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Eagle Collegiate Academy

A Pre-K to 8th College Preparatory Charter School
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February 11, 2022

Via Email

SFarland@cde.ca.gov; charters@cde.ca.gov

Stephanie Farland, Director
Charter Schools Division
California Department of Education
1430 N Street, Suite 5401
Sacramento, California 95814

Re: Eagle Collegiate Academy Response to the California Department of Education's Analysis of Eagle Collegiate Academy's Response to the California State Board of Education Notice of Violation

Dear Director Farland:

The purpose of this letter is to respond to the California Department of Education's (CDE) Analysis of Eagle Collegiate Academy's (ECA) Response to the California State Board of Education Notice of Violation Pursuant to Education Code Section 47607(g) ("Notice of Violation"), Item 1 Attachment 3 on the Advisory Commission on Charter Schools February 15, 2022 Agenda.

Herein and attached, please find ECA's response and evidence that refutes, remedies, or proposes to remedy the alleged violations contained in the CDE's Analysis. Please note that a number of the evidentiary documents referenced in the attached response have already been submitted to staff of the California Department of Education. Where appropriate, we have noted which documents have already been submitted to California Department of Education staff. If you have any questions regarding such documents, or would like additional copies, please let us know as soon as possible.

* * *

ECA remains committed to serving all students and affirms past and continued compliance with all applicable CDE, SBE and legal requirements. ECA believes that the attached response fully addresses the concerns in the CDE's Analysis and requests that the Advisory Commissioners on Charter Schools deny CDE's proposal that the California State Board of Education Issue a Notice of Intent to Revoke with Notice of Facts, pursuant to California *Education Code* Section 47607(h) the Eagle Collegiate Academy's Charter.

If you have any further questions or need additional information regarding our responses, please contact ECA's Founder and Chief Executive Officer, Dr. Ogo Okoye-Johnson, at ookoye-johnson@eaglecollegiateacademy.org.

Sincerely,

Ogo Okoye-Johnson

Ogo Okoye-Johnson, Ph.D.,
Founder & CEO
Eagle Collegiate Academy

Ken Higginbotham

Ken Higginbotham,
Board President
Eagle Collegiate Academy

Eagle Collegiate Academy Response to CDE’s ACCS Revocation Recommendation
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Eagle Collegiate Academy Response to the California Department of Education’s Analysis of Eagle Collegiate Academy Response to the California State Board of Education Notice of Violation

The Eagle Collegiate Academy (ECA) Board engaged in fiscal mismanagement (California *Education Code* [EC] Section 47607[f][3]).

Alleged Violation: Budget Based on Unrealistic Enrollment

California Department of Education Violation as Stated in Notice of Violation	California Department of Education Analysis of Eagle Collegiate Academy’s Response	Eagle Collegiate Academy’s Response to CDE’s Analysis
<p>ECA has based and continues to base its budget on unrealistic enrollment, creating a large anticipated deficit in its first year of operation. ECA’s charter petition included a prospective enrollment of 168 students. A timeline of ECA’s attendance reporting and CDE communication is provided below:</p> <ul style="list-style-type: none"> • May 28, 2021: ECA informed the CDE that its prospective enrollment had decreased to 131 students. • July 13, 2021: ECA submitted the Pupil Estimates for New or Significantly Expanding Charters (PENSEC) with an estimated October enrollment of 168 students and 	<p>The CDE’s fiscal analysis of ECA’s revised budget indicates that ECA is not fiscally sustainable. ECA based its revised budget on an overestimated and unrealistic enrollment of 57 students and ADA of 27.53 in FY 2021–22 instead of its most recently reported enrollment of 12 students. Although its enrollment of 57 students is an increase in projected enrollment from its reported count of 12 students on January 24, 2022, this is significantly short of the projected 168 students in ECA’s charter petition that was approved by the SBE. Additionally, ECA has not provided any intent to enroll forms as</p>	<p>As to the CDE’s contention that “ECA’s charter petition, approved by the SBE on July 9, 2020, included a prospective enrollment of 168 students[,]” ECA notes that the “California State Board of Education Approval Letter with Conditions Dated August 19, 2020, and Enclosures” required ECA to “provide evidence to the California Department of Education by May 28, 2021, of prospective enrollment of 168 pupils, plus or minus 25 percent of that enrollment goal, for the 2021–22 school year.” (Emphasis added.) In other words, a condition</p>

