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For more information regarding the content of this material, please contact the Charter Schools Division by phone at 916-322-6029 or by email at charters@cde.ca.gov.

Attachment 6

New Pacific School – Yuba City Supporting Documentation

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Appeal to the State Board of Education Petitioner Checklist

California Department of Education
Charter Schools Division
Created 05/2020

Appeal to the State Board of Education Petitioner Checklist

Instructions: The State Board of Education (SBE) requests the petitioner or its designee to complete this form when submitting an appeal for the establishment or renewal of a charter school petition to the SBE after district and county denial, pursuant to *Education Code (EC)* sections 47605(k)(2)(A) and 47607.5, respectively.

Note: The process for the review of an appeal of an SBE-authorized charter school and/or a school lacking an independent county board of education is different; this form does not apply.

Petition Information

Charter School Name: New Pacific School - Yuba City

Street Address: 1401 El Camino Ave. #510

City: Sacramento

County: Sacramento

Zip Code: 95815

Establishment Appeal:

Renewal Appeal, per the following *EC* Section:

47607(c)(2)

47607(c)(7)

47607.2(a)

47607.2(b)

Name of Denying District: Yuba City Unified School District

Date Denied by District: 08/23/2022

Name of Denying County: Sutter County Board of Education

Date Denied by County: 01/18/2023

Petitioner Information

Petitioner Name: Paul Keefer

Petitioner Email: paul.keefe@pacificcharters.org

Petitioner Phone: 916.616.3958

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Materials Submitted by the Petitioner

Date Materials Submitted to the SBE: 02/17/2023

Material	Exhibit
<input checked="" type="checkbox"/> Charter petition, as denied	A.1.
<input checked="" type="checkbox"/> Findings by the district	A.2.
<input checked="" type="checkbox"/> Documentary record from the district <i>Renewal Appeals should include the following with the documentary record:</i> <ul style="list-style-type: none"> <input type="checkbox"/> Charter school’s state performance <input type="checkbox"/> Verified data 	C.
<input checked="" type="checkbox"/> Written submission detailing how the district abused its discretion, identifying each of the following: <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Findings by the district to deny the establishment/renewal charter petition <input checked="" type="checkbox"/> Description of how the district abused its discretion for each finding) <input checked="" type="checkbox"/> Specific citation to the supporting evidence in the documentary record 	Written submission A.2. Written submission Written submission
<input checked="" type="checkbox"/> Findings by the county	C.
<input checked="" type="checkbox"/> Documentary record from the county <i>Renewal Appeals should include the following with the documentary record:</i> <ul style="list-style-type: none"> <input type="checkbox"/> Charter school’s state performance <input type="checkbox"/> Verified data 	C.
<input checked="" type="checkbox"/> Written submission detailing how the county abused its discretion, identifying each of the following: <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Findings by the county to deny the establishment/renewal charter petition <input checked="" type="checkbox"/> Description of how the county abused its discretion (for each finding) <input checked="" type="checkbox"/> Specific citation to the supporting evidence in the documentary record 	Written submission A.3 and C. Written submission Written submission

Supplemental Record (Supporting Documents)
Prepared by NPS – Yuba City

**Supplemental Record
(Supporting Documents)
Prepared by NPS – Yuba City**

Janelle A. Ruley

From: Paul Keefer <paul.keefer@pacificcharters.org>
Sent: Wednesday, February 8, 2023 7:00 PM
To: Janelle A. Ruley
Subject: Fw: Timeline Extension

email

Paul Keefer, MBA, Ed.D
Pacific Charter Institute
www.pacificcharters.org

From: Doreen Osumi <dosumi@ycusd.org>
Sent: Friday, June 3, 2022 2:45 PM
To: Paul Keefer <paul.keefer@pacificcharters.org>
Subject: Timeline Extension

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Dr. Keefer,

The Yuba City Unified School District is in receipt of your new charter school petition received on Monday, May 23, 2022. For purposes of all related communications, please note that unless I notify you otherwise, I will be the official District point of contact and can be reached at this email address or by phone at (530) 822-7600.

To that end and consistent with the law, I wanted to reach out to you to request extensions on both the public hearing and final action statutory timelines, as our regularly scheduled Board meetings over the summer just do not line up very well this year. Specifically, the Board has only one meeting scheduled in July. As such, I would like to request an extension of the deadline to hold the public hearing on our regularly scheduled July 26, 2022 meeting. As for final action, I would also like to request an extension to our regularly scheduled August 23, 2022 Board meeting, as by our calculations, the 90 day deadline falls on Sunday, August 21, 2022.

If these extensions are agreeable, please confirm by reply email so that we can plan appropriately. Thank you for your anticipated cooperation.

We will also be initiating our work on petition review shortly. If there are any questions, I will let you know.

Sincerely,

Doreen Osumi
Superintendent
Yuba City Unified School District

(530) 822-7600

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August 22, 2022

Via E-mail

Doreen Osumi, Superintendent
Board of Education
Yuba City Unified School District
750 Palora Avenue
Yuba City, California 95991

RE: Response to Yuba City Unified School District Staff Report: New Pacific School – Yuba City Establishment Charter Petition

Dear Superintendent Osumi, Board President Riley, and Members of the Yuba City Unified School District Board of Education:

We write in response to the Yuba City Unified School District’s (“YCUSD” or the “District”) Staff Report, Proposed Findings of Fact and Recommendation (“Report”) Concerning New Pacific School – Yuba City (“New Pacific School” or the “Charter School”) establishment charter petition (“Petition”), submitted on May 23, 2022, to the District.

New Pacific School intends to be operated by Pacific Charter Institute (“PCI”), a California non-profit public benefit corporation, which successfully operates five independent charter schools serving students in fourteen counties. PCI has extensive experience providing high quality education to students throughout California and a strong understanding of the nuances of California charter school law.

Recognizing the myriad demands on District staff, all of which were heightened during the COVID-19 pandemic, we nevertheless believe that the published Report does not present an accurate review of the New Pacific School charter petition, appendices, and meetings with New Pacific School leaders. We urge you to carefully consider the following information in evaluating the Report before taking action on our charter petition.

Under the Charter Schools Act, a school district board of education is required to approve a charter petition, unless it makes specific written factual findings to support a denial based on the grounds enumerated under Section 47605 – “specific to the particular petition” before the chartering authority.

As demonstrated in the table below, the findings in the District Report are based on speculation, inaccurate facts, or go beyond the requirements set forth in law, and therefore the findings constitute an impermissible basis to justify the denial of the New Pacific School charter petition.

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Responses to District Findings in Staff Report

Finding 1 in the District Report affirms that the petition meets the legal standard for affirmations, measurable student outcomes, measuring student progress, governance, admissions and lottery procedures, annual independent financial audits, student discipline procedures, retirement systems, public school attendance alternatives, post-employment rights of employees, closure procedures and status as exclusive public school employer.

The Report does not present factual findings related to a negative fiscal impact of opening a new charter school in the District, or the duplication of existing programs.

Below, please find excerpts of the findings in the District Report, in the order in which they were presented (in *italicized* text), immediately followed by the Charter School’s response (in plain text).

