Council to approve them, so our **parents have a lot more***

say-so in who comes onto our board than just the two parents that sit on our board. Make sense?" (Emphasis added.)

Despite Ms. Hale's statement that, "*parents have a lot more say-so in who comes onto our board,*" the School Site Council, which may select a parent to be a candidate for the RRCSA Board, does not have a majority of parent members to ensure that their parent candidate selection will be chosen. This means that the parents actually do not have "*a lot more say-so in who comes onto*" the RRCSA Board.

The RRCSA Bylaws require each RRCSA Board member to be "*knowledgeable of constructivist theory and practices,*" which could act to limit parent or guardian RRCSA Board membership, and therefore affects whether there will be active and effective parent or guardian representation on the RRCSA Board.

The SASCA-CV charter petition at page 168 states that, "*The Governing Board will meet at least 9 times throughout the year,*" however the SASCA-CV charter petition fails to explain how many times the RRCSA Board will meet at the proposed SASCA-CV charter school, instead of holding teleconference meetings, streamed from the SASCA-W charter school, at the proposed SASCA-CV charter school facility, in order for the RRCSA Board to be present in person to ensure active and effective parent or guardian representation in the proposed SASCA-CV charter school's governance.

Therefore, the SASCA-CV charter petition fails to contain evidence that the SASCA-CV governance structure reflects a seriousness of purpose necessary to ensure that there will be active and effective representation of parents or guardians in the RRCSA Board, as required by California Code of Regulations, Title 5, section 11967.5.1(f)(4)(B).

2. The SASCA-CV charter petition fails to contain evidence that there will be active and effective representation of parents or guardians in the supporting organizations for the proposed SASCA-CV charter school and the Ronald Reagan Charter School Alliance Board of Trustees.

The SASCA-CV charter petition states at page 176 that "*[p]arent involvement is also facilitated by the School Site Council, ELAC, the Sycamore Foundation, WATCH D.O.G.S. and MOM Squad.*"

However, the SASCA-CV charter petition's description of these committees and organizations fails to provide any direct means for SASCA-CV parents or guardians to influence or access the RRCSA Board, or even to evaluate the effectiveness of the RRCSA Board members.

The SASCA-CV charter petition states at page 176 that the SASCA-CV School Site Council "*is established to further the involvement of parents and guardians and student caregivers in their children's educational program.*" The District notes that the SASCA-CV charter petition's attachments did not include the Bylaws of the SASCA-CV School Site Council, which were previously submitted with Ms. Hale's September 14, 2017 SPA charter school petition.

However, the SASCA-CV charter petition limits membership of the SASCA-CV School Site Council at page 176 to “**10 members**: one (1) administrator, three (3) teachers, one non-certificated staff member, and [only] five (5) parents/guardians/caregivers (including one from each of the following parent groups: English Language Learners, GATE, and Special Education).” (Emphasis added.)

The District notes that while page 176 of the SASCA-CV charter petition states that the SASCA-CV School Site Council will include “five (5) parents/guardians/caregivers,” page 110 states that the SASCA-CV School Site Council will only include “five (5) parents.”

If there are only five parent-members on the SASCA-CV School Site Council and the SASCA-CV School Site Council has 10 members, and a majority vote is required to approve any action, the SASCA-CV School Site Council’s five parent-members can never obtain a majority vote to effect any needed changes in the RRCSA Board and its operations of the proposed SASCA-CV charter school.

The SASCA-CV charter petition’s description of placing of a limit on the amount of parents or guardians for the SASCA-CV School Site Council is further evidence that there will not be active and effective representation of parents or guardians in the supporting organizations for the proposed SASCA-CV charter school and RRCSA Board.

The SASCA-CV charter petition also fails to provide how the recommendations of the SASCA-CV School Site Council will be considered by the RRCSA Board, and when adopted, how the recommendations will be implemented at the proposed SASCA-CV charter school.

Page 177 of the SASCA-CV charter petition provides that the Sycamore Academy of Science and Cultural Arts Foundation, Inc. (“Sycamore Foundation”) “is a non-profit, public benefit, tax-exempt supporting organization” to the RRCSA Board, and “will play an essential role in supporting” the SASCA-CV charter school. Page 171 of the SASCA-CV charter petition states that the Sycamore Foundation is controlled by the RRCSA Board.

Despite the SASCA-CV charter petition stating at page 177 that, “Each parent/guardian . . . may participate but participation in the activities of the Foundation is not mandatory,” it is unclear how the Sycamore Foundation will ensure active and effective representation of parents or guardians when the RRCSA Board controls it.

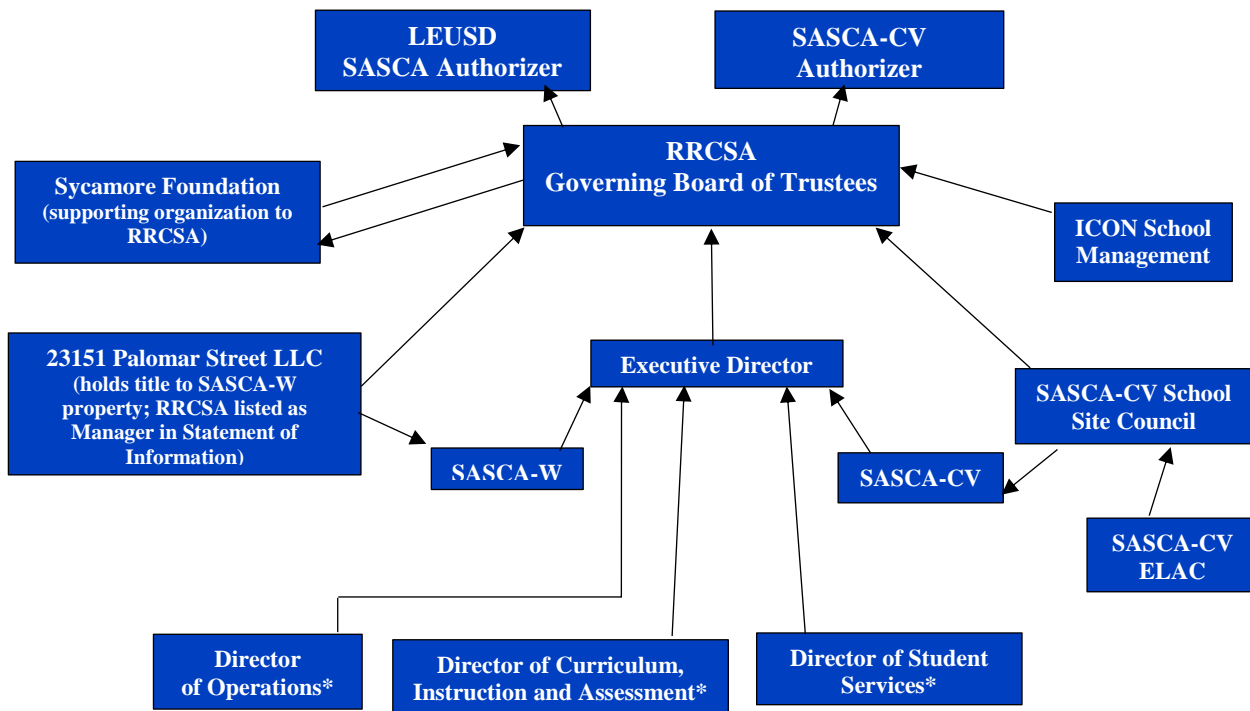
Therefore, the SASCA-CV charter petition fails to provide evidence that the SASCA-CV governance structure reflects a seriousness of purpose necessary to ensure that there will be active and effective representation of parents or guardians in the supporting organizations for the proposed SASCA-CV charter school and the RRCSA Board, as required by California Code of Regulations, Title 5, section 11967.5.1(f)(4)(B).

3. The SASCA-CV charter petition fails to contain a reasonably comprehensive description of the governance structure of the proposed SASCA-CV charter school because the governance structure prevents the District from carrying out its statutory oversight duty under Education Code section 47604.32(a)(4).

The SASCA-CV charter petition contains an organizational chart at page 169, which purports to show “*all entities involved in the oversight and operations or related to the charter school*” however, the SASCA-CV organizational chart fails to accurately show the governance structure of the proposed SASCA-CV charter school.

The SASCA-CV organizational chart does not show how the supporting committees and entities (School Site Council, English Learner Advisory Committee (“ELAC”), and ICON School Management) are connected to the RRCSA Board, or how the RRCSA Board controls the Sycamore Foundation.

Therefore, District staff created the following more accurate organizational chart to accurately identify the proposed SASCA-CV charter school’s governance structure and its relationship to and with all RRCSA related/affiliated entities:



**Denotes employees that will split time and costs between existing SASCA-W charter school and the proposed SASCA-CV charter school; shared in proportion to each charter school’s ADA.*

The SASCA-CV charter petition states that the RRCSA Board will oversee the existing SASCA-W charter school and the proposed SASCA-CV charter school, with Ms. Hale, serving as the Executive Director of both schools.