California Department of Education Violation as Stated in Notice of Violation	California Department of Education Analysis of Eagle Collegiate Academy’s Response	Eagle Collegiate Academy’s Response to CDE’s Analysis
<p>Average Daily Attendance (ADA) of 159.6.</p> <ul style="list-style-type: none"> September 30, 2021: In its monthly oversight call with the CDE, ECA reported that school began on September 7, 2021, with an enrollment of 131 students. October 2021: ECA received a charter school special advance payment of \$611,729 based on the PENSEC report. November 1, 2021: ECA reported to the CDE a total enrollment count of 12 students in its Charter School 20-Day Attendance Report. November 12, 2021: The CDE sent a Letter of Concern to ECA regarding ECA’s unanticipated and drastic decline in enrollment, and requested that ECA provide a Fiscal Corrective Action Plan that included a revised multi-year budget and cash flow statements for the current fiscal year (FY) 2021–22 and two subsequent FYs (2022–23 and 2023–24) as well as written detailed assumptions that reflected ECA’s resolution on 	<p>evidence of its claim that 45 new students are committed to enroll. ECA also projected an enrollment of 168 and 216 students in FY 2022–23 and FY 2023–24, respectively, which is unrealistic and inconsistent with growth patterns in other charter schools.</p> <p>The CDE finds that ECA has not refuted, remedied, or proposed to remedy this violation.</p>	<p>of ECA’s charter approval was to provide evidence of enrollment between 126 and 210 students (i.e., +/- 25% of 168 students.) ECA was not required to enroll 168 students.</p> <p>As to the CDE’s contention that “ECA verbally reported that school began on September 7, 2021, with an enrollment of 131students[.]” ECA team does not recall making this verbal report specifically except that because this was the first meeting with ECA’s new consultant, there was a conversation about ECA’s historical events designed to bring the new CDE consultant up to date about previous and current status of ECA and the impact of the facility challenges that led to the delayed opening on September 7, 2021.</p> <p>As of the date of this response, ECA has 57 students committed to enroll for the remainder of the 2021-22 school year including the existing students as demonstrated by the written comments submitted to the SBE in advance of the SBE’s January 12, 2022, board meeting attached to this response as</p>

California Department of Education Violation as Stated in Notice of Violation	California Department of Education Analysis of Eagle Collegiate Academy's Response	Eagle Collegiate Academy's Response to CDE's Analysis
<p>addressing its unanticipated enrollment decline.</p> <ul style="list-style-type: none"> • December 6, 2021: ECA responded to the CDE's Letter of Concern and included in its response a Fiscal Corrective Action Plan and other requested documentation. • December 17, 2021: The CDE requested a summary of ECA's fall attendance. ECA provided the following: <ul style="list-style-type: none"> ○ September: 13 students ○ October: 14 students ○ November: 12 students ○ December: 12 students <p>In July 2021, ECA reported an ADA of 159.6 on its PENSEC report, which is a report used to provide state aid advance to newly operational and expanding charter schools. As a result of the information it reported in its PENSEC, ECA received an apportionment of \$611,729 in the First Special Advance Apportionment for Charter Schools.</p> <p>However, in its November 2021 Charter School 20-Day Attendance Report, a report of actual ADA and other pupil counts for charter schools, ECA reported only 12 ADA</p>		<p>attachment 1; and by the Excel spreadsheet generated by ECA's intent to enroll collected via google doc as attachment 2.</p> <p>Historical Context of CDE's Requests</p> <ol style="list-style-type: none"> 1. November 12, 2021 CDE sent ECA a letter of concern with a response date of December 6, 2021 to provide a signed lease for a facility among other requests. 2. December 6, 2021, ECA provided CDE with a signed lease to use the Youth Ministry Center of a local Church with ECA's response with the anticipated in-person start date of January 10, 2022. 3. On December 16, 2021, CDE conducted a site inspection and verbally notified ECA that the site would work with some recommendations that will be noted in its report. 4. ECA team in order to eliminate the delay to begin in-person instruction requested and was granted permission to use the church sanctuary instead of the Youth Ministry and notified CDE. CDE