DISTRICT REPORT	NEW PACIFIC SCHOOL RESPONSE
<p>Finding 2: The Petition presents an unsound educational program for the students enrolled in the New Pacific School - Yuba City charter school (Education Code § 47605(c)(1)).</p>	
<p><i>“[T]he Petition states that “New Pacific School leverages PCI’s experience serving homeschool families and independent study students with project-based learning and dual-enrollment to offer a highly-individualized, student-centered approach to a site-based TK-12 school.” The proposed target community includes “educational and wellness hotspots” where students display low academic achievement, chronic absenteeism, and high suspension rates.</i></p> <p>...</p> <p><i>However, there is no evidence that the instructional framework presented was developed to specifically meet the needs of the stated target populations.”</i></p>	<p>Although the Charter School is heartened to see that the District’s analysis affirms that project-based learning and individualized learning plans can be effective for student learning, the District’s core assertion that “there is no evidence that the instructional framework presented was developed to specifically meet the needs of the stated target populations” is contradicted by the plain language of the Petition. Specifically, the charter states, “Yuba City has educational and wellness hotspots that align with the need for New Pacific School – Yuba City. A combination of factors existing in the schools including low academic achievement, chronic absenteeism, and suspension rate indicates a lack of connection between the schools and the families. As detailed below, within a mile of the target location, there are two elementary schools, one middle school, and one comprehensive high school. Each of these schools serve a student population that is almost entirely socioeconomically disadvantaged.” (Petition at p. 30)</p> <p>The Charter School’s educational program was designed to meet the particular needs of this community, in part, in that “New Pacific School will use project-based learning (“PBL”) and social-emotional learning (“SEL”) to engage students, increase connectedness to each other, and increase academic achievement in Yuba City.” (Petition at p. 34). “A growing body of research has shown that PBL is an effective way to bring rigor and relevance for English learners,</p>

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	<p>socioeconomically economically disadvantaged students, and students who are performing below grade level.” (Petition at p. 35.)</p> <p>Furthermore, and where the District notes that the Charter School will be placing Leader in Me curriculum at the center of the school culture,” the Petition describes “[a] study about the relationship between <i>Leader in Me</i> and student academic achievement in San Diego found that students who reported frequent use of <i>Leader in Me</i> behaviors in their daily lives performed significantly better on their ELA tests than those who reported less frequent use of <i>Leader in Me</i> behaviors. The evidence shows that PBL and SEL can have a positive impact on the students with similar demographics and characteristics as those in Yuba City.” (Petition at p. 36.)</p>
<p><i>“Additionally, the educational model presented lacks sufficient specificity in many regards sufficient for meaningful analysis. For example, the bell schedules for each grade level identify instructional blocks but do not explain what will occur within each instructional block.”</i></p>	<p>The District’s contentions are factually inaccurate and are an impermissible basis for denial of the Charter Petition.</p> <p>The District conveniently ignores data and works-cited throughout the charter petition providing evidence of both an understanding the student population and research that the Charter School’s education model will a positive impact on the target student population.</p> <p>For example, among several instances throughout the Petition, the Charter School describes “A Day in the Life of a New Pacific School Student” and what occurs within each instructional block. (Petition at p. 40.) Specifically, “[u]pon entering the classroom in the morning, teachers will check-in as a group and individually to assess needs and wellness as students engage in morning routines and celebrations.</p> <p>As part of the Leader in Me curriculum, students will focus on a virtue in action and analyze their own progress as they develop or revise their current goals. Through direct instruction, facilitation and equitable groupings, teachers will advance students through their Depth of Knowledge (“DOK”) in all academic areas. Teachers will also assist students in meeting goals using MAP data and interventions as necessary through the ExactPath system.</p> <p>Students will also collaborate on cross-curricular inquiry/project-based learning (IBL/PBL). This is the ultimate practice of inquiry, self-direction, and self-determination. During the school day, or after school,</p>

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	<p>students may connect with their staff mentor who connects the child throughout the year when they need to see a fresh face outside the classroom. This is a community practice for both certificated and classified staff.</p> <p>After school, students will meet up with their parent/guardian / grown-up who just finished a parenting workshop about “Supporting Learners at Home” or “Boosting Executive Functioning” or even “The Brain During Preliteracy.” At New Pacific School, students learn through community engagement and education. Lifelong learning is a treasured cultural practice.</p> <p>At home, students will continue to work on their outlined goals—to catch-up or get-ahead. Students may work agreed upon interventions by their Academic Triangle of students, parents or guardians, and teachers. Students may also continue to extend the learning as part of their accelerated learning plan to stay challenged or engaged. Students stay committed to their work and their plan because they helped build the path themselves.” (Petition at p. 40.)</p>
<p><i>“The Petition also states that there will be a student driven project-based learning approach, but the reviewers were unable to determine by the schedules and curriculum presented, how project-based learning will be fully implemented as represented, in wide-ranging multi-grade level classrooms.”</i></p>	<p>The District’s contentions are factually inaccurate and are an impermissible basis for denial of the Charter Petition.</p> <p>Throughout the Petition, the Charter School describes the way project-based learning will be implemented within the curriculum. For example:</p> <p>“History-Social Science: Social studies courses focus on the California History Social Science Framework published by the California Department of Education Sacramento, 2017. The framework clearly lays out by grade level the expected content for the students to master. This Framework complements the project-based learning supported by self-determination of Leader in Me so students are able to work individually as well as collaborate with other students. The curriculum and tools to support the project-based learning include PBL-Works Resources and Glencoe McGraw-Hill.” (Petition at pp. 63-64.)</p> <p>“Foreign Language: New Pacific School will utilize the World Languages Standards for California Public Schools adopted 2019 to guide the foreign language program . . . The school will also offer experiential live virtual classes to promote</p>

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	<p>international cultural awareness. Language acquisition will be infused in the project-based learning for the students. Students learn the fundamentals of the language and culture including history, cultural practices, visual arts, and idioms.” (Petition at p. 64.)</p> <p>“Fine Arts: New Pacific School recognizes the importance of visual and performing arts and offers a variety of venues and mediums at all grade levels to expose students to a quality fine arts program and to develop their talents. The school will use the State Board of Education-Adopted Arts Framework (2020) as a guiding tool for the art program. The design of the Arts Framework focuses the action of art, which applies to the hands-on project-based learning at New Pacific School. Publishers provide materials that teachers are able to select through student interest derived by individual and collaborative discussions. The arts will be integral to the whole child development and will provide students the opportunity to blend the arts into their project-based learning in science.” (Petition at p. 65.)</p> <p>“Students, parents, and the teacher will have a clear academic portfolio of the student including formative assessments completed daily in the project-based learning activities.” (Petition at p. 72.)</p> <p>“New Pacific School will conduct at least three large-scale events per school year for the entire family including back to school nights, Spring showcase, student project-based demonstrations of learning, and end of the year accomplishment ceremonies.” (Petition at p. 98.)</p>
<p><i>“The Petition states that PCI has a “long history of meeting the needs of learners who need an individualized approach to learning” but has no such history providing an individualized approach in a traditional classroom setting nor do they have staff who have provided such teaching and learning in a multi grade environment. How such an individualized approach can be</i></p>	<p>Pursuant to Education Code Section 47601(c), “[i]t is the intent of the Legislature, in enacting [the Charter Schools Act], to provide opportunities for teachers, parents, pupils, and community members to establish and maintain schools that operate independently from the existing school district structure, as a method to . . . [e]ncourage the use of different and innovative teaching methods.” We find the District’s skepticism about the Charter School’s individualized learning approach disheartening. The District’s skepticism about innovative teaching strategies is an impermissible basis for denial of the Charter Petition.</p>