Because the RRCSA Board currently oversees Ms. Hale’s operation of the existing SASCA-W charter school, the RRCSA Board is subject to the oversight of SASCA-W charter school’s charter authorizer, the Lake Elsinore Unified School District (“LEUSD”). If the proposed SASCA-CV charter school petition were to be approved by the CVUSD Board of Education, the Chino Valley Unified School District would become the proposed SASCA-CV charter school’s charter authorizer, so that the RRCSA Board would be subject to oversight of two different school district Governing Boards in two separate counties.

a. RRCSA Board Duties

The SASCA-CV charter petition states at pages 172 through 174 that the RRCSA Board members will carry out the following roles and duties:

- *“Review and evaluate progress toward fulfilling the mission and vision of [each charter] School”*
- *“Conduct, manage and control the affairs and activities of the corporation”*
- *“Receive[] reports directly from the Executive Director of the total operation of school including, but not limited to, budget, curriculum, activities, student achievement data, evaluation of Principal, and renewal of staff contracts;”*
- *“Ratify[] contracts of employees after recommendation by the Executive Director;”*
- *“Act[] as a fiscal agent, which includes the receipt of funds for operations;”*
- *“Approve[] annual fiscal audit and performance report;”*
- *“Ratify[] compensation plans and stipend schedules.”*

It is unclear how the RRCSA Board can be fair and independent in carrying out the above responsibilities and duties with respect to the proposed SASCA-CV charter school considering that the RRCSA Board’s primary business activities will be conducted in Wildomar, California, across county lines between San Bernardino County and Riverside County, and at least 44 miles away from the proposed SASCA-CV charter school.

Because the RRCSA is a California nonprofit corporation, the RRCSA Board must comply with California Nonprofit Public Benefit Corporation Law, including California Corporations Code section 5231, which states that a director of a nonprofit public benefit corporation such as the RRCSA:

“shall perform the duties of a director . . . in good faith, in a manner that the director believes to be in the best interests of the corporation and with such care, including reasonable inquiry, as an ordinary prudent person in a like position would use under similar circumstances.”

Although the RRCSA Bylaws incorporate the statutory language from California Corporations Code section 5231 above, the SASCA-CV charter petition and the RRCSA Bylaws fail to demonstrate how the RRCSA Board members will be able to satisfy their legal duties under California Corporations Code section 5231 and act in the best interests of the RRCSA and in the best interests of both the existing SASCA-W charter school and the proposed SASCA-CV charter school, which may conflict.

Page 166 of the SASCA-CV charter petition states that the RRCSA Board members will comply with the requirements of “*Govt. Code § 1090 and the California Political Reform Act,*” and the RRCSA Bylaws at page 7 state, “*the corporation and the Board shall at all times be subject to and comply with Government Code Section 1090 et seq. and the Political Reform Act of 1974 (Government Code 81000 et seq.)*.”

However, the SASCA-CV charter petition fails to explicitly state in its “*Affirmations/ Assurances*” at pages three through five that the proposed SASCA-CV charter school will comply with Government Code section 1090 *et seq.* and the California Political Reform Act.²

Under the Political Reform Act, public officials/employees may not participate in making, or in any way attempt to use their official position to influence, a governmental decision in which they know or have reason to know they have an economic interest. (Cal. Gov. Code section 81000 *et seq.*)

Government Code section 1090 *et seq.* further protects public funds from self-dealing transactions by strictly prohibiting conflicts of interests. “*The law does not permit a public officer to place himself in a position in which he might be tempted by his own private interest to disregard the interests of the public.*” (40 Ops.Cal.Atty.Gen. 210.)

The SASCA-CV charter school petition’s attachment Conflict of Interest Policy provides that the Political Reform Act was adopted by the RRCSA Board “*in accordance with Section 5211 (a) of the California Nonprofit Corporation Law.*” However, the Conflict of Interest Policy is in **draft form, unsigned, and there is no evidence that the RRCSA Board has approved its Conflict of Interest policy.**

The draft, unsigned, and not RRCSA Board approved Conflict of Interest Policy fails to provide assurances that the RRCSA Board and the proposed SASCA-CV charter school will adhere to the California Political Reform Act and Government Code section 1090 *et seq.*

² The California Political Reform Act of 1974 and Government Code section 1090 *et seq.* apply to charter schools. (Cal. Gov. Code § 1090 [“Members of the Legislature, state, county, district, judicial district, and city officers or employees shall not be financially interest in any contract made by them in their official capacity or by any body or board of which they are members.”]; *Knapp v. Palisades Charter High School* (2006) 141 Cal.App.4th 780 [California Court of Appeal held that a charter school was not a separate legal entity for purposes of the Government Tort Claims Act].) That California charter schools are subject to open meeting requirements under the Brown Act further demonstrates that the proposed SASCA-CV charter school must comply with the California Political Reform Act of 1974 as a public agency.

The draft Conflict of Interest Policy provides designated positions and categories for particular conflicts of interests that must be disclosed. However, the Conflict of Interest Policy fails to list the Director of Operations of the existing SASCA-W charter school and the proposed SASCA-CV charter school as a designated position that is subject to the different conflict of interest categories. This is concerning because it is likely that the Director of Operations' duties at both charter schools will not be subject to the Conflict of Interest Code.

b. Financial and Accounting Concerns

The SASCA-CV charter petition provides at page 170 that “[a]ccounting and audits for each school so operated by RRCSA is kept separate, including the keeping of separate bank accounts and accounting and payroll systems. No funds are commingled between school so operated, nor can they be according to the internal controls in place.”

A mere statement that “no funds are commingled between” both the SASCA-W charter school and the SASCA-CV charter school fails to explain **how** the RRCSA Board will ensure that funds will not be commingled or blended between both of the schools when the RRCSA Board ultimately controls all of the “separate bank accounts and accounting and payroll systems.” The RRCSA Board also has ultimate authority over “the internal controls in place.”

In September 2014, the RRCSA, doing business as the SASCA-W charter school, received a \$9.405 million dollar bond from the California School Financial Authority (“CSFA”).

The SASCA-CV charter petition references the CSFA bond in a footnote at page 167:

*“The Petitioners note that another charter school, the Sycamore Academy of Sciences and Cultural Arts, issued charter school revenue bonds through the California Municipal Finance Authority (CMFA) for the purpose of acquiring and building a charter school facility in Wildomar, California. Pursuant to the Lease and Loan Agreements for this bond transaction, **the Sycamore Academy of Sciences and Cultural Arts is solely responsible for lease payments and debt service on this bond. SASCA-CV is not and cannot be liable for any of these lease or debt service payments pursuant to this bond transaction.**”* (Emphasis added.)

The SASCA-CV charter petition and attachments fail to provide any evidence through supporting documents, such as the CSFA Bond Official Statement, other bond documents, or related lease agreements, to substantiate the SASCA-CV charter petition's footnote at page 167 that “SASCA-CV is not and cannot be liable for any of these lease or debt service payments.”

Regarding the CSFA bonds, the CDE Staff's Charter School Petition Review Form Report, posted on or about June 1, 2018, on Ms. Hale's September 14, 2017 SPA charter petition states at page seven that:

“Since SPA and SASCA are governed and operated by the RRCSA Board, it is not clear whether SPA is responsible for SASCA’s debts. SPA did not identify if they are responsible in any way through rental or lease payments or other debt service options for SASCA’s \$9.405 million in CSFA bonds.” (Emphasis added.)

Therefore, the SASCA-CV charter petitioners should have but failed to provide any evidence through supporting documentation to properly *“identify if they are responsible in any way through rental or lease payments or other debt service options for SASCA’s \$9.405 million in CSFA bonds.”*

The SASCA-CV charter petition also fails to identify the **“internal controls in place”** to prevent commingling of funds. The SASCA-CV charter petitioners failed to include a copy of any *“internal controls”* policies.

The District notes that the SASCA-CV charter petition’s attachment, Financial Policies and Procedures, is in draft form, unsigned, and there is no evidence that the RRCSA Board has approved such policy.

The draft Financial Policies and Procedures provide that *“the Board of Directors for [RRCSA/SASCA] has reviewed and adopted the following policies to ensure that the school’s funds are used to effectively support the school’s mission and to ensure that the funds are budgeted, accounted for, expended, and maintained in order to maintain the fiscal stability of the school.”*

However, the SASCA-CV charter petition does not describe how the funds *“are budgeted, accounted for, expended, and maintained”* for both charter schools.

It is also unclear how and whether certain expenses, such as professional consultants, will be split between both charter schools.

Despite the SASCA-CV charter petition’s provision at pages 170 and 171 that *“administrative personnel are paid according to a pro rata share services agreement by and between each school and RRCSA: Executive Director, Director of Curriculum, Instruction and Assessment, Director of Operations, Director of Student Services,”* the SASCA-CV charter petition still fails to sufficiently describe the accounting process for paying shared administrative personnel between the two charter schools and how the RRCSA Board will allocate the payroll costs of shared employees between the two charter schools.

For example, the SASCA-CV charter petition fails to provide how administrative personnel’s time will be split between the SASCA-W charter school and the proposed SASCA-CV charter school, especially for the Director of Student Services, who will have to oversee the needs of pupils with disabilities at both the SASCA-W charter school and the proposed SASCA-CV charter school. It is also unclear whether and how the Director of Curriculum, Instruction and Assessment, Director of Operations, and Director of Student Services will charge for the travel time between the SASCA-W and proposed SASCA-CV charter schools, which are at least 44 miles apart.

c. Governance and Closure Procedures

The SASCA-CV charter petition's closure procedures, which are interrelated with the governance structure of the proposed SASCA-CV charter school, directly contradict with each other. Page 261 of the SASCA-CV charter petition's closure procedures states that RRCSA "*shall remain solely responsible for all liabilities arising from the operation of the Charter School,*" however, page 262 states that "*any liability or debt incurred by the Charter School will be the responsibility of Sycamore Academy.*"

Therefore, it is uncertain whether the debts and liabilities of the proposed SASCA-CV charter school are the responsibility of the RRCSA or the SASCA-W charter school.

Regarding the debts and obligations of the RRCSA Board, the SASCA-CV charter petition and RRCSA Bylaws should have but failed to discuss whether the liability incurred by the RRCSA Board, on behalf of SASCA-W, could subject the SASCA-CV charter school to potential liability.