California Department of Education Violation as Stated in Notice of Violation	California Department of Education Analysis of Eagle Collegiate Academy's Response	Eagle Collegiate Academy's Response to CDE's Analysis
<p>thus reducing the charter school's estimated state aid for FY 2021–22 to \$119,333. Therefore, as of the Second Special Advance Apportionment, ECA has been grossly overpaid in Local Control Funding Formula (LCFF) funds by an estimated \$492,396. These funds will be due back to the state, which the CDE will collect through an invoice. Additionally, due to this overpayment, the charter school will not receive any additional Principal Apportionment funds until the state has recovered the full amount of the LCFF overpayment.</p>		<p>conducted a site inspection on February 10, 2022.</p> <p>On January 28, 2022 ECA team in its commitment to work closely with CDE sent a "Request For Resolution From Eagle Collegiate Academy" via email to CDE asking for any more items in addition to the documents CDE has already requested and received that would help CDE to resolve its notice of violation to ECA. ECA's team never received any reply to date.</p> <p>ECA reduced its enrollment projection from 240 to 168 and from 313 to 216 students in FY 2022–23 and FY 2023–24, respectively, which is comparable to charter schools in the area that offer similar rigorous programs similar to ECA's.</p> <p>Therefore, provided that the CDE approves ECA's proposed facility for school operations soon, ECA reasonably projects an enrollment of 57 students by Friday April 29, 2022, P2 Attendance report date.</p>

Alleged Violation: Projected Fiscal Insolvency

California Department of Education Violation as Stated in Notice of Violation	California Department of Education Analysis of Eagle Collegiate Academy's Response	Eagle Collegiate Academy's Response to CDE's Analysis
<p>The CDE finds that ECA is not fiscally sustainable. ECA continues to base its fiscal solvency on unrealistic and overestimated enrollment. In the revised budget, which is based on an overinflated enrollment, that ECA submitted to the CDE in December 2021 in response to its Letter of Concern, ECA maintains a negative ending fund balance. Specifically, for FY 2021–22, ECA projects a negative ending fund balance of \$302,298.</p> <p>Also, in their December response to the CDE's Letter of Concern, ECA included \$1 million in fundraising to cover staff compensation, including salaries and benefits. Fundraising, or donation, is soft funding and is not guaranteed. Additionally, ECA provided no documentation to support its fundraising efforts. ECA's cash flow statement reflects that all cash will be exhausted by May 2022.</p> <p>Additionally, in their December revised budget, ECA included \$300,000 of Public Charter School Grant Program (PCSGP) implementation funds in their cash flow statement. Due to their failure to meet the minimum enrollment requirement for their</p>	<p>Even with its overestimated enrollment, ECA's January revised budget includes a deficit of \$282,497 and negative ending fund balance of \$302,842 in FY 2021–22. As of January 24, 2022, despite its negative net position, ECA employed six teachers and one administrator for 12 students. ECA has failed to take appropriate steps to balance its budget by reducing expenditures, such as adjusting staffing to a reasonable student-to-teacher ratio or reducing administrator salaries.</p> <p>Furthermore, a charter school cannot dictate a repayment plan for an overpayment of apportionment, and the CDE does not have the authority to grant a repayment plan for charter school overpayments. The CDE's only methods of recovering an overpayment are invoicing the charter school for the full amount or offsetting future apportionments. If the charter school were to remit less than the full payment against an invoice, their</p>	<p>As to CDE's contention that "as of January 24, 2022, despite its negative net position, ECA employed six teachers and one administrator for 12 students" and that "ECA has failed to take appropriate steps to balance its budget by reducing expenditures, such as adjusting staffing to a reasonable student-to-teacher ratio or reducing administrator salaries," CDE did not disclose that two of the teachers are not full-time teachers. ECA has cut its staff from 12.5 FTE to 4.5 FTE and a half-day substitute teacher. ECA's current number of teachers will enable ECA to provide its program with fidelity and to be compliant with the International Baccalaureate, English Learner and Special Education requirements. It will also make sure that ECA is ready for the students who will be joining the school for in person instruction.</p> <p>ECA's administrator worked for a full year without pay during the 2020-2021, ECA's planning year and used</p>