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<p><i>provided in an environment with the multiple grade levels, student ages, various academic levels, and variety of social emotional needs they seek to target for enrollment is also not described with any level of specificity.”</i></p>	<p>PCI teachers routinely have a caseload of students that are multiple ages, multiple grade-levels, and a variety of academic and social needs. For example, in the Heritage Peak Homeschool Guild, which is currently lead by new Pacific School Founding Principal, Nancy Bean, teachers are assigned to support an entire family, with children that are multiple ages.</p> <p>Furthermore, the District has made an assumption that PCI and its staff has no history providing an individualized approach in a classroom or staff that have provided such teaching and learning in a multi-grade environment. PCI does, in fact, offer direct instruction in a site-based environment. PCI only hires credentialed teachers, many of whom have experience in taught in traditional settings.</p> <p>PCI has a record of outstanding academic success, serving distinctly different student populations including college and career preparatory homeschool, college preparatory hybrid site-based programs, at-promise student populations (including gang affiliated youth and teen parents), Emerging Bilingual Learners, and socioeconomically disadvantaged students. (Petition at p. 17).</p> <p>For example, teachers regularly meet one-on-one with students to receive direct instruction on specific standards or skills, to provide ELD support, or other interventions. Project Lead the Way programs include periods of direct instruction and project-based learning, in both core subjects and vocational training modules.</p> <p>One of the “Key Elements of New Pacific School” will be its “Individualized Learning Plans” (Petition at p. 12) wherein “every student that chooses to enroll at the school [will] arrive at a learning plan and develop a course of studies that meets his or her individualized needs.” (Petition at p. 71.)</p>
<p><i>The District was also unable to determine how students will be grouped in a multi-grade environment as well as how the identified staffing plan will be able to meet the unique needs of 100 TK-5th grade students, and</i></p>	<p>Students will not be grouped by age or grade level. Groups will be formed and dissolved by teachers throughout the year in response to individual academic needs of students as they progress towards the mastery of the standards in all grades.</p> <p>The teacher uses <i>Leader in Me</i> principles to pre-identify daily and hourly, which are small groups for the Common</p>

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<p><i>the 75 additional 6th-8th grade students when they expand in Year 2, who all struggle with low academic achievement, chronic absenteeism, and have been identified as “at promise.”</i></p>	<p>Core content areas that need addressing (Petition at p. 78). Teachers will also use assessments (like MAP), progress-to-goal on individual learning plans, classroom observations, and collaboration with paraeducators and colleagues within the small school’s Professional Learning Community (PLC) to identify skills-based groupings as needed.</p> <p>Block scheduling, frequent PLC collaboration, and a paraeducator in every classroom provides the time and support for teachers to reorganize skill-based groupings frequently to meet changing student needs, including reteaching skills or standards, interventions for students falling behind, and/or increased challenges for students who are accelerating.</p>
<p><i>“It is unclear how the credentialing and staffing requirements for TK will be met as not only are TK teachers required to hold a multiple subjects teaching credential, by August 1, 2023 they must also have at least 24 units in early childhood education or child development, or both, professional experience in a classroom setting with preschool-aged children that a local educational agency (LEA) deems comparable to 24 units, or a Child Development Teacher Permit issued from the Commission on Teacher Credentialing (CTC).</i></p>	<p>The District’s contentions are factually inaccurate and are an impermissible basis for denial of the Charter Petition.</p> <p>New Pacific School affirmed specifically in the Petition for all of its teachers, including TK teachers, that it “shall comply with Education Code Sections 47605(1) and 47605.4(a), which require teachers in the Charter School to hold the Commission on Teacher Credentialing certificate, permit, or other document required for the teacher’s certificated assignment. The Charter School may use local assignment options authorized in statute and regulations for the purpose of legally assigning certificated teachers, in the same manner as a governing board of a school district. Teachers employed by charter schools during the 2019-20 school year shall have until July 1, 2025, to obtain the certificate required for the teacher’s certificated assignment.” (Petition at p. 130; see al, Petition at p. 9.)</p> <p>Additionally, the Charter School affirmed and declared that the Charter School shall follow any and all other federal, state, and local laws and regulations [including those related to its TK program] that apply to the charter school[.]” (Petition at p. 8)</p>
<p><i>“The Petition also states that Charter School students will engage in physical education</i></p>	<p>The <i>Physical Education Model Content Standards for Kindergarten through Grade 12</i> were developed with the understanding that variations in facilities and equipment</p>

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<p><i>curriculum that reflects the Physical Education Model Content Standards for Kindergarten Through Grade 12 (at pg. 65) and will require the elements outlined by the California standards for physical education in its program. However, it is unclear based upon a review of the proposed bell schedules and available facilities within the area the Charter School intends to locate (junction of Highways 99 and 20), how such physical education, covering movement skills and knowledge as well as the identified sports and games, aligned with model content standards could be provided. Further, even the general description of the features of the proposed facilities the Charter School intends to use do not include any references to spaces appropriate for such activities.”</i></p>	<p>exists statewide. The Standards do not require any particular specialized space or facility. New Pacific School classrooms are flexible-by-design and can accommodate a wide range of physical activities indoors. Safe, functional outdoor space is a priority for selecting and developing a potential school site. New Pacific School may also pursue partnerships with school districts, local parks and recreation districts, sports clubs, gymnasiums, and other community-based assets to cover the content standards.</p>
<p><i>“With regard to whether the proposed model would provide a meaningful benefit for the proposed targeted students that is distinctive from what the District schools already offer, the District was unable to evaluate this factor as no compelling evidence or data was provided that shows that the Petitioners have any proven success in a classroom-based, multi-grade environment. Furthermore, based on a comprehensive review of the 2018-2019 CAASPP data of PCI K-12 schools with similar demographics against the District’s K-12 CAASPP data, claims that PCI students perform</i></p>	<p>The District’s unilaterally manufactured legal standard of “whether the proposed model would provide a meaningful benefit for the proposed targeted students” is an impermissible basis for denial of the Charter Petition.</p> <p>Education Code Section 47605(c) provides the exclusive and limited legal grounds on which a charter petition may be denied. Specifically, “[t]he governing board of the school district <u>shall not deny a petition</u> for the establishment of a charter school unless it makes written factual findings, specific to the particular petition, setting forth specific facts to support one or more of the following findings:</p> <ol style="list-style-type: none"> (1) The charter school presents an unsound educational program for the pupils to be enrolled in the charter school. (2) The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition.

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better than YCUSD students is inaccurate and therefore, the proposed model that has allegedly shown to be effective cannot be verified.”

(3) The petition does not contain the number of **signatures** required by subdivision (a) [of Education Code Section 47605].

(4) The petition does not contain an **affirmation** of each of the conditions described in subdivision (e) [of Education Code Section 47605].

(5) The petition does not contain **reasonably comprehensive descriptions** of [the 15 required elements.]