Page 15 of the RRCSA Bylaws provides under "*Section 5. Dissolution and Distribution of SASCA Assets*" that:

"Upon winding up and dissolution of the corporation, after paying or adequately providing for the debts an[d] obligations of the corporation . . . any capital assets, including facilities or property purchased in whole or part with public funds will be distributed to a political subdivision of the state organized for educational purposes at the discretion of the corporation's governing board."

The RRCSA Bylaws address the dissolution and disposal of SASCA-W assets, but fail to address dissolution and disposal of SASCA-CV assets.

d. Concerns with RRCSA Board's Supporting Organization

The Sycamore Foundation, a supporting organization for the proposed SASCA-CV charter school, will also impede the District's ability to conduct oversight of the proposed SASCA-CV charter school.

The Sycamore Foundation, located across San Bernardino County lines in Riverside County, is a "*non-profit, public benefit, tax-exempt*" organization that is controlled by the RRCSA Board.

The SASCA-CV charter petition states at page 117 that the RRCSA Board "*is an exceptionally reputable, established and well-organized non-profit agency.*" However, the "*exceptionally reputable, established and well-organized*" RRCSA Board submitted the July 19, 2018 SASCA-CV charter petition, which included the Sycamore Foundation, which is an inoperative non-profit supporting organization.

Page 171 of the SASCA-CV charter petition states that the Sycamore Foundation “*must file its own State and Federal (Form 990) tax returns.*”

On November 15, 2017, the Sycamore Foundation’s federal tax-exempt status was revoked by the Internal Revenue Service. The Sycamore Foundation also appears on the California Franchise Tax Board’s revoked tax-exempt list, which indicates that the Sycamore Foundation’s California tax-exempt status was revoked on May 16, 2018. The Sycamore Foundation’s charity registration status is listed as “not registered.”

Under California Code of Regulations, title 11, section 999.9.4, a charitable organization’s “*registration must be current to operate; delinquent or suspended organizations may not solicit or disburse charitable funds.*” The Sycamore Foundation cannot legally solicit any charitable donations because its federal and state tax-exempt status is revoked.

The February 5, 2018 San Bernardino County Superintendent of Schools Charter Advisory Committee Staff Report states at page 17 that:

“The FCMAT Charter School Accounting and Best Practices Manual states that all Charter School Related Organizations (including foundations) should be described in detail and disclosed in the charters annual independent audit. As of the most recent 16-17 audit no information is contained related to the foundation and . . . is not identified in any way on the RRCSA 990 (7/1/15-6/30/16).”

The 2016-2017 RRCSA Audit Report failed to contain any information relating to the Sycamore Foundation, which means that the SASCA-CV charter petition has failed to meet the FCMAT standard.

The SASCA-CV charter petition states at page 171 that, “*the Foundation may conduct fundraisers and seek charitable solicitations that may only be used to benefit the students and staff of a public charter school operated by RRCSA.*”

However, the SASCA-CV charter petition fails to describe whether the “*charitable solicitations*” received by the Sycamore Foundation will be used to benefit both the SASCA-W charter school and the proposed SASCA-CV charter school, or whether the “*charitable solicitations*” will benefit only one charter school.

The SASCA-CV charter petition fails to adequately describe the Sycamore Foundation and its operations, which raises oversight concerns for the District because the Sycamore Foundation is a SASCA-CV Charter School Related Organization whose operations should be described in detail and disclosed in the charter’s annual independent audit.

Besides the RRCSA’s supporting organizations, the District reviewed all 25 board policies that were submitted with the SASCA-CV charter petition. All 25 board policies submitted with the SASCA-CV charter petition contain a “draft” watermark. Only two of the 25 board policies

submitted indicate that they were approved by the RRCSA Board and include the RRCSA Board approval date.

The CVUSD Board of Education therefore finds that the SASCA-CV charter petition fails to contain a reasonably comprehensive description of the governance structure of the proposed SASCA-CV charter school as required by Education Code section 47605(b)(D).

E. The SASCA-CV Charter Petition Fails To Contain A Reasonably Comprehensive Description Of The Procedures To Ensure The Health And Safety Of SASCA-CV Pupils And Staff. [Education Code Section 47605(b)(5)(F)]

Education Code section 47605(b)(5)(F) requires that, *“The procedures that the charter school will follow to ensure the health and safety of pupils and staff. These procedures shall include the requirement that each employee of the charter school furnish the charter school with a criminal record summary as described in Section 44237.”*

California Code of Regulations, Title 5, section 11967.5.1(f)(6) requires that *“[t]he procedures that the school will follow to ensure the health and safety of pupils and staff, as required by Education Code section 47605(b)(5)(F), at a minimum:*

- (A) Require that each employee of the school furnish the school with a criminal record summary as described in Education Code section 44237.*
- (B) Include the examination of faculty and staff for tuberculosis as described in Education Code section 49406.*
- (C) 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.*
- (D) 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.”*

The SASCA-CV charter petition’s health and safety procedures at page 184 provides that *“All employees must fulfill California Education Code Section 44237”* and page 196 states that, *“Employees and contractors of SASCA-CV will be required to submit a criminal background check and to furnish a criminal record summary as required by Education Code Sections 44237 and 45125.1.”*

However, the SASCA-CV charter petition’s health and safety procedures fail to state that the SASCA-CV charter school *“shall not employ a person until the Department of Justice completes it check of the state criminal history file”* as required by Education Code section

44237(d). The SASCA-CV charter petition's health and safety procedures fail to state that **all** SASCA-CV employees must have the appropriate Department of Justice clearance.

Education Code section 44830.1(j) explicitly states that Education Code section 44830.1 "*applies to a charter school.*"

The SASCA-CV charter petition and attachments also fail to state that the SASCA-CV charter school shall comply and remain compliant with the requirements set forth in Education Code section 44830.1, pertaining to employment of felons, and subsequent arrest notices.

The SASCA-CV charter petition's health and safety procedures fail to state that the charter school will not hire a "*person who has been convicted of a violent or serious felony . . . in a position requiring certification qualifications or supervising positions requiring certification qualifications*" pursuant to Education Code section 44830.1(a).

The SASCA-CV charter petition's health and safety procedures also fail to state that, in accordance with Education Code section 44830.1 (i), "*An employer shall request subsequent arrest service from the Department of Justice as provided under Section 11105.2 of the Penal Code.*" The SASCA-CV charter petition's health and safety procedures do not provide that the SASCA-CV custodian of records will receive all subsequent arrest notices, and that the proposed SASCA-CV charter school will have a procedure for monitoring the subsequent arrest notices, pursuant to Education Code section 44830.1(n).

The SASCA-CV charter petition provides at page 199, "*As of 7/1/18, SASCA-CV will post specified, required Title IX information in a conspicuous location on their web site.*"

However, as of September 6, 2018, the SASCA-CV website still fails to contain a posting of the "*specified, required Title IX information.*" The SASCA-CV charter petition therefore fails to provide information that "*is true,*" despite Ms. Hale's certification at page three of the SASCA-CV charter petition that the information "*submitted in this petition for the establishment of a California charter public school named Sycamore Academy of Science and Cultural Arts – Chino Valley (SASCA-CV) . . . is true to the best of [her] knowledge and belief.*"

The SASCA-CV charter petition states at page 189 that: "*SASCA-CV will ensure the safety of all students and staff by complying with applicable state and federal laws, SASCA-CV will adopt and implement a comprehensive plan of health, safety, and risk management policies.*"

It is left uncertain just how "*SASCA-CV will ensure the safety of all students and staff*" when the **SASCA-CV charter petition and supporting documentation do not include a "*comprehensive plan of health, safety, and risk management policies.*"** Without a detailed safety plan for the District to evaluate, the SASCA-CV charter petition lacks a comprehensive description of the procedures to ensure the health and safety of SASCA-CV students and staff.

For example, the SASCA-CV charter petition provides at page 193 that the SASCA-CV "*Safe School Plan,*" ensures that "*policies and procedures for response to natural disasters and*

emergencies, including but not limited to, fires, earthquakes, floods, hostage situations and active shooter will be maintained.”

However, it is unclear whether the SASCA-CV “*Safe School Plan*” will have a hierarchy of SASCA-CV employees identified as responsible to respond to natural disasters and emergencies. If the hierarchy of employees includes the SASCA-W and SASCA-CV administration (Executive Director, Director of Curriculum, Instruction and Assessment, Director of Operations, and Director of Student Services), it is unclear whether any of the four administrators will even be **present** at the SASCA-CV school site when the natural disaster or emergency occurs because all four administrators are to split their time between the existing SASCA-W charter school and the proposed SASCA-CV charter school. Because the proposed SASCA-CV charter school’s administration may be absent, it is also unclear whether there will even be **appropriate** administrative leadership present to protect SASCA-CV students in case of an emergency or natural disaster.

The SASCA-CV charter petitioners failed to submit a Parent/Student Handbook that the proposed SASCA-CV charter school will use to communicate its policies to ensure health and safety of students and others.

The SASCA-CV charter petition’s attachment draft “*Transgender and Gender Nonconforming Student Discrimination Policy*,” provides that the RRCSA Board “*is committed to providing a safe and supportive learning environment for all students and to ensuring that every student shall have access to the schools’ educational programs and activities on all Sycamore campuses.*”

Because the SASCA-CV charter petition’s attachment Transgender and Gender Nonconforming Student Discrimination Policy is in **draft form, undated, and not approved by the RRCSA Board**, it fails to provide adequate assurances that the RRCSA Board and the SASCA-CV charter school “*will ensure the safety of all students and staff*,” and ensure that “*every student shall have access to the schools’ . . . activities on all Sycamore campuses.*”

The SASCA-CV health and safety procedures also fail to comply with the requirements of Health and Safety Code section 118600, which states, in pertinent part:

“all single-user toilet facilities . . . shall be identified as all-gender toilet facilities by signage that complies with Title 24 of the California Code of Regulations, and designated for use by no more than one occupant at a time or for family or assisted use.” (Emphasis added.)