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<p>first year of implementation as required by the federal grant, ECA is not eligible to receive PCSGP funds. On December 28, 2021, the CDE informed ECA that its PCSGP Start-Up Sub-Grant had been placed on hold.</p> <p>Furthermore, in its December revised budget, ECA understated its LCFF repayment by \$435,594. Due to its overstated ADA and incorrect PCSGP projections, ECA may have an estimated negative ending cash balance of \$932,620 by June 2022.¹</p>	<p>apportionments would continue to be offset until the full amount is repaid.</p> <p>ECA’s projected ending cash balance fails to include any of its LCFF repayment, which the CDE estimates at \$492,396. Therefore, by June 2022, ECA may have an estimated negative ending cash balance of \$488,353.</p> <p>As previously stated, if ECA fails to repay its LCFF overpayment, ECA’s principal apportionments for FY 2022–23 will be offset in order to recover the LCFF overpayment. Based on the CDE’s most recent analysis of ECA’s financial documents, ECA will fail to meet its financial obligations, including but not limited to staff salaries, pension obligations, and benefits by May 2022.</p> <p>The CDE finds that ECA has not refuted, remedied, or proposed to remedy this violation.</p>	<p>personal funds to conduct ECA’s business.</p> <p>ECA never dictated but merely stated when it will be able to repay CDE of the overpayment of apportionment.</p> <p>Based on ECA’s reasonable projection of 29 average daily enrolled students and 27.53 average daily attendance for the remainder of 2021-22 school year, ECA projects that the First Special Advance Apportionment of \$611,729 will have been overpaid by \$326,978 for State Aid and \$2,474 for EPA, for a total overpayment of \$329,452.</p> <p>Therefore, provided that the CDE approves ECA’s proposed facility for school operations soon, ECA reasonably projects an enrollment of 57 students by Friday April 29, 2022, P2 Attendance report date.</p>

¹ Cash balance indicates the amount of cash the school has in the bank. Fund balance includes all cash assets, plus any additional assets the school holds; therefore, a school’s fund balance is not likely to equal cash balance.

The ECA Board committed a material violation of the conditions, standards, or procedures set forth in the charter (EC Section 47607[f][1]).

Alleged Violation: Failure to Acquire Appropriate Facilities Prior to the Start of FY 2021–22

California Department of Education Violation as Stated in Notice of Violation	California Department of Education Analysis of Eagle Collegiate Academy's Response	Eagle Collegiate Academy's Response to CDE's Analysis
<p>According to Section 4.2 of the Memorandum of Understanding (MOU) between the SBE and ECA, changes to the charter petition deemed to be material revisions may not be made without SBE approval. Amendments to the charter petition considered to be material changes include, but are not limited to, "any action taken on the part of the School which will result in a significant shift in pupil population to or from a site."</p> <p>The fourth condition of approval by the SBE of ECA's charter required ECA's school facilities to be "completed and ready for the CDE inspection on or before May 28, 2021." Based on ECA's reporting to the CDE, ECA has failed to open a facility as a classroom-based charter school by the SBE-approved date or before the start of the 2021–22 school year on September 7, 2021, and in accordance with the charter approved by the SBE.</p> <p>On December 6, 2021, ECA informed the CDE that the school had obtained a short-</p>	<p>ECA failed to obtain a suitable school site as proposed in its charter as approved by the SBE. The CDE acknowledges ECA's difficulties and efforts in obtaining a facility. However, ECA's charter was approved by SBE on July 8, 2020, with a delayed opening until September 2021 as an acknowledgement that additional time would be helpful during the pandemic. Therefore, ECA had 14 months to resolve any facility issues.</p> <p>Additionally, ECA's timeline in Exhibit C of ECA's response to the Notice of Violation includes a large gap from July 8, 2020, to February 5, 2021, during which time ECA's response does not report any action taken toward obtaining a facility.</p> <p>Even though some of the CDE's findings from the facility inspection on December 16, 2021, no longer apply due to ECA amending its lease to locate the school in a different</p>	<p>ECA's timeline in Exhibit C included in its Response to the Notice of Violation clearly noted that the ECA team is in an ongoing negotiation to date with the owner of the initial church location who demanded that the State should conduct all the repairs for a school it approved and did not understand how charter schools are funded. The facility is owned by a foreign company which may have played a role in not understanding the funding structure of charter schools despite initially agreeing to make its own repairs. Therefore, ECA did not have any lapse in facility search since July 8, 2020.</p> <p>ECA team has written email evidence of the ongoing communication with the owner of the initial church location.</p>