(6) The petition does not contain a declaration of whether or not the charter school shall be deemed the exclusive public employer of the employees of the charter school . . .

(7) The charter school is **demonstrably unlikely to serve the interests of the entire community in which the school is proposing to locate**. Analysis of this finding shall include consideration of the fiscal impact of the proposed charter school. A written factual finding under this paragraph shall detail specific facts and circumstances that analyze and consider the following factors:

(A) The extent to which the proposed charter school would substantially undermine existing services, academic offerings, or programmatic offerings.

(B) Whether the proposed charter school would duplicate a program currently offered within the school district and the existing program has sufficient capacity for the pupils proposed to be served within reasonable proximity to where the charter school intends to locate.

(8) The **school district is not positioned to absorb the fiscal impact** of the proposed charter school . . .

Therefore, because “meaningful benefit” is not a basis upon which the Charter School’s petition can be denied, the District’s contention here is unlawful.

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<p><i>“Petitioners have also indicated that the Charter School intends to operate as its own Local Educational Agency (LEA) member of the El Dorado Charter SELPA. A letter dated May 20, 2022, confirms that expansion schools under the Pacific Charter Institute will be approved for membership within the El Dorado Charter SELPA. To this end, the Petition provides that the Charter School will follow all applicable policies and practices of the SELPA yet none of the applicable SELPA policies and practices or the referenced Parent Handbook were included in the Petition. As such, there is no way to evaluate whether such policies and practices set forth in the cited documents can be realistically implemented within the proposed classroom-based, multi-age, multi-grade project-learning focused program which Petitioners have yet to implement in any other school within its PCI network.”</i></p>	<p>The District’s contention is an impermissible basis for denial of the Charter Petition.</p> <p>Although there is no legal requirement that a petitioner submit copies of a SELPA agreement or a final Parent Handbook with an establishment charter petition, the Charter School would have provided these documents had the District simply asked at any time during the submission process.</p>
<p><i>“The Petition states that “some of the curriculum available to students beyond the state adopted materials includes but is not limited to, Language! Lexia, and Sunday Reading System.” However, review of the curriculum/instructional materials section submitted does not list any such state-adopted materials. Furthermore, Petitioners state that “staff development for all the teachers regarding special education include the various appropriate interventions for SST’s.” The District is unaware of any</i></p>	<p>The District’s contention is an impermissible basis for denial of the Charter Petition.</p> <p>There is no legal requirement that charter schools utilize state-adopted instructional materials. Nonetheless, PCI has voluntarily decided to utilize some state-adopted materials as described in the Petition at pp. 47-65. (“New Pacific School utilizes a variety of curriculum resources outlined below. These resources are used to implement the California State Standards and to supplement project-based learning.”)</p> <p>The Charter School would have gladly shared this information with the District had it simply asked at any time during the submission process.</p> <p>An appropriate intervention for SST, among others, would be at the end of the SST, the team has decided to refer to</p>

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<p><i>interventions that are appropriate for SST's."</i></p>	<p>SPED for assessment, meet again to create a 504 plan, or try an intervention, most commonly Exact Path, Lexia, tutoring, or a change in curriculum/format to better serve the student's needs.</p>
<p><i>-74 pf "Based upon the lack of sufficient information and detail regarding the proposed educational model, lack of evidence that the proposed model would provide a meaningful benefit for students, inaccurate data and information, and that there is no truly distinctive program uniqueness not already offered within District schools, staff finds that the Petition presents an unsound educational program."</i></p>	<p>The District Staff Report recommends denial of the charter petition because it has somehow concluded that the Charter School's program is not unique from the District's offerings. First, the Charter School is unique. No single District school offers all of the programs the Charter School proposes. Second, there is no legal requirement that a charter school must be unique from a traditional public school. Accordingly, this conclusory statement is an impermissible basis for denial of the charter petition.</p>

DISTRICT REPORT	NEW PACIFIC SCHOOL RESPONSE
<p>Finding 3: The Petitioners are demonstrably unlikely to successfully implement the program. A. Concerns Related to the Educational Program</p>	
<p><i>"It is unrealistic that the teachers will be able to support students in a multigrade, project-based learning format, with class sizes in compliance with state TK legal requirements and otherwise at or exceeding 30 students, while adequately teaching to the state standards. This does not appear feasible particularly given the additional overlay of the individualized student focus that the Petition describes.</i></p> <p>...</p> <p><i>To this end, the Petition states (at pg. 70) that the program relies on three critical elements: the student, the parent, and the well-trained teacher. Based on the</i></p>	<p>This finding is speculative, and not based upon facts. The District's contention that Petition contains "no evidence of such critical ongoing teacher training" is alarmingly false.</p> <p>The Petition at pp. 66-69 describes specific teacher training and professional development goals (i.e., to 1. Ensure that students are ready for college by maintaining a common set of high standards for every student. 2. Instill powerful teaching and learning in schools by designing rigorous instruction that fosters the development of critical thinking and problem-solving skills. 3. Redefine professionalism by having a collaborative work orientation and a commitment to improving the capacity of staff. 4. Foster shared leadership by developing a shared mission for their school and shared leadership for improved student outcomes. 5. Personalize educational resources by knowing students well enough to help them achieve academically. 6. Implement a purposeful design by allocating resources so best practices become common practice), but the Petition also sets forth a three-year teacher training and professional development plan and schedule. (Petition pp. 66-69, Table 32.)</p>

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<p><i>information in the Petition, there is no evidence or description of such critical ongoing teacher training.</i></p>	<p>For these reason, the District’s blatantly incorrect assertion is an impermissible basis for denial of the charter petition.</p>
<p><i>“The Petition identifies the risk of frustration and apathy in the traditional classroom when students are not successfully remediated. The Charter School’s prescribed solution for this is the Leader in Me curriculum that they suggest creates a culture of self-determination. This approach is extremely problematic because neither of these resources are based on or reflective of the state content standards. There is simply no research that identifies this as a proven procedure for determining student needs for intervention, particularly with regard to progress towards meeting academic progress goals nor is it clear exactly how such process can be implemented.”</i></p>	<p>Despite citing to it, the District seems not to understand that the Leader in Me is one way of identifying students who need additional interventions. Leader in Me does not purport to teach State Standards. This finding appears to be intentionally twisting the plain language of the charter.</p>
<p><i>“Further, Petitioners identify Explicit Direct Instruction as their model for instruction for teachers and parents. This is a widely used and research-based model of instruction. However, it is stated that this model will be coupled with the Leader in Me principles, Franklin Covey strategies, the framework of professional learning communities, and the Academic Triangle. Unfortunately, there is no description whatsoever for how all of these processes, that are very diverse in practice, will be implemented or how they will work together to reach their goals.”</i></p>	<p>The District’s contention demonstrates its lack of understanding of effective teaching strategies and is an impermissible basis for denial of the Charter Petition. Nonetheless, Leader in Me (by Franklin Covey) will be implemented with the Charter School’s Explicit Direct Instruction model. Leader in Me provides social-emotional learning content that will be used by all members of the Academic Triangle. This establishes a uniform, foundational culture, and climate of connectedness and social- and emotional safety that creates the conditions for learning to best occur. Teachers will use EDI and other strategies to ensure students understand the 7 habits. The 7 habits will be leveraged to support students are successful in working with others during project-based learning and in pursuit of mastery in the standards.</p> <p>Additionally, PCI has years of experience teaching PLTW and personalized learning. This charter proposes taking experience and systems from existing programs, and</p>