Health and Safety Code section 16 provides that, “*‘Shall’ is mandatory and ‘may’ is permissive.*” Therefore, SASCA-CV’s identification of all single-user toilet facilities is **mandatory**.

The SASCA-CV charter petition’s attachment draft Transgender and Gender Nonconforming Student Discrimination Policy states at page 6 under “*Restroom Accessibility*”

that “3. Administrators *may* take steps to designate single stall ‘gender neutral’ restrooms on their campus,” which fails to satisfy the **required designation** of an “all-gender toilet facility” under Health and Safety Code section 118600. (Emphasis added.)

The SASCA-CV health and safety procedures provide at page 191 that a “*policy for child abuse, acts of violence, and other improprieties as mandated by federal, state, and local agencies will be strictly followed.*”

However, charter schools have legal duties beyond ensuring that child abuse policies “*will be strictly followed.*”

Education Code section 44691(b) requires a charter school to do both of the following:

- “(1) Provide annual training . . . to [the] employees and persons working on [the charter school’s] behalf who are mandated reporters, as defined in Section 11165.7 of the Penal Code.”
- “(2) Develop a process for all persons required to receive training . . . to provide proof of completing the training within the first six weeks of each school year or within the first six weeks of that person’s employment.”

The SASCA-CV charter petition’s description of health and safety procedures and supporting documents fail to state that all SASCA-CV mandated reporters will be provided the required annual training, and that the proposed SASCA-CV charter school will develop a process to be able to provide proof that all SASCA-CV mandated reporters have completed the required training.

The CVUSD Board of Education therefore finds that the SASCA-CV charter petition fails to contain a reasonably comprehensive description of the procedures to ensure the health and safety of SASCA-CV pupils and staff, as required by Education Code section 47605(b)(5)(F).

F. The SASCA-CV Charter Petition Fails To Contain A Reasonably Comprehensive Description Of The Means By Which The Proposed SASCA-CV Charter School Will Achieve A Racial And Ethnic Balance Among Its Pupils That Is Reflective Of The General Population Residing Within The Territorial Jurisdiction Of The Chino Valley Unified School District. [Education Code Section 47605(b)(5)(G)]

Education Code section 47605(b)(5)(G) requires the SASCA-CV charter petition to contain a reasonably comprehensive description of “*the means by which the school 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 to which the charter petition is submitted.*”

The SASCA-CV charter petition states at page 66 that “*SPA will make it a priority to recruit a diverse student population, including low-income and academically low achieving students, reflective of similar racial and ethnic backgrounds of those residing in the District.*”

Page 205 of the SASCA-CV charter petition similarly states that the proposed SASCA-CV charter school “will strive to have a broad representation of student demographics similar to that of the District.”

However, the correct legal standard under Education Code section 47605(b)(5)(G) is “the means by which the school will achieve a racial and ethnic balance among its pupils that is reflective of the general population residing within the territorial jurisdiction of the [CVUSD].”

After nine years of operation, the SASCA-W charter school administration’s racial and ethnic recruiting efforts have still failed to achieve pupil demographics similar to those of the Lake Elsinore Unified School District (“LEUSD”) at the SASCA-W charter school, which evidences that the SASCA-CV charter petitioners fail to understand the correct legal standard of Education Code section 47605(b)(5)(G) and are unlikely to achieve a racial and ethnic balance among pupils that is reflective of the general population residing within the territorial jurisdiction of the CVUSD at the proposed SASCA-CV charter school.

The following charts identify the ongoing deficiencies of the SASCA-CV charter petitioners’ efforts to achieve the statutorily required racial and ethnic balance among its pupils at their existing SASCA-W charter school.

Chart 9 below demonstrates the SASCA-CV charter petitioners’ inability to achieve “a racial and ethnic balance among its pupils that is reflective of the general population residing within the territorial jurisdiction of” the LEUSD in 2009-2010 when the SASCA-W charter school was first established.

Chart 9: Comparison of SASCA and LEUSD Demographics in Opening Year (2009-2010)					
	SASCA-W		LEUSD		Difference
	Enrollment	Percentage	Enrollment	Percentage	
Hispanic	98	37.8%	11301	50.9%	13.1%
American Indian	1	0.4%	154	0.7%	0.3%
Asian	2	0.8%	416	1.9%	1.1%
Pacific Islander	0	0.0%	133	0.6%	0.6%
Filipino	3	0.0%	190	0.9%	0.9%
African American	12	4.6%	1183	5.3%	0.7%
White	130	50.2%	8290	37.3%	-12.9%
Two or more	12	4.6%	385	1.7%	-2.9%
Not reported	1	0.4%	164	0.7%	N/A
Total	259		22,216		

Source: CDE, 2010 DataQuest Ethnicity by Enrollment

Chart 10 below demonstrates that even after nine years of operation, the SASCA-CV charter petitioners have still failed to achieve “a racial and ethnic balance among its pupils that is

reflective of the general population residing within the territorial jurisdiction of” the LEUSD at the existing SASCA-W charter school.

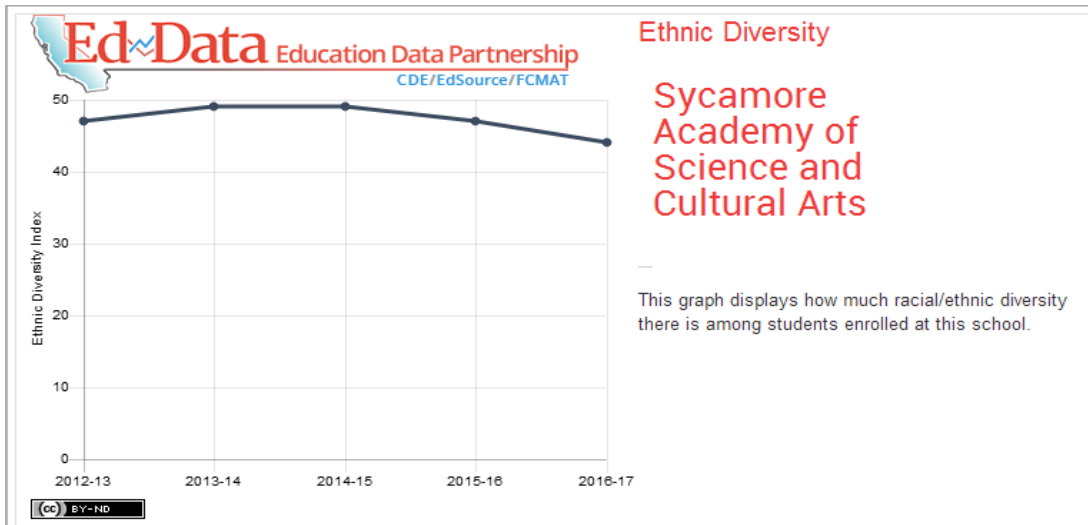
Chart 10: Comparison of SASCA and LEUSD Demographics in 2017-2018					
	SASCA-W		LEUSD		Difference
	Enrollment	Percentage	Enrollment	Percentage	
<i>Hispanic or Latino</i>	289	49.7%	13,172	60.0%	10.3%
American Indian or Alaska Native	4	0.7%	55	0.3%	- 0.4%
Asian	13	2.2%	375	1.7%	- 0.5%
Pacific Islander	2	0.3%	43	0.2%	- 0.1%
<i>Filipino</i>	0	0.0%	336	1.5%	1.5%
African American	12	2.1%	802	3.7%	1.6%
White	186	32.0%	5,927	27.0%	- 5.0%
Two or more	36	6.2%	1,188	5.4%	- 0.8%
Not reported	39	6.7%	39	0.2%	- 6.5%
Total	581		21,937		

Source: CDE, 2017 DataQuest Ethnicity by Enrollment

Chart 10 above shows that the existing SASCA-W charter school’s percentage of Hispanic or Latino students remains over 10 percent less than the LEUSD’s Hispanic or Latino student population.

This is significant for the SASCA-CV charter petition because Hispanic or Latino CVUSD students represent 56.0 percent, or more than half of CVUSD’s enrollment (based on the 2017-2018 school year). With such a large Hispanic or Latino student population at CVUSD and the SASCA-CV charter petitioners’ failure to achieve a racial and ethnic balance among SASCA-W pupils, the District is concerned that the proposed SASCA-CV charter school will not achieve “*a racial and ethnic balance among its pupils that is reflective of the general population residing within the territorial jurisdiction of*” the CVUSD including a representative enrollment of Hispanic or Latino pupils.

According to the Ed-Data Graph of SASCA-W charter school’s Ethnic Diversity from 2012 to 2017 below, SASCA-W charter school’s ethnic diversity **has declined** since 2014-2015, which further evidences that the SASCA-CV charter petitioners are unlikely to implement an educational program at the proposed SASCA-CV charter school with “*a racial and ethnic balance among its pupils that is reflective of the general population residing within the territorial jurisdiction*” of the CVUSD.



Source: Ed-Data, Sycamore Academy of Science and Cultural Arts, <https://www.ed-data.org/school/Riverside/Lake-Elsinore-Unified/Sycamore-Academy-of-Science-and-Cultural-Arts>.³

The CVUSD Board of Education therefore finds that the SASCA-CV charter petition fails to provide a reasonably comprehensive description of “*the means by which the [proposed SASCA-CV charter school] will achieve a racial and ethnic balance among its pupils that is reflective of the general population residing within the territorial jurisdiction of the [District],*” as required by Education Code section 47605(b)(5)(G).