<p>California Department of Education Violation as Stated in Notice of Violation</p>	<p>California Department of Education Analysis of Eagle Collegiate Academy's Response</p>	<p>Eagle Collegiate Academy's Response to CDE's Analysis</p>
<p>term lease at a temporary facility. Per Section 4.3 of the MOU, ECA may not commence operations in the facility without written approval from the CDE. The CDE visited and inspected the facility on December 16, 2021, to ensure that it is safe for occupancy and meets all pertinent regulations. Upon its completion of the site visit, the CDE found the facility noncompliant based on the following findings:</p> <ul style="list-style-type: none"> • The facility currently has a person who is renting a room and residing on the property. • The facility lacks a fire marshal inspection. • The facility lacks an Educational Group E occupancy permit, as required by the MOU and the State Fire Marshal. • The facility is not compliant with the Americans with Disabilities Act Standards for Accessible Design. <p>Several other findings listed on the Pre-Opening Site Inspection Checklist.</p>	<p>building on the leased site, the CDE still has concerns with the proposed site. ECA's occupation of a different building on the same property does not remedy the CDE's findings of noncompliance regarding the resident at the facility, inadequate access from and dispersal to roads, inadequate parking, and inadequate space for safe student drop-off and pickup. As the CDE was informed of the proposed changes via email on January 24, 2022, the CDE expedited a second visit to inspect the newly-proposed facility on February 10, 2022.</p> <p>The CDE finds that ECA has not refuted, remedied, or proposed to remedy this violation.</p>	<p>Based on the verbal report from CDE Facility's site inspection conducted yesterday February 10, 2022, ECA has remedied all the findings of noncompliance regarding the resident at the facility, inadequate access from and dispersal to roads, inadequate parking, and inadequate space for safe student drop-off and pickup.</p> <p>The resident at the facility is a preschool teacher and is not at home when school is in session. The resident volunteered to allow ECA to conduct a background clearance using ECA's account with California Department of Justice (DOJ). The resident's background check came back clear with no incidents from FBI and CA DOJ.</p>

Alleged Violation: Change to Nonclassroom-Based Educational Program

<p>California Department of Education Violation as Stated in Notice of Violation</p>	<p>California Department of Education Analysis of Eagle Collegiate Academy's Response</p>	<p>Eagle Collegiate Academy's Response to CDE's Analysis</p>
<p>Per Section 4.2 of the MOU between the SBE and ECA, changes to the charter petition deemed to be material revisions may not be made without SBE approval. Amendments to the charter petition considered to be material changes include, but are not limited to, "substantial changes to the educational program including the addition or deletion of an educational program, mission, or vision."</p> <p>ECA's charter petition, as approved by the SBE, outlines a classroom-based International Baccalaureate educational program; it does not include a 100 percent nonclassroom-based program. ECA has reported to the CDE that its students are receiving online instruction only via independent study. The approved charter petition does not outline an educational program consisting solely of independent study.</p>	<p>While ECA claims to deliver virtual educational content that is identical to the content ECA would be delivering in person, the fact remains that ECA is delivering a virtual education/independent study program rather than the classroom-based educational program approved in its charter. ECA will not be able to deliver the educational program approved in its charter without an appropriate facility.</p> <p>The CDE finds that ECA has not refuted, remedied, or proposed to remedy this violation.</p>	<p>As stated above, based on the verbal report from CDE Facility's site inspection conducted yesterday February 10, 2022, ECA has remedied all the findings of noncompliance regarding the resident at the facility, inadequate access from and dispersal to roads, inadequate parking, and inadequate space for safe student drop-off and pickup.</p> <p>Therefore, provided that the CDE approves ECA's proposed facility for school operations soon, ECA reasonably projects an enrollment of 57 students by Friday April 29, 2022, P2 Attendance report date.</p>