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	<p>combining them with direct instruction, in a traditional calendar. The Charter School is offering equitable access to something totally different, exciting, and grounded in research.</p> <p>The Charter School’s team has visited other schools that are implementing similar models now, including the California Montessori Project (Sacramento) and Mueller Charter Leadership Academy (San Diego). PCI believes in the professional abilities of teachers. The Charter School has been designed to provide the schedule, professional learning community, and resources for teachers to be successful. PCI is committed to supporting teachers in their professional growth through professional development.</p>
<p><i>“Beyond these issues, the Petition identifies Nancy Bean as the proposed principal for New Pacific School – Yuba City but curiously, has also named Ms. Bean as the principal for the New Pacific School – Rancho Cordova proposed to be opened in Folsom Cordova Unified School District the same year (23-24). In addition, Ms. Bean currently serves as the Program Leader at Heritage Park Charter School, a home school/independent charter. As the Petition states that New Pacific School – Yuba City will be a classroom-based school (as will the New Pacific School – Rancho Cordova), the feasibility of serving as a site principal for two classroom-based charter schools, located approximately 50 miles apart, seems unlikely. It is also unclear whether Ms. Bean currently holds an administrative credential or what experience, if any, she may have in leading a classroom-based high school program, as her summarized experience appears limited to elementary and preschool aged</i></p>	<p>The District’s contention that identifying Nancy Bean as the proposed Principal of the Charter School is “curious” because she currently serves as the Program Leader at Heritage Park Charter School or because she is also being considered to lead the New Pacific Charter School in Ranch Cordova is not only incredulous but is also an impermissible basis for denial of the Charter Petition.</p> <p>Furthermore, as the District should know, principals, like teachers, are professionals with the autonomy to choose when and where they work. It is not uncommon for principals to meaningfully explore working at multiple organizations a year prior to applying for a new position, while currently employed. It is not also uncommon for small schools to share a Principal, particularly during its start-up year. Therefore, it is neither uncommon nor unlawful for a principal to be meaningfully interested in a leadership opportunity while employed elsewhere. Indeed, traditional school districts and public charter schools are not required to hire only unemployed principals.</p> <p>There is no legal requirement that Ms. Bean hold an Administrative Services credential or that she has prior secondary experience to lead a TK-12 school. Nonetheless, Ms. Bean is exceedingly qualified to lead the Charter School as its Principal.</p> <p>Ms. Bean has years of experience hiring and training new teachers and administrative staff. In her current role she evaluates 12 teachers, 1 Education Specialist and 1 Site Assistant. She is responsible for assigning each full-time</p>

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<p><i>classroom-based programs, and independent study.”</i></p>	<p>teacher adjunct duties that will benefit the program as a whole. She evaluations staff three times a year and has been through the process of employee separation when staff who were not a good fit. She works collaboratively with the Dean of Students, and four other Program Leaders to make decisions regarding all aspects of our school.</p> <p>Her program has a large number of ELL students, SPED students, students who qualify for free or reduced lunch and FIT students. Her team serves every student who comes into the program.</p> <p>Ms. Bean ensures that all students in grades 3-11 are assessed in Reading and Math using NWEA MAP twice a year, and K-2 students are assessed in Reading and Math three times per year. She tracks student progress in interventions, such as Exact Path throughout the year. She leads Professional Learning Community meetings with the leadership team at least monthly throughout the year to discuss how students are doing, what is working, and what else we can do to support their progress.</p> <p>Ms. Bean is responsible for leading and documenting the SSTs for all Guild students and is the administrator for the IEPs and 504s for all students in her program. Ms. Bean also serves as a teacher for a few students, working one on one with them students as needed. Last year she had a daily office hour that was virtual. Each day one student signed up and attended and she led Reading or Language Arts lesson specific to that student’s needs. Most days the student attending was an ELL student.</p> <p>Ms. Bean has earned her CLAD and has experience organizing and administering the ELPAC as well as planning and delivering instruction for ELL students. She also has had Mental Health First Aid training and Sunday (Reading intervention) training. Ms. Bean stays up-to-date on policy changes and emerging topics related to public education, charter public schools by attending the CCSA conference, APLUS+ Conference</p>
<p><i>“However, nowhere in the Petition is there any reference to “directors” at each charter school nor any explanation regarding who these directors are, if distinguished from the principal.”</i></p>	<p>This single instance of the use of the word “directors” was inadvertent and was intended to refer to the Principal.</p>

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DISTRICT REPORT	NEW PACIFIC SCHOOL RESPONSE
<p>Finding 3: The Petitioners are demonstrably unlikely to successfully implement the program. B. Financial and Operational Issues</p>	
<p><i>“Certain components of the proposed financial plan and accompanying projections submitted with the Petition appear unrealistic with a striking lack of articulated budget assumptions in key revenue and expenditure areas. For example, the start-up budget does not include a reality-based amount budgeted for the leasing of facilities to house the Charter School program. The documentation vaguely references that facilities costs “are based on an average of potential sites” but nowhere does the Petition articulate where any of those potential sites may be located, what average they are using, or even the going rates for commercial space of a size and configuration sufficient to house the Charter School’s projected enrollment numbers generally. There is also no allocation for what would reasonably be anticipated to be substantial necessary tenant improvement costs, including required upgrades for technology infrastructure sufficient to support the 1 to 1 device and largely self-paced student online curriculum access, associated with readying any leased facilities for classroom-based instruction.”</i></p>	<p>Pacific Charter Institute has worked with Newmark commercial realty since 2016 to establish educational facilities in Sacramento, Roseville, Elk Grove, and Lodi. Newmark has also worked with other charter school clients in Placer, El Dorado, and Sacramento counties. To date our realtor has successfully negotiated of 1,000,000 square feet of educational facilities that range from commercial building retrofits to ground up build to suite. Most recently, Newmark secured the location and improvements for New Pacific School – Roseville, which was authorized in February 2022 and opened 6 months later in August 2022.</p> <p>The Budget included with the Petition includes \$688,663.00 over three years to lease commercial space which includes tenant improvements (Appendix 7. Page 18). Newmark has identified three properties that meet the parameters described in the Petition and has begun negotiations with each one.</p> <p>The risk of not finding a suitable facility is on PCI, and we are confident that we can find a facility that is attractive to families and meets applicable laws and regulations.</p> <p>Negotiations related to real property are conducted in closed session, in accordance with the Brown Act. However, if the District authorizes New Pacific School – Yuba City, the Petitioner will agree to provide a confidential facilities memo to share additional information about the economics of various facility options.</p>
<p><i>“The budget projections include the receipt and use of state and federal restricted revenues in addition to unrestricted state</i></p>	<p>PCI used the California Department of Education modeling calculator v23.1.b. to develop the Budget. That calculator included the TK add-on. however, the Petitioner took a conservative approach and did not include at the time of</p>