³ Ed-Data is a partnership of the CDE, EdSource, and the Fiscal Crisis and Management Assistance Team/California School Information Services designed to offer quick access to timely and comprehensive data about K-12 education in California. (Ed-Data, <https://www.ed-data.org/>.)

NOW THEREFORE, BE IT FURTHER RESOLVED that the terms of this Resolution are severable. Should it be determined that one or more of the findings and/or the factual determinations supporting the findings are invalid, the remaining findings and/or factual determinations and the denial of the July 19, 2018 Sycamore Academy of Science and Cultural Arts-Chino Valley charter petition shall remain in full force and effect. In this regard, the Chino Valley Unified School District's Board of Education specifically finds that each factual determination, in and of itself, is a sufficient basis for the finding it supports, and that each such finding, in and of itself, is a sufficient basis for denial.

The foregoing Resolution No. 2018/2019-17 was considered, passed and adopted by the Chino Valley Unified School District Board of Education at its Special Meeting of September 13, 2018.

DENYING THE JULY 19, 2018 SYCAMORE ACADEMY OF SCIENCE AND CULTURAL ARTS-CHINO VALLEY CHARTER PETITION.

AYES: NOES: ABSENT: ABSTAIN:

STATE OF CALIFORNIA
COUNTY OF SAN BERNARDINO

Norm Enfield, Ed.D., Secretary, Board of Education of the Chino Valley Unified School District of San Bernardino County, California, hereby certifies that the above foregoing Resolution was duly and regularly adopted by said Board at a Special Meeting thereof held on the 13th of September 2018 and passed by a _____ vote of said Board.

IN WITNESS WHEREOF I have hereunto set my hand and seal this September 13, 2018.

Norm Enfield, Ed.D.
Secretary, Board of Education

EXHIBIT A

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September 4, 2018

Members of the Chino Valley Unified School District Board of Education
Dr. Norm Enfield
Superintendent
Chino Valley Unified School District
5130 Riverside Drive
Chino, CA 91710

Re: Review and Analysis of the Sycamore Academy of Science and Cultural Arts Chino Valley Charter Petition and Budget as Submitted on July 19, 2018

Dear Members of the Chino Valley Unified School District Board of Education and Dr. Enfield:

Thank you for providing the Sycamore Academy of Science and Cultural Arts Chino Valley (SASCA-CV) July 19, 2018 Charter School Petition and Multi-Year Projection (Budget) for my review.

As you requested, I have reviewed the SASCA-CV July 19, 2018 Charter School Petition, Budget and Attachments to the petition as submitted by the Sycamore Academy of Science and Cultural Arts Chino Valley charter petitioners.

My findings after my review and analysis are presented in this report.

EXECUTIVE SUMMARY

After a comprehensive review of the Sycamore Academy of Science and Cultural Arts Chino Valley Charter Petition, Budget, and Attachments as submitted to the Chino Valley Unified School District on July 19, 2018, I conclude that the Sycamore Academy of Science and Cultural Arts Chino Valley charter petition's Budget presents an unrealistic financial and operational plan for the proposed Sycamore Academy of Science and Cultural Arts Chino Valley charter school.

My findings can be summarized as follows:

- 1) The SASCA-CV charter petitioners' year one fund balance includes \$375,000 of Public Charter Schools Grant Program (PCSGP) federally restricted reimbursement program revenue but failed to budget for start-up costs.
- 2) The SASCA-CV charter petitioners failed to fully explain in detail the Community Bank line of credit loan of \$500,000 which matures before SASCA-CV's first-year of operation begins, making the loan unavailable to the proposed charter school before it even opens.

The SASCA-CV charter petitioners failed to explain in detail the discrepancy between the charter petition Budget Notes describing the Community Bank line of credit as a SASCA-CV line of credit when the line of credit is in the name of the Ronald Reagan Charter School Alliance (RRCSA).

Also, the SASCA-CV charter petitioners failed to present a complete Community Bank line of credit loan document detailing the terms of the line of credit. Instead, the SASCA-CV charter petitioners presented only the Community Bank line of credit billing statement which fails to identify all the parties to the loan and the terms of the loan. The line of credit billing statement provided indicates that the line of credit has previously been used because there is an interest paid amount of \$967.70.

- 3) The SASCA-CV charter petitioners understated their first-year cash flow resulting in nine months of SASCA-CV's year-one having negative cash balances and an accumulated negative or deficit cash balance at the end of year-one of (\$572,656).
- 4) Because of the material federal revenue and other financing sources deficiencies and disallowances of \$375,000 in PCSGP start-up grant revenue and \$500,000 in line of credit financing sources, a total of \$875,000 is excluded from the SASCA-CV year-one Budget.

Removal of \$875,000 in disallowed SASCA-CV Budget deficiencies results in SASCA-CV's year-one fund balance and fund balance reserve percentage decreasing to a negative (\$228,661) and (8.0%) respectively.

- 5) The SASCA-CV charter petition identifies the Sycamore Academy of Science and Cultural Arts Foundation (Foundation) as playing an "essential role" in SASCA-CV's educational program.

According to the Internal Revenue Service (IRS) website, the non-profit status of the Foundation has been revoked by the IRS since November 15, 2017.

CHINO VALLEY UNIFIED SCHOOL DISTRICT STANDARDS FOR REVIEWING THE SYCAMORE ACADEMY OF SCIENCE AND CULTURAL ARTS CHINO VALLEY CHARTER PETITION AND BUDGET

The Chino Valley Unified School District (CVUSD) standards for reviewing charter petitions comply with Education Code section 47605(g) and the California Code of Regulations, Title 5, sections 11960-11969.

Education Code section 47605(g) states, "*The governing board of a school district shall require that the petitioner or petitioners provide information regarding the proposed operation and potential effects of the charter school, including, but not limited to, the facilities to be used by the school, the manner in which administrative services of the school are to be provided, and potential civil liability effects, if any, upon the school and upon the school district. The description of the facilities to be used by the charter school shall specify where the school intends to locate. The petitioner or petitioners shall also be required to provide 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.*"

The California Code of Regulations ("CCR") identifies the critical importance in the charter petition review process of a charter school's budget, budget notes and assumptions at Title 5, Subchapter 19-Charter Schools, Article 2-General Provisions.

CCR, Title 5, section 11967.5.1(c)(3)(B) states that an unrealistic financial and operational plan for the proposed charter exists when the charter or supporting documents do not adequately include:

1. "*[A]t a minimum, the first-year operational budget, start-up costs, and cash flow, and financial projections for the first three years.*"
2. "*Include in the operational budget reasonable estimates of all anticipated revenues and expenditures necessary to operate the school, including, but not limited to, special education, based, when possible, on historical data from schools or school districts of similar type, size, and location.*"

3. *Include budget notes that clearly describe assumptions on revenue estimates, including, but not limited to, the basis for average daily attendance estimates and staffing levels.*
4. *Present a budget that in its totality appears viable and over a period of no less than two years of operations provides for the amassing of a reserve equivalent to that required by law for a school district of similar size to the proposed charter school.*
5. *Demonstrate an understanding of the timing of the receipt of various revenues and their relative relationship to timing of expenditures that are within reasonable parameters, based, when possible, on historical data from schools or school districts of similar type, size, and location.”*

FINDINGS OF FACT

1. SASCA-CV’s Disallowed and Excluded PCSGP Start-Up Revenue, Start-Up Costs

Education Code section 47605(g) and CCR, Title 5, section 11967.5.1(c)(3)(B) requires the SASCA-CV charter petitioners to present a first-year budget including start-up costs.

The SASCA-CV charter petitioners have failed to present any start-up costs in the SASCA-CV charter petition, Budget, or Budget Notes.

Specific to PCSGP start-up funds, the SASCA-CV Budget Notes at 2.2, Other Revenues, state,

“PCSGP will provide funding for Planning Year and Implementation Year1 and 2 to help pay for start-up costs. Based on the new grant cycle, new site-based schools will be receiving a base grant of \$475,000 and those serving a disadvantaged population will be receiving \$575,000. For conservatism, SASCA-CV included the lower base grant of \$475,000 in the budget. SASCA-CV has previously received a passing score on the application it had submitted but did not receive the funds due to the charter not being approved. SASCA-CV again expects to receive a passing application during the new funding round.” (emphasis added)

Despite the fact that the California Department of Education (CDE)/Advisory Commission on Charter Schools’ June 18, 2018 Charter School Petition Review Form for the previous September 14, 2017 Sycamore Preparatory Academy charter petition stated at page six (6) that “[t]he SPA multi-year budget includes Public Charter Schools Grant Program (PCSGP) of \$375,000. The PCSGP grant is a reimbursement program and is not guaranteed funding; therefore, the CDE excludes it from the budget analysis,” the SASCA-CV charter petitioners have again presented a Multi-Year Projection (Budget) and Budget Narratives (Budget Notes) that includes Public Charter School Grant Program (PCSGP) funding revenue of \$375,000 in its 2019-2020 first-year of operations.

The CVUSD charter petition review process uses the same standard used by the CDE when the CDE reviews charter petitions containing PCSGP start-up funding. The CDE standard considers PCSGP grant funds as a reimbursement program. Reimbursement programs are not guaranteed funding according to the CDE; therefore, PCSGP funds are excluded by the CDE from their review of charter petition budgets.

Funds received are, by law, restricted for use to be spent only on allowable start-up costs.

SASCA-CV’s 2019-2020, year-one or start-up year Budget identifies PCSGP revenue of \$375,000, with an additional \$100,000 in year two, 2020-2021, totaling \$475,000. However, the SASCA-CV charter petition, Budget, and Budget Notes fail to present any required allowable PCSGP start-up costs describing in detail how the PCSGP funds will be spent or why identifying allowable start-up costs was not considered necessary by the SASCA-CV charter petitioners.