Alleged Violation: Failure to Maintain Adequate Budget Reserves

California Department of Education Violation as Stated in Notice of Violation	California Department of Education Analysis of Eagle Collegiate Academy's Response	Eagle Collegiate Academy's Response to CDE's Analysis
<p>Per Section 3.5 of the MOU between the SBE and ECA, ECA is expected to maintain reserves at 5 percent of expenditures or \$71,000.</p> <p>Due to the LCFF repayment and the discontinuance of PCSGP funding, the CDE projects ECA to have a negative ending fund balance of \$1.2 million by June 2022.</p>	<p>ECA's own projections are based on an unrealistic, unsubstantiated, and inflated enrollment for FY 2021–22, and end in a negative fund balance of \$302,842. The CDE's fiscal analysis using ECA's actual current enrollment projects that ECA will have a negative ending fund balance of \$598,225 for FY 2021–22. As noted above, ECA's enrollment projections for FY 2022–23 are not reasonable and therefore the CDE is unable to evaluate ECA's fiscal position for FY 2022–23.</p> <p>The CDE finds that ECA has not refuted, remedied, or proposed to remedy this violation.</p>	<p>Although ECA remains confident that its enrollment projections are realistic and feasible based on the door to door ground work enrollment campaign ECA continues to conduct, however, because CDE has yet to approve ECA's site for in person instruction, and also to give CDE comfort in light of CDE's concerns about ECA's projected enrollment, ECA has reduced its enrollment projections for the 2023-24 to 168, and 2023-24 to 216 which are comparable to charter schools in the area that offer rigorous programs similar to ECA's.</p>

The ECA Board committed a violation of law (EC Section 47607[f][4]).

Alleged Violation: Noncompliant Independent Study Written Agreements

California Department of Education Violation as Stated in Notice of Violation	California Department of Education Analysis of Eagle Collegiate Academy's Response	Eagle Collegiate Academy's Response to CDE's Analysis
<p>EC Section 51747(g)(1) requires independent study (IS) written agreements to "include the manner, time, frequency, and place for submitting a pupil's assignments, for reporting the pupil's progress, and for communicating with a pupil's parent or guardian regarding the pupil's academic progress."</p> <p>The CDE notes the following areas of noncompliance in ECA's IS written agreement:</p> <ul style="list-style-type: none"> • The agreement lists options for the manner of "reporting" and parent/guardian communication but lacks clarity and specificity as to when and under what circumstances to utilize the selected options. • The agreement fails to indicate the manner of assignment submission or parent/guardian communication. • The agreement fails to indicate a time and frequency of assignment 	<p>ECA's IS written agreements list options for the manner of reporting student progress and parent/guardian communication but lack specificity and clarity as to when and under what circumstances to utilize the checked options. ECA's IS written agreements state that the time and frequency of educational activities "varies," which is insufficient due to its lack of specificity and clarity. ECA's IS written agreements fail to indicate the manner of assignment submission and lack clarity as to the place for assignment submission, progress reporting, and parent/guardian communication, stating that it may be "virtual and in person." ECA's response clarified that tiered re-engagement strategies required by EC Section 51747 are included in ECA's board-approved IS policy.</p> <p>ECA's response acknowledges that ECA's IS written agreements fail to include ending dates for the</p>	<p>Student progress is provided to ECA's students through quarterly progress reports, quarterly parent conferences, report cards and NWEA MAP Growth Test results.</p> <p>ECA students submit assignments via email, in person when ECA staff picks them up and via the Google Classroom.</p> <p>ECA's ending date for the IS written agreements is June 27, 2022, the last day of school. They will be adjusted to the actual date when ECA begins in person instruction.</p>

California Department of Education Violation as Stated in Notice of Violation	California Department of Education Analysis of Eagle Collegiate Academy's Response	Eagle Collegiate Academy's Response to CDE's Analysis
<p>submission, progress reporting, and parent/guardian communication.</p> <ul style="list-style-type: none"> The agreement lacks clarity as to the place for assignment submission, progress reporting, and parent/guardian communication, stating that it may be virtual or in-person. <p><i>EC</i> Section 51747(g)(4) provides that the IS agreement shall include, in part, the number of missed assignments allowed before an evaluation of whether or not the pupil should be allowed to continue in independent study. This evaluation shall align with <i>EC</i> Section 51747(d) pertaining to tiered reengagement strategies for all pupils not generating attendance (i.e., missed assignments for traditional independent study). This section requires initiation of these strategies when pupils are not generating attendance for three school days or 60 percent of the instructional days in a school week, or 10 percent of required minimum instructional time over four continuous weeks of a local educational agency's (LEA's) approved instructional calendar, pupils found not participatory pursuant to Section 51747.5 for more than the greater of three school days or 60</p>	<p>agreement. ECA's response states that "ECA communicated to families that independent study could extend until such time as ECA could acquire facilities for in-person instruction." This is a date that is uncertain and does not meet the requirements under <i>EC</i> Section 51747(g)(5).</p> <p>The CDE finds that ECA has not refuted, remedied, or proposed to remedy this violation.</p>	