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<p><i>and local funding. The multi-year budget projection, however, comingles [sic.] these unrestricted and restricted resources resulting in a possible inflation of available reserve balances or use of funds for non-compliant purposes. Any unspent restricted funds must be used to support specified programs for which they are apportioned and cannot be used to meet general obligations. This lack of budget detail calls into question the Charter School’s ability to implement the proffered program in compliance with applicable law.”</i></p>	<p>creation as the state’s budget had not been confirmed and was uncertain. In addition, the Budget used the COLA provided in the LCFF calculator that FCMAT had issued as-is and made the general assumption for entitlement for the most recent year.</p> <p>With regard to reserves, PCI conducts annual, independent financial audits, using generally accepted accounting principles. The manner in which audit exceptions and deficiencies shall be resolved to the satisfaction of the chartering authority was also included in the Petition (Page 146-147).</p> <p>Audits are objective, systematic review of resources and operations to ensure accuracy and prevent fraud. The District affirmed in Finding 1 of their Review that the Petitioner has met the standard for the manner in which annual, independent financial audits will be conducted.</p> <p>The most recent annual audit was included as Appendix 6. of the Petition. The Petitioner can make available a decade of past annual audits to demonstrate PCI’s track record in public education accounting and finance in compliance with applicable laws</p>
<p><i>The enrollment and average daily attendance (“ADA”) projections included in the Petition are unreasonably out of line with the current growth trend. Petitioners assume a 97% attendance rate without any articulation about how that rate was derived, when the overall attendance rate within YCUSD is 92.7%. Further, given the targeted student population’s acknowledged low attendance issues, assuming such a relatively high rate for attendance in the Charter School’s proposed novel, in-person, classroom-based instructional model, appears significantly overstated. The</i></p>	<p>The Charter School is not required to adopt the District’s low attendance rates as its own. PCI’s record of success and its educational programs are among the reasons why students will not only enroll in the Charter School, but also attend at a far higher rate than they did at traditional district schools.</p>

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<p><i>overall enrollment projections also lack any rationale or grounded assumptions to support them.”</i></p>	
<p><i>“In addition, the proposed budget accounts for three (3) full-time equivalent (FTE) teaching staff members. However, the hiring of only three teachers appears woefully inadequate to support in-person teaching and learning for up to 100 TK-5th grade students, particularly when considering the statutorily mandated staffing ratio applicable to TK classrooms. Although combination TK classes are not prohibited, given the TK modified curriculum requirements and TK staffing ratio, that would essentially leave the two remaining credentialed teachers responsible for providing classroom-based instruction in a multi-age, multi-grade, project-based learning environment to upwards of 33 students each. With such low FTE, the Charter School would not appear to be able to ensure adequate instruction, as well as the individualized support and interventions promised for students who are below, at, and above grade level proficiencies and the revenues and proposed budget, with a little over \$6,000 net ongoing revenue over ongoing expenditures (excluding PCI grants) in the first year insufficient to support any additional teaching staff.”</i></p>	<p>It is difficult to assume how many students will enroll in the school by individual grade, therefore the breakdown by grade span is generalized with our proposed targets for the blended classrooms. The Petitioner is aware of the TK ratio and will adjust staffing accordingly based on the ages of students who enroll.</p> <p>There is no legal requirement in Section 47605 that a charter petition must include a student to teacher staffing ratio in order for the Petitioners to be demonstrably likely to implement the program. However, the Petition provides that the projected first year student to teacher ratio is 33:1, and, taking into account the employment of teacher assistants who will support personalized and differentiated learning, the ratio is 14:1. (p. 277.)</p> <p>While TK classrooms may not exceed an average of 24 students, there is no class size limitation applicable to other grade levels operated by charter schools. With a TK/K classroom staffed by one teacher and one teacher assistant serving 24 students (a staffing ratio of 1:12), students in other grades would experience a staffing ratio of 1:15. (We note that a TK staffing ratio of 1:10 would be applicable in the 2023-24 school year “contingent upon an appropriate of funds for this purpose,” see Section 48000(g)(3) and as such, if such funding is appropriated, the Charter School would adjust its budget to add additional staffing and meet such staffing ratio.)</p>
<p><i>“To the extent that the Petition fails to acknowledge statutory</i></p>	<p>The District’s contentions are factually inaccurate and are an impermissible basis for denial of the Charter Petition.</p>

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<p><i>requirements pertaining to TK programs generally, the Charter School would also appear to be ineligible for apportionment for any TK students should it fail to meet such requirements, including a modified curriculum that is age and developmentally appropriate, which the Petition does not describe. This renders the Charter School’s revenue projections to be in significant question.”</i></p>	<p>New Pacific School specifically affirmed and declared that the Charter School shall follow any and all federal, state, and local laws and regulations [including those related to its TK program] that apply to the charter school[.]” (Petition at p. 8)</p> <p>Therefore, absent any contrary evidence from the District (none of which has been set forth), the Charter School’s projected apportionment and revenue for any TK students is not in question.</p> <p>There is no requirement in the Charter Schools Act requiring any particular description of “legislation” or that a charter petition must repeat the content of statutes that are applicable to a charter school, nor provide dedicated content addressing the program for a single grade level, i.e., TK. There is no need to restate law that the Charter Petitioner is obligated to observe. The Petition specifically affirms that “the Charter School shall follow any and all other federal, state, and local laws and regulations,” (p. 10) including all laws applicable to the operation of a TK program. Accordingly, this contention does not support the finding at issue here, that the Petitioner is “demonstrably unlikely to implement the program.” (Section 47605(c)(2).) This contention does not provide any specific facts demonstrating that the petitioner will be unable to implement the program described in Element A.</p>
<p><i>“Further pertaining to revenues, the projected LCFF revenues set forth in the various budget documents are also completely lacking in information regarding the assumptions upon which they are based. Given that the Petition does not indicate the anticipated enrollment of students by grade span or that funding levels at the various grade spans varies by law, (i.e., TK-3 GSA), or a breakdown of anticipated supplemental and concentration grant funding, it is</i></p>	<p>This contention does not provide a valid legal basis on which the Petition may be denied. Section 47605(h) provides only that the petitioner “shall be required to provide financial statements that include a proposed first-year operational budget, including startup costs, and <u>cashflow and financial projections for the first three years of operation.</u>” The Charter School did so (<i>see</i> Petition Appendix B), and included enrollment projections during the first three years of operation. Separate and apart from the presentation of financial projections, there is no legal “requirement for approval” under Section 47605 to include the “a breakdown of anticipated supplemental and concentration grant funding.” The Staff Report imposes a legal requirement that does not exist under Section 47605, and the Staff Report provides no legal citation otherwise.</p>

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<p><i>unclear exactly how the revenue projections have been developed or on what student demographics they are based. Further, nearly half of the Charter School’s first year revenues, which the Charter School would seem to need to rely on to cover cash flow as well as unexpected expenditures given that the anticipated end fund balance would otherwise be just over \$6,000 for the entire year, are in the form of “soft money,” i.e. a “PCI Grant” which is allocated in lowering values over the course of the Charter School’s initial three years of operation, for a total of \$800,000. Given the concerns with potential overstatement of revenues based on unrealistic ADA estimates, and with potential understatement of expenditures based on the lack of credible or even well-articulated budget assumptions and expected start-up costs, the budget as presented does not give the District confidence that the Charter School program as articulated in the Petition can reasonably be implemented.”</i></p>	<p>This threshold issue aside, the financial statements submitted for PCI clearly demonstrate the financial efficiencies, cost savings, and benefits of PCI’s model achieved through operation of multiple schools, and the capacity of PCI as an enterprise to ensure the Charter School’s financial viability. (See p. 289-291.)</p> <p>The Charter School’s financial projections demonstrate positive ending fund balances in its first three years, p. 278, and the Charter School will enjoy PCI’s support to maintain financial stability throughout its existence.</p> <p>As a new charter school, there is no expectation under FCMAT guidance that a charter school will immediately operate with a 10% reserve. The Charter School’s financial projections demonstrate year-over-year reserve growth. However, because of PCI’s operation of the Charter School and its resources and collective reserves, the Charter School’s reserves alone are inadequate indicator of its financial expected condition.</p> <p>The financial statements included with the Petition demonstrate that PCI will have an estimated \$11,239,409.00 ending fund balance in the 2023-24 fiscal year across the entire enterprise. This exceeds 25% of 2023-24 expenditures for PCI’s charter schools combined, i.e., \$42,606,704.00. PCI commits to using its resources to supporting the Charter School and ensuring its ongoing financial viability, so the Charter school it can commit its public funding to serving students to the greatest extent possible.</p>
<p><i>“As the TK-12 program is built out in the ensuing [sic] years, providing a seat-based program and courses that meet the UC/CSU A-G requirements would also appear to be challenging, if not impossible, with the limited teaching staff described in the Petition. Again, the Petition appears to be describing, in essence, an independent study program cast as a seat-based model in order to</i></p>	<p>This finding is entirely speculative and not based upon any facts.</p> <p>The District skepticism that New Pacific School would not offer “true classroom-based instruction” despite direct statements in the Petition that it would be a site-based (Pages 11, 17) program and the supporting evidence in the Budget (Appendix 6), bell schedule (Pages 43-47), school safety plan (Page 138), custodian job description (Page 133) and facility description (Page 175).</p> <p>The Petitioner understands the challenges related to delivering UC/CSU A-G requirements, as supported by PCI</p>

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<p><i>avoid the current statutory moratorium on new independent study charter schools.”</i></p>	<p>A-G Completion by Grade Level (Table 8, Page 24) and Dual Enrollment Classes by PCI Students (Table 9, Page 25).</p> <p>The District’s contentions are factually inaccurate and are an impermissible basis for denial of the Charter Petition.</p>
<p><i>“The District also has serious concerns regarding the operational independence of the Charter School. The District’s review of the Petition highlighted how extensively the Charter School would need to rely upon the Pacific Charter Institute to implement and operate the proposed program. These entities are non-profit corporations that currently provide administrative, fiscal/back office, human resources, special education, marketing, and other services to the other Pacific Charter Institute network of independent study charter schools in California. Petitioners indicated that the Charter School would contract with PCI-affiliated entities, which would function as service providers or vendors to the Charter School for the above-noted services. Yet, absent from the Petition and supporting documents were any sample contracts or written agreements detailing the scope of services, relationship between the parties, or cost of services.”</i></p>	<p>Pursuant to Education Code Section 47604(a), “[a] charter school may elect to operate as, or <u>be operated by, a nonprofit public benefit corporation.</u>” As stated in the charter, New Pacific School intends to be operated by PCI, a California non-profit public benefit corporation, which successfully operates four independent charter schools serving students in fourteen counties. The PCI Board is the governing body that oversees each of the charter schools that it operates, including New Pacific School – Yuba City upon charter approval, with Directors at each charter school overseeing day-to-day operations. The Board oversight focuses on academic success and fiduciary compliance and viability. A detailed description of the Board’s duties and the Executive Director’s duties are outlined on pages 115-127 and 129, respectively.</p> <p>In other words, it is wholly lawful for the Charter School to be operated by and otherwise “rely upon the Pacific Charter Institute,” a nonprofit public benefit corporation, to operate the Charter School, including for administrative, fiscal/back office, human resources, special education, marketing, and other services.</p> <p>It would be premature to have written contracts and agreements detailing the services that the Charter School will seek when the petition has not yet been approved and when the Charter School has not yet enrolled any students.</p>
<p><i>“While the District recognizes that there are benefits to creating economies of scale and standardization of services across the PCI network of schools, this model calls into question the extent to which the</i></p>	<p>PCI’s governance model is much like that of school districts: one governing board operates multiple schools. District staff’s seemingly intentional ignorance of this exceedingly commonplace governance structure for charter schools is baffling. The PCI board governs multiple charter schools. New Pacific - Yuba City would simply be one of those</p>

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<p><i>Charter School and its Board of Directors would be operationally dependent upon the PCI-affiliated entities in the day-to-day management and operations of the Charter School.</i></p> <p>...</p> <p><i>Even though the representatives of the PCI-affiliated entities have experience in this area, it would be the leadership teams of the Charter School—not the PCI-affiliated entities—who would carry this responsibility. Based on the information currently available from the Petition and meeting with the Lead Petitioner, the District does not have confidence that the Petitioners could successfully fulfill this important role.”</i></p>	<p>charter schools. The Charter School’s Board is the PCI Board.</p> <p>The leadership team of the Charter School operates under the direction of the PCI Board, as delegated to the organization’s Executive Director. As demonstrated in the response to the finding above, it is lawful for the Charter School to be operated by and otherwise “rely upon the Pacific Charter Institute,” a nonprofit public benefit corporation, to operate the Charter School, including for administrative, fiscal/back office, human resources, special education, marketing, and other services.</p> <p>Therefore, the District’s contention is an impermissible basis for denial of the Charter Petition.</p>
<p><i>“The District also has significant concerns regarding the manner in which the Charter School would procure the myriad of [sic.] services that are needed to effectively operate. As noted above, these services are expected to be supplied, via contract, by PCI-affiliated entities. However, there is no indication that the Charter School would consider soliciting bids or proposals from other outside vendors or service providers to evaluate its options, availability of services, and competitive pricing prior to contracting with the PCI-affiliated entities. Again, the District recognizes there are certain benefits attributable to</i></p>	<p>This finding is entirely speculative and not based upon any facts. District staff are inventing concerns but can point to no specific evidence to support these worries. PCI has operated successfully for nearly 20 years, including 16 years of clean financial audits. There have never been claims of impermissible related party transactions, and the District can point to none. Because this finding is not based upon any facts, it is an impermissible basis for denial of the charter petition.</p> <p>As described in the Petition, “PCI has had the consistency of the same Executive Director since the inception of the organization in 2004. In addition to the Executive Director’s leadership, the board has one board member that has been a director since 2005 along with board members representing the community colleges, real estate, STEM (engineering), finance, and nonprofit leadership. Beyond an exemplary Board of Directors, PCI also has an exceptional leadership team with over 80 years of combined experience with PCI.” (Petition at p. 13.) “PCI employs the highest quality business staff, including former county and district executive level</p>

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<p><i>utilizing the services provided through the PCI network; however, the District still has reservations with this model, including the extent to which such a model could result in related-party transactions among the various entities, founding members, officers, and directors who are associated with one another within this network of corporations.”</i></p>	<p>staff. In addition, the PCI Board has extensive knowledge of budgeting and fiscal operations at the charter school, district, state, and federal levels.” (Petition at p. 14.)</p>
<p><i>“Further, the District questions the degree to which the officers or employees of the PCI-affiliated entities would be involved in the day-to-day operations of the Charter School. Based on the information provided in the Petition, the Charter School would heavily rely upon the PCI-affiliated entities for a range of support and services, including fiscal, human resources, administrative, and special education services. Given this high level of involvement, the role of the PCI-affiliated entities (e.g., Pacific Charter Institute) appears to take on the character of a charter management organization (CMO).”</i></p>	<p>Pursuant to Education Code Section 47604(a), “[a] charter school may elect to operate as, or <u>be operated by, a nonprofit public benefit corporation.</u>” As stated in the charter, New Pacific School intends to be operated by PCI, a California non-profit public benefit corporation, which successfully operates four independent charter schools serving students in fourteen counties. The PCI Board is the governing body that oversees each of the charter schools that it operates, including New Pacific School – Yuba City upon charter approval, with Directors at each charter school overseeing day-to-day operations. The Board oversight focuses on academic success and fiduciary compliance and viability. A detailed description of the Board’s duties and the Executive Director’s duties are outlined on pages 115-127 and 129, respectively.</p> <p>In other words, it is wholly lawful for the Charter School to be operated by and otherwise “rely upon the Pacific Charter Institute,” a nonprofit public benefit corporation, to operate the Charter School, including for administrative, fiscal/back office, human resources, special education, marketing, and other services.</p> <p>It would be premature to have written contracts and agreements detailing the services that the Charter School will seek when the petition has not yet been approved and when the Charter School has not yet enrolled any students.</p>

DISTRICT REPORT	NEW PACIFIC SCHOOL RESPONSE
<p>Finding 4: The Petition does not contain the required number of signatures.</p>	
<p><i>“[T]he number of parent/guardian signatures which the Petitioners confirm as</i></p>	<p>New Pacific School exceeded the legally required number of <u>teacher</u> signatures. (See below.) The parent/guardian signatures were submitted in order to show community</p>

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<p><i>having submitted (45) is thus deficient on its face, as in order to support a petition for a school of 100 students in its first year, the Petition would have needed to include at least 50 signatures of meaningfully interested parents/guardians. Further, a closer review of the Petition’s parent/guardian signatures reveals that there are at most only 36 valid parent/guardian signatures given the information presented on the signature pages themselves, which calculation is admittedly generous. Specifically, many signatures do not include the names or even ages of their children who would be prospective students and others reveal that their identified students will not be age/grade eligible in the first year of the Charter School’s planned operation (2023-2024), as they are either too old or too young for enrollment in any of grades TK through 5.”</i></p>	<p>interest. Accordingly, this finding is an impermissible basis for denial of the charter petition.</p>
<p><i>“With regard to teacher signatures, while the Petition does include electronic signatures for three (3) teachers, which would be more than sufficient to support a Petition intending to employ three teachers in the Charter School’s first year of operation, the District notes that two are already actively employed by schools operated by the Pacific Charter Institute network of schools. Moreover, the same three teachers signed off on the new charter school petition recently submitted by Lead Petitioner to the Folsom Cordova</i></p>	<p>In accordance with Education Code Section 47605(a)(1)(B), New Pacific School’s Petition was 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.” As reflected in the Petition, “New Pacific School – Yuba City has <u>exceeded</u> the number of required . . . teacher [3] signatures in support of this petition for a new charter school. (Petition at p. 29 and Appendix 1.) (Emphasis added.) For the first year of operation in the 2023-24 school year, the Charter School anticipates hiring 3 teachers for a projected enrollment of 100 TK-5 students, or approximately 16.67 students per teacher. With three (3) undisputed teacher signatures, the Charter School has satisfied this legal requirement. Accordingly, this finding is an impermissible basis for denial of the charter petition.</p>

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<p><i>Unified School District to establish a virtually identical new charter school in that district also planned to commence instruction in the 2023-2024 school year.</i></p> <p><i>It is unclear how the same teachers who signed the Petition can be meaningfully interested in teaching in two different charter schools at the same time, particularly given the fact that two are already employed by charter schools within the same network of schools. Accordingly, the Petition does not appear to meet the technical requirements of the Education Code.”</i></p>	<p>Furthermore, as the District should know, teachers are professionals with the autonomy to choose when and where they work. It is not uncommon for teaching professionals to meaningfully explore working at multiple organizations a year prior to applying for a new position, while currently employed. Therefore, it is neither uncommon nor unlawful for a teacher to be meaningfully interested in a teaching opportunity while employed elsewhere. Indeed, traditional school districts and public charter schools are not required to hire only unemployed teachers.</p>
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DISTRICT REPORT	NEW PACIFIC SCHOOL RESPONSE
<p>Finding 5: The Petition does not provide reasonably comprehensive descriptions of the required elements set forth in Education Code section 47605. A. Educational Program (EC § 47605(c)(5)(A)).</p>	
<p><i>“[T]he instructional model described in the Petition places a heavy emphasis on virtual learning and largely presents as an independent study model where there are adults available for support with online curriculum as needed, rather than providing classroom-based instruction to students. If so, it violates the current statutory moratorium on new independent study charter schools. More particularly, the Petition does not adequately describe exactly how students ranging from age four (TK) through eighteen (12th grade) will receive in-person, classroom-based instruction by the assigned teachers. The</i></p>	<p>The District’s contentions are factually inaccurate and are an impermissible basis for denial of the Charter Petition.</p> <p>Notwithstanding the District’s perception of what “true classroom-based instruction is,” the Charter School’s program will be a classroom-based program under the law. Pursuant to Education Code Section 47612.5(e)(1), “‘classroom-based instruction’ in a charter school . . . occurs only when charter school pupils are engaged in educational activities required of those pupils and are under the immediate supervision and control of an employee of the charter school who possesses a valid certification document registered as required by law. For purposes of calculating average daily attendance for classroom-based instruction apportionments, at least 80 percent of the instructional time offered by the charter school shall be at the school site, and the charter school shall require the attendance of all pupils for whom a classroom-based apportionment is claimed at the school site for at least 80 percent of the minimum instructional time required to be offered[.]”</p>

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<p><i>instructional blocks suggest that students will be for the most part, working independently at computer terminals or workstations. True classroom-based instruction, although promised, does not appear to be reasonably feasible in this model, particularly given that the Petition does not provide any kind of description of the facilities to be utilized. In light of that and given the legal requirements applicable to TK programs, when considered in light of the staffing plan, the program is woefully insufficient.”</i></p>	<p>Indeed, the Petition describes the daily classroom bell schedules for each of grades TK-1, 2-5, 6-8, and 9-12 (Petition at pp. 45-47.) Additionally, the Petition describes “A Day in the Life of a New Pacific School Student” and what daily in each classroom. (Petition at p. 40.) Specifically, “[u]pon entering the classroom in the morning, teachers will check-in as a group and individually to assess needs and wellness as students engage in morning routines and celebrations.</p> <p>As part of the Leader in