Because the SASCA-CV charter petitioners recognized start-up revenues of \$375,000 in year-one, but failed to budget for start-up costs, restricted federal PCSGP revenues cannot be used to subsidize unrestricted or other general operating expenses.

As a result of the SASCA-CV charter petitioners only recognizing start-up revenues while start-up costs fail to be budgeted, SASCA-CV's year-one fund balance is overstated by \$375,000.

Therefore, the \$375,000 in PCSGP restricted start-up revenue is disallowed and excluded from SASCA-CV's year-one Budget.

SASCA-CV submitted a CDE letter dated August 21, 2017 that represents a passing score for a past PCSGP request; however, there is no guarantee SASCA-CV will receive another passing score with a new application. Also, there is no guarantee that PCSGP funds will be available at some future date when SASCA-CV may apply again for the PCSGP program.

Even if the SASCA-CV charter petitioners were to qualify for PCSGP funding, because the SASCA-CV charter petitioners failed to budget for the corresponding start-up costs, SASCA-CV's year-one fund balance is overstated by \$375,000.

Therefore, in addition to the CDE standard for reviewing charter petition budgets containing reimbursement programs such as PCSGP grants which the CDE excludes from budget analysis, further summarized support for disallowing SASCA-CV's PCSGP reimbursement grant revenue includes that SASCA-CV:

- Prepared a Budget based on PCSGP revenue which SASCA-CV may not be awarded,
- Failed to present any required PCSGP start-up costs in SASCA-CV's Budget or Cash Flow,
- Failed to present any PCSGP start-up costs Budget Notes, and
- Used PCSGP restricted start-up revenues of \$375,000 to subsidize SASCA-CV's 2019-2020 year-one unrestricted operations, fund balance, and cash flow.

The SASCA-CV charter petitioners failed to identify any PCSGP allowable start-up costs in SASCA-CV's Budget or Budget Notes; therefore, the start-up revenue is disallowed and excluded from the SASCA-CV Budget.

The CDE has provided Public Charter School Grant Program resources in the CDE's website at, <http://www.cde.ca.gov/sp/cs/as/csexpenses.asp>.

The CDE website describes allowable PCSGP expenditures and factors affecting charter school's eligibility for reimbursement and provides the following guidance:

Federal Guidance

Federal guidance pertaining to allowable costs under the PCSGP may be found in the following documents:

- § [Elementary and Secondary Education Act \(ESEA\) 5204\(f\)\(3\)](#)
- § [U.S. Department of Education \(ED\) Charter Schools Program \(CSP\) Nonregulatory Guidance](#)
- § [Office of Management and Budget \(OMB\) Circular A-21, Cost Principles for Educational Institutions](#)

§ [OMB Circular A-87, Cost Principles for State, Local and Indian Tribal Governments](#)

§ [OMB Circular A-122, Cost Principles for Non-Profit Organizations](#)

§ [ED Cash Management Policies for Grants and Cooperative Agreements](#)

The CDE website states at Factors Affecting Eligibility for Reimbursement:

“There are a number of factors that contribute towards the allowability of an expense. Developing an understanding of these principles will aid you in allocating expenses to the grant when the eligibility of an expense is not clear, or when an allocated expense is called into question and there is a need to obtain clarification. The factors are as follows:

Grant funds are intended to supplement, not supplant, state or local funds.

Supplanting is the use of PCSGP funds to pay for costs that would normally be paid using state or local funds. This primarily includes the operational costs of the school, such as rent and teacher salaries.

Federal nonregulatory guidance (D-3) indicates: ‘If the charter school can show that the state or local funds it has received are necessary to meet expenses other than the one at issue, then the charter school has met its burden of showing that the ‘other initial operational costs’ cannot be met from state or local sources and, therefore, is allowable under the CSP grant.’

Costs incurred must correlate to a grant objective or a Work Plan objective.

The purpose of the PCSGP grant is to foster the development of high-quality charter schools in California. The Work Plan is the medium by which applicants propose activities with measurable outcomes that will enhance the quality of their school.

Other grant objectives include: informing the community about the school; and acquiring necessary equipment, educational materials, supplies, and curriculum.

Costs incurred must be one-time in nature and may not include ongoing operational costs.

When making the distinction between one-time and ongoing costs, it is helpful to ask the following questions:

Is the expense required to operate the school?

Will the school continue to incur the expense after the grant has ended?

Answering ‘yes’ to either of the above questions most likely indicates that the expense is not one-time in nature, and is most likely not allowable.

Costs incurred must be obligated during the grant project period.

Costs must be incurred during the grant project period in order to be eligible for reimbursement. Therefore, costs related to developing the charter petition or for services rendered beyond the duration of the grant project period are not allowable.

Purchases or contracts for goods and services must follow pertinent procurement regulations.

Procurement regulations ensure the appropriate use of federal funds, prevent conflicts of interest, and promote open competition between vendors offering similar goods and services. Most, if not all, purchases under the grant must comply with appropriate procurement regulations. You may find additional information on procurement in Appendix C of the 2010—2015 PCSGP Request for Applications.

All purchases must be reasonable and necessary to the completion of the grant objectives or the initial operation of the school.

Goods and services purchased using grant funds should correlate to some need reflected in the approved charter petition or the approved Work Plan in the grant application. Expenses will be questioned if they appear to be unreasonable or unnecessary to the essential operation of the charter school or the completion of the grant objectives.”

The SASCA-CV Budget, Budget Notes, and charter petition fail to include the SASCA-CV charter petitioners PCSGP Work Plan, fail to identify any allowable start-up costs, and fail to demonstrate in SASCA-CV’s Budget how the grant funds correlate to a need reflected in the SASCA-CV charter petition.

The SASCA-CV Budget’s year-one fund balance includes \$375,000 in start-up revenue; however, the SASCA-CV Budget fails to budget any start-up costs.

The SASCA-CV Budget fails to present detailed PCSGP start-up costs and corresponding Budget Notes as required by CCR, Title 5, section 11967.5.1(c)(3)(B) and Education Code section 47605(g).

The SASCA-CV charter petitioners’ failure to Budget for PCSGP start-up costs, using PCSGP start-up revenue to subsidize non-start-up Fund Balance and Cash Flow, and failure to provide any start-up Budget Notes describing start-up costs or why start-up costs are not budgeted result in the SASCA-CV charter petition and Budget presenting an unrealistic financial operational plan for the proposed SASCA-CV charter school.

2. SASCA-CV’s Disallowed and Excluded Community Bank Loan of \$500,000

SASCA-CV’s Budget Notes at Cash Flow state,

“This financial statement shows positive cash flow months throughout the 5 years of operations. Included in the cash flow is a \$500,000 Line-of-Credit which will help the school with initial start-up costs and buffer cash deficit until funding catches up with the school’s operational expenditures. SASCA-CV received an approved line of credit of \$500,000 from Community Bank with a zero balance.” (emphasis added)

The SASCA-CV Budget Notes, section 2.3, Loans & Line of Credit states,

“SASCA-CV has already secured a line-of-credit up to \$500,000 from Community Bank (line-of-credit statement attached)” (emphasis added)

However, several inaccuracies exist with the SASCA-CV charter petitioner’s representation that SASCA-CV received a \$500,000 line of credit:

- SASCA-CV failed to present an actual Community Bank line of credit loan document identifying the terms, when the line of credit was granted, any required guarantees or collateral, and signatures authorizing the line of credit, etc.

- The Community Bank line of credit document or “statement” that the SASCA-CV charter petitioners attached to the SASCA-CV charter petition is only a Community Bank Loan Billing Statement in the name of the Ronald Reagan Charter School Alliance, not SASCA-CV.
- The SASCA-CV charter petitioners state that “SASCA-CV received an approved line of credit of \$500,000 from Community Bank with a zero balance”; however, the line of credit specifies ‘Interest Paid 2017’ in the amount of \$967.70. The SASCA-CV charter petitioners failed to present any Budget Notes or explanation why there is interest paid of \$967.70 on the line of credit.
- The \$967.70 interest amount implies some previous line of credit loan activity such that interest has been assessed.
- The Community Bank Loan Billing Statement presents a line item titled, “05/17/18 Balance Last Statement”, which identifies a zero-dollar balance; however, this means there was no previous balance from the prior month but fails to identify when the loan began.

A zero previous balance does not mean there has been no activity, it simply means the balance was zero at the end of the previous month.

- The SASCA-CV Charter Petitioners fail to describe in their charter petition or Budget Notes how they know that the line of credit will only be used for SASCA-CV when it has been previously used before the SASCA-CV charter petition was submitted.
- The Loan Billing Statement date is June 18, 2018.

The line of credit maturity date is March 1, 2019.

The SASCA-CV charter petition states at page 116 that “[t]he term of this five-year charter will be July 1, 2019 – June 30, 2024.” Because the maturity date of the line of credit is a full four months before July 1, 2019, the line of credit will mature or terminate and will not be available when the proposed SASCA-CV charter school plans to be operational on July 1, 2019.

There is no guarantee that the line of credit for RRCSA or a new line of credit specific to SASCA-CV will be renewed or granted prior to beginning SASCA-CV’s first operational year.

The SASCA-CV charter petitioners failed to provide detailed Budget Notes explaining any of the above described alleged SASCA-CV line of credit discrepancies as shown in **Image I** below.

Image I



P.O. Box 54477, Los Angeles CA 90054-0477
800.788.9999

023 63 01 00532

RONALD REAGAN CHARTER
SCHOOL ALLIANCE
PO BOX 1400
WILDOMAR CA 92595-1400



749-201

LINE: 158518

AS OF: 06/18/18

PAGE 1

LOAN BILLING STATEMENT

IF YOU HAVE ANY QUESTIONS REGARDING YOUR BILLING STATEMENT,
PLEASE CONTACT YOUR ACCOUNT OFFICER.
THANK YOU FOR BANKING WITH COMMUNITY BANK

COMMERCIAL LN&LINS LOAN 16101684

DATE	DESCRIPTION	-----PAYMENT SPLIT-----		TRANSACTION AMOUNT	PRINCIPAL BALANCE
		PRINCIPAL	INTEREST		
05/17/18	BALANCE LAST STATEMENT				.00
06/18/18	BALANCE THIS STATEMENT				.00

----- L O A N S U M M A R Y -----			
CREDIT LIMIT:	500,000.00	INTEREST ACCRUED FROM:	05/18/18
AVAILABLE CREDIT:	500,000.00	INTEREST ACCRUED THRU:	06/18/18
MATURITY DATE:	03/01/19	PRINCIPAL DUE:	.00
		INTEREST DUE:	.00
INTEREST ACCRUED:	.00	TOTAL PAYMENT DUE:	.00

NEXT INTEREST DUE:

THE PAYMENT DUE WILL BE CHARGED TO CHECKING ACCOUNT 2004003073

INTEREST PAID 2017: 967.70

Based on SASCA-CV charter petition Budget Notes identifying the RRCSA Community Bank line of credit as SASCA-CV's line of credit, and considering the above inaccuracies, the Community Bank line of credit loan of \$500,000 is disallowed and excluded from the SASCA-CV Budget and Cash Flow.

The SASCA-CV Budget and Cash Flow therefore presents an unrealistic financial and operational plan for the proposed SASCA-CV charter school.

3. SASCA-CV's Disallowed and Excluded Cash Flow of \$572,656

The SASCA-CV charter petitioners' Cash Flow contains a \$3,083 variance in its year-one Budget Cash Flow.

Table II below illustrates the \$3,083 variance. The \$3,083 variance is an understatement of cash which further reduces SASCA-CV's available cash balance.

Table II

Sycamore Academy of Science and Cultural Arts Chino Valley		Year-One		
Budget Cash Flow		2019-20		
Financial Documents (Summarized Amounts)		Total	Budget	Variance
Description				
B. EXPENDITURES				
1. Certificated Salaries	1000-1999	899,542	902,625	(3,083)
2. Non-certificated Salaries	2000-2999	273,603	273,603	-
3. Employee Benefits	3000-3999	502,758	502,758	-
4. Books and Supplies	4000-4999	470,281	470,281	-
5. Services and Other Operating Expenditures	5000-5999	657,069	657,069	-
6. Capital Outlay	6000-6599	-	-	-
7. Other Outgo	7100-7299	58,120	58,120	-
8. TOTAL EXPENDITURES		2,861,373	2,864,456	(3,083)

In addition to the \$3,083 cash flow variance understatement described above, SASCA-CV’s year-one Cash Flow is also overstated by a portion of the \$375,000 PCSGP funds and the RRCSA \$500,000 Community Bank line of credit.

The SASCA-CV charter petitioners failed to present any Cash Flow or Cash Flow Accrual Budget Notes describing the effects of SASCA-CV’s budgetary decisions on its Cash Flow and Cash Flow Accruals. Because there are no Cash Flow or Cash Flow Accrual Budget Notes, which federal revenue cash flow categories from among Special Education, Child Nutrition, or PCSGP revenue the SASCA-CV charter petitioners believe will be received in their year-one Cash Flow between the months of July 2019 and June 2020, can only be estimated.

SASCA-CV’s total year-one federal revenue budget is \$423,947. The \$423,947 is comprised of \$375,000 in PCSGP revenue and federal special education and child nutrition revenue of \$48,947.

The SASCA-CV charter petitioners have budgeted to receive federal revenue cash of \$265,911 during SASCA-CV’s year-one Cash Flow months of July 2019 through June 2020 and have budgeted a Cash Flow Accrual of \$158,035. The cash flow and cash flow accrual total of \$423,946 ($\$265,911 + \$158,035 = \$423,946$) agree with SASCA-CV’s total federal revenue Budget of \$423,947 except by one dollar due to rounding.

Of SASCA-CV’s total year-one July 2019 through June 2020 federal revenue cash flow of \$265,911, even though the SASCA-CV charter petitioners failed to present any Cash Flow or Cash Flow Accrual Budget Notes, this report estimates full cash flow recognition for special education and child nutrition federal revenue of \$48,947. If this report considered special education and child nutrition revenue as part of the Cash Flow Accrual of \$158,035, then even more PCSGP cash would be removed from SASCA-CV’s year-one available cash flow. Therefore, the difference between total federal revenue cash flow of \$265,911 and special education and child nutrition cash flow revenue of \$48,947 leaves a balance of \$216,964 in disallowed and excluded year-one PCSGP Cash Flow.

In total, \$720,047 is disallowed and excluded from SASCA-CV’s cash flow.

SASCA-CV’s overstated cash flow of \$720,047 is comprised of the disallowed and excluded \$500,000 in RRCSA Community Bank line of credit funds, \$216,964 in PCSGP funds, and \$3,083 in cash flow variance ($\$500,000 + \$216,964 + \$3,083 = \$720,047$).

The total year-one overstated SASCA-CV disallowed and excluded cash flow of \$720,047 as described above is presented in **Table III** below:

Table III

Sycamore Academy of Science and Cultural Arts - Chino Valley												
Budget Cash Flow - 2019-20												
	July	August	September	October	November	December	January	February	March	April	May	June
Ending Cash Balance (Prior to Adjustments)	376,827	86,250	707,569	493,606	457,206	659,824	409,299	471,803	501,288	417,426	322,845	147,391
Ending Cash Balance (Adjusted)	(123,173)	(413,750)	207,569	(6,394)	(42,794)	159,824	(90,701)	(28,197)	1,288	(82,574)	(177,155)	(572,656)

The Ending Cash Balance (Prior to Adjustments) column is taken from the SASCA-CV Budget for year-one.

Using Table III’s June 2020 Prior to Adjustments and Adjusted figures of \$147,391 and (\$572,656) results in SASCA-CV overstating their year-one ending cash balance by \$720,047 (\$147,391 minus negative \$572,656 = \$720,047).

The above adjustments to SASCA-CV’s budgeted cash flows result in a negative year-one ending cash balance of (\$572,656) as of June 30, 2020.

As shown in Table III above, the monthly effect of the disallowed cash flow adjustments demonstrates that nine out of twelve months of SASCA-CV’s first-year cash flow are negative culminating in a year-one ending negative cash flow balance of (\$572,656).

SASCA-CV’s failure to achieve a positive year-one ending cash balance results in the SASCA-CV charter petitioners having submitted an unrealistic financial operational plan for the proposed SASCA-CV charter school.

4. SASCA-CV’s Unrealistic, Disallowed and Excluded Budget Adjustments Resulting in a Year-One Negative Fund Balance and Negative Financial Reserves

Required reserves for economic uncertainties are defined at 5 CCR §15450 Reserves:

“(a) Available reserves for any of the budget year or two subsequent fiscal years are not less than the following percentages or amounts as applied to total expenditures and other financing uses:

- the greater of 5% or \$55,000 for districts with 0-300 ADA*
- the greater of 4% or \$55,000 for districts with 301-1,000 ADA*
- 3% for districts with 1,001-30,000 ADA*
- 2% for districts with 30,001-400,000 ADA*
- 1% for districts with 400,001 and over ADA”*

The SASCA-CV Budget Notes at section 3.5, Reserve Requirement, state,

“In each fiscal year, SASCA-CV plans to exceed a budget reserve equal to 5% of total annual operating expenditures or \$50,000, whichever is greater.”

To meet the 5 CCR §15450 Reserves requirement, because SASCA-CV’s 2019-2020 projected year-one ADA is 261.25, SASCA-CV’s reserve requirement is 5% or \$55,000.

To meet SASCA-CV’s own stated reserve requirement, the SASCA-CV Budget Notes state the requirement is 5% or \$50,000, whichever is greater.

As described above, the SASCA-CV PCSGP start-up revenue of \$375,000 and RRCSA Community Bank line of credit of \$500,000 are both disallowed and excluded from SASCA-CV's Budget.

Table IV below presents the financial effect of these two disallowed and excluded Budget items on SASCA-CV's 2019-2020, year-one, ending fund balance, and fund balance reserves.

Table IV

Sycamore Academy of Science and Cultural Arts Chino Valley			
Revenue & Expenditures Adjustments Effect on Fund Balance			
Financial Documents (Summarized Amounts)			Adjusted
Description	Year-One		Year-One
	2019-20	Adjustments	2019-20
	(rounded)	(rounded)	(rounded)
Revenues			
LCFF Sources	\$ 2,312,006		\$ 2,312,006
Federal Revenues	\$ 48,947		\$ 48,947
Start-Up PCSGP Revenues	\$ 375,000	\$ (375,000)	\$ -
Other State Revenues	\$ 234,116		\$ 234,116
Other Local Revenues	\$ 40,727		\$ 40,727
Total Adjusted Revenues	\$ 3,010,796	\$ (375,000)	\$ 2,635,796
Total Expenditures	\$ 2,864,457		\$ 2,864,457
Total Adjusted Expenditures	\$ 2,864,457	\$ -	\$ 2,864,457
Overstated Other Financing Sources:			
Community Bank Line of Credit	\$ 500,000	(500,000)	\$ -
Total Adjusted Other Financing Sources	\$ 500,000	\$ (500,000)	\$ -
Net Increase (Decrease) in Fund Balance	646,339	(875,000)	(228,661)
Beginning Fund Balance	-		-
Ending Fund Balance	\$ 646,339	\$ (875,000)	\$ (228,661)
Fund Balance Reserve as a percentage of total expenses	22.6%		-8.0%

SASCA-CV's fund balance reserves are calculated by dividing ending fund balance by total expenditures.

The disallowed and excluded SASCA-CV PCSGP start-up costs of \$375,000 and RRCSA Community Bank line of credit loan of \$500,000 decreased SASCA-CV's revenues and other financing sources by a combined \$875,000; therefore, SASCA-CV's ending fund balance also decreases by \$875,000, resulting in a deficit or negative year-one ending fund balance of (\$228,661).

SASCA-CV's negative fund balance also results in a deficit or negative year-one ending fund balance reserve of (8.0%).

The SASCA-CV 2019-2020 year-one ending negative fund balance of (\$228,661) and negative ending fund balance reserve of (8%) fail to meet sufficient reserve requirements for contingencies, fund balance reserves, and reserves for economic uncertainties as required by CCR, Title 5, section 15450 and also fail to meet SASCA-CV's own stated 5% reserve requirement.

Therefore, SASCA-CV's failure to meet the CCR, Title 5, section 15450 requirement or even their own 5% reserve requirement results in the SASCA-CV charter petitioners having submitted an unrealistic financial operational plan for the proposed SASCA-CV charter school.

5. The SASCA-CV Charter Petition Relies on an IRS Revoked Foundation for an "Essential Role" in SASCA-CV's Educational Program

The SASCA-CV Charter Petitioner's charter petition presents numerous documents listed in the "Attachments to the Petition" such as policies and procedures, job descriptions, and checklists watermarked as "DRAFT".

The Financial Policies and Procedures draft document identifies the following:

- a) Section 2, Banking, subsection 2c, i, Foundation Account – Donation Account states,

"The Foundation Account shall be used for collection of donations and/or fees related to school fundraisers, events and activities."

Because the RRCSA draft financial policies and procedures state that donations and/or fees related to school fundraisers, events and activities will be put in the Foundation account, this means the Foundation will control how SASCA-CV donated funds are spent.

- b) The SASCA-CV charter petition describes the Foundation at page 171, The Role of the Sycamore Foundation, as,

"The Sycamore Foundation is a Type I supporting charitable organization, organized pursuant to IRC 509(a)(3). The role, function and funding and operations of the Foundation are clearly governed by IRC 501(c)(3) and 509(a)(3). As a charitable supporting organization, the Foundation may conduct fundraisers and seek charitable solicitations that may only be used to benefit the students and staff of a public charter school operated by RRCSA." (emphasis added)

"[T]he Sycamore Foundation's sole purpose is to act as a fundraising organization that supports schools operated by the Ronald Reagan Charter School Alliance." (emphasis added)

The Sycamore Academy of Science and Cultural Arts Foundation (Foundation) is identified as supporting charter schools operated by RRCSA.

The SASCA-CV charter petitioners have failed to demonstrate the Foundation will exclusively serve SASCA-CV and fail to define whether donation revenues received, including those of SASCA-CV, will be used for other non-SASCA-CV purposes.

Because the Foundation has been in existence serving RRCSA's single charter school, SASCA-Wildomar, the SASCA-CV charter petitioners cannot guarantee that donations raised by SASCA-CV will not be used for SASCA-Wildomar. This means fundraising of the Foundation will support all schools of RRCSA regardless of the source of funds.

The SASCA-CV charter petitioners also failed to present any documentation about the Foundation such as non-profit tax returns, financial statements, or other documents identifying its success in supporting the charter school operated by RRCSA.

The SASCA-CV charter petition, page 111, at Sycamore Foundation (Parent/Staff Organization) states,

“The Sycamore Foundation will play an essential role in SASCA-CV’s educational program... The spirit of cooperation between parents, staff, and students allows SASCA-CV to have a Foundation whose members volunteer in a variety of areas.”

The Internal Revenue Service (IRS) tax exempt organization online database indicates the IRS non-profit status of the Foundation is revoked.

The Foundation is reported in the IRS database as follows:

- The Sycamore Foundation is listed in the IRS Auto-Revocation List.
 - This means the Foundation has been revoked and is no longer able to operate as an IRS recognized non-profit organization.
- Organizations reported in the IRS Auto-Revocation List are those whose federal tax-exempt status has been automatically revoked by the IRS for not filing a Form 990-series tax return or notice for three consecutive years.
 - This means the Foundation has failed to file its required non-profit tax return form 990 for three consecutive years.
- The IRS’ revocation date is November 15, 2017.
 - This means SASCA-CV charter petitioners/RRCSA Board were aware of the Foundation’s revocation prior to submitting the July 19, 2018 SASCA-CV charter petition.
- The IRS’ revocation posting date is March 12, 2018.
 - This date is also prior to the date SASCA-CV submitted the SASCA-CV charter petition.
- There is no exemption reinstatement date reported by the IRS.

Image II below is taken from the IRS Tax Exempt Organization Search page at www.irs.gov.

Image II

The screenshot shows the IRS website interface. At the top left is the IRS logo. To the right is a search bar. Below the logo are navigation links: Help, News, Language, Charities & Nonprofits, and Tax Pros. A horizontal menu contains: File, Pay, Refunds, Credits & Deductions, and Forms & Instructions. The main content area shows a breadcrumb trail: Home > Tax Exempt Organization Search > Sycamore Academy Of Science And Cultural Arts Foundation Inc. Below this is a link: < Back to Search Results. The organization name is displayed in large bold text: Sycamore Academy Of Science And Cultural Arts Foundation Inc. Below the name is the EIN: 61-1747921 | Wildomar, CA, United States.

Auto-Revocation List

Organizations whose federal tax exempt status was automatically revoked for not filing a Form 990-series return or notice for three consecutive years. Important note: Just because an organization appears on this list, it does not mean the organization is currently revoked, as they may have been reinstated.

Exemption Type: 501(c)(3)

Exemption Reinstatement Date:

Revocation Date: 11-15-2017

Revocation Posting Date: 03-12-2018

Page Last Reviewed or Updated: 6-Jul-2018

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The Sycamore Foundation is described in the charter petition as playing an “essential role” in SASCA-CV’s education program; however, because the IRS non-profit status of the Sycamore Foundation is revoked, the Sycamore Foundation cannot play an essential role in SASCA-CV’s educational program, or a role in any other RRCSA charter schools.

- c) The SASCA-CV charter petition describes the Foundation at page 171, The Role of The Sycamore Foundation, as,

“SASCA schools are operated by a non-profit, public corporation, the Ronald Reagan Charter School Alliance...The Sycamore Foundation is a Type I supporting charitable organization...As a charitable supporting organization, the Foundation may conduct fundraisers and seek charitable solicitations that may only be used to benefit the students and staff of a public charter school operated by RRCSA.”

The Sycamore Foundation’s tax-exempt non-profit status has been revoked by the IRS; therefore, the Foundation cannot operate as a charitable organization to benefit the schools operated by RRCSA.

d) The SASCA-CV Budget Narrative states at section 2.3, Loans & Line of Credit,

“SASCA-CV anticipates receiving additional start-up funding from local fundraisers and philanthropic donations...If the school receives these additional start-up funds, it will further improve its income statement and cash flow.”

The SASCA-CV Budget Narrative also states at section Cash Flow,

“SASCA-CV will engage in active fundraising activities and will request donations from the community to further help with start-up and operational costs.”

Because there is uncertainty as to which entity, the Foundation or SASCA-CV will have custody of donations and fundraised money, and which entity (RRCSA, SASCA-Wildomar, or SASCA-CV) will decide how the funds will be spent, and because the IRS has revoked the non-profit status of the Sycamore Foundation, the SASCA-CV Charter Petitioners have submitted an unrealistic financial and operational plan for the proposed SASCA-CV charter school.

CONCLUSION

Education Code section 47605(g) and California Code of Regulations, Title 5, section 11967.5.1(c)(3)(B), require the SASCA-CV charter school petitioners to present a charter petition budget with complete and detailed Budget Notes to explain how the SASCA-CV charter petitioners arrived at their budgeted amounts.

The SASCA-CV charter petitioners failed to provide complete and accurate Budget Notes and Cash Flow Budget Notes describing in detail the amounts presented in SASCA-CV's Budget and Cash Flow.

The SASCA-CV charter petitioners failed to:


- Identify any first-year federal reimbursement Public Charter School Grant Program (PCSGP) restricted start-up costs associated with the SASCA-CV Budget's restricted start-up revenue of \$375,000,
- Correctly account for the SASCA-CV Community Bank line of credit loan of \$500,000 which matures before SASCA-CV's first-year of operation begins and is in the name of RRCSA but is described by the SASCA-CV charter petition as SASCA-CV's \$500,000 line of credit.
- Provide a positive year-one ending cash, fund balance, and fund balance reserve in SASCA-CV's Budget and Cash Flow,
- Present an IRS tax-exempt non-profit corporation able to "*play an essential role in SASCA-CV's educational program.*"

Material revenue and other financing sources deficiencies and disallowances (PCSGP start-up grant \$375,000 and line of credit \$500,000) totaling \$875,000 removed from the SASCA-CV Budget reduce SASCA-CV's year-one fund balance to a deficient of (\$228,661) and result in a negative or deficit year-one fund balance reserve of (8.0%).

Overall, in my professional opinion, because of the material nature of the SASCA-CV charter petitioners' omissions, deficiencies, and this report's disallowances from the SASCA-CV Budget and Budget Notes, the SASCA-CV charter petition and Budget present an unrealistic financial and operational plan for the proposed SASCA-CV charter school.

Thank you for allowing me to be of service to the Chino Valley Unified School District.

Sincerely,



Paul S. Horvat, CPA