California Department of Education Violation as Stated in Notice of Violation	California Department of Education Analysis of Eagle Collegiate Academy's Response	Eagle Collegiate Academy's Response to CDE's Analysis
<p>percent of the scheduled days of synchronous instruction in a school month as applicable by grade span, or pupils who are in violation of the written agreement. ECA's written IS agreement fails to mention and/or otherwise include the provision for tiered reengagement strategies, including the participation/non-participation in synchronous instruction and live interaction, which directly relate to the requirement for an evaluation to determine if the pupil should remain in independent study. Additionally, its agreement lacks clarity as to whether the board policy stated in the agreement regarding failing to complete "5 assignments during any period of 5 school days" is equivalent to the requirements set forth in statute as stated hereinabove. <i>EC</i> Section 51747(g)(5) states that the IS written agreement shall include the duration of the agreement, including the beginning and ending dates for the pupil's participation in independent study. Independent study shall not exceed a period longer than one school year. ECA's written IS agreements, as executed, fail to include end dates for the agreement. Given the lack of compliance, it is unclear if ECA is eligible to receive apportionments for students participating in independent study.</p>		

Alleged Violation: Inadequate Budget Reserves

California Department of Education Violation as Stated in Notice of Violation	California Department of Education Analysis of Eagle Collegiate Academy's Response	Eagle Collegiate Academy's Response to CDE's Analysis
<p>In addition to being a material violation of the conditions, standards, or procedures of the charter petition and the MOU between the SBE and ECA, ECA's inadequate budget reserves is also a violation of law. Pursuant to <i>California Code of Regulations</i>, Title 5 (5 CCR) Section 15450, ECA is expected to maintain reserves at 5 percent of expenditures or \$71,000. However, as previously stated, due to the LCFF repayment and the discontinuance of PCSGP funding, the CDE projects ECA to have a negative ending fund balance of \$1.2 million by June 2022.</p>	<p>As stated previously, ECA's own projections are based on an unrealistic and inflated enrollment for FY 2021–22, and end in a negative fund balance of \$302,842. The CDE's fiscal analysis using ECA's actual current enrollment projects that ECA will have a negative ending fund balance of \$598,225 for FY 2021–22. As previously stated, ECA's enrollment projections for FY 2022–23 are not reasonable and therefore the CDE is unable to evaluate ECA's fiscal position for FY 2022–23.</p> <p>The CDE finds that ECA has not refuted, remedied, or proposed to remedy this violation.</p>	<p>Based on ECA's reasonable projection of 29 average daily enrolled students and 27. 53 average daily attendance for the remainder of 2021- 22 school year, ECA will not have a negative ending cash balance of \$598,225 for fiscal year 2021-22, and will have a 2021-22 ending cash balance of \$4,043. ECA projects that it will be fiscally solvent and sustainable.</p> <p>ECA has reduced its enrollment projections for the 2023-24 to 168, and 2023-24 to 216 which are reasonable and comparable to charter schools in the area that offer rigorous programs similar to ECA's.</p>

Other Concerns

Concern: Special Education Local Plan Area Letter of Concern

California Department of Education Violation as Stated in Notice of Violation	Summary of Eagle Collegiate Academy's Response to the Notice of Violation	California Department of Education Analysis of Eagle Collegiate Academy's Response
<p>ECA's Special Education Local Plan Area (SELPA), the El Dorado Charter SELPA, issued a formal notice of its concern about ECA's ability to function as an LEA. According to the SELPA's letter to ECA dated December 1, 2021, the SELPA found that ECA had not set up a child find process. Consequently, the SELPA was concerned that students with disabilities were not receiving their due services.</p>	<p>ECA claims that the SELPA's initial concerns were "unfounded and resolved" and cites an email sent from the SELPA on December 3, 2021.</p>	<p>The CDE contacted the El Dorado Charter SELPA directly. The EL Dorado Charter SELPA confirmed that ECA has resolved the issues stated in the SELPA's letter of concern dated December 1, 2021.</p> <p>The CDE finds that ECA has remedied this concern.</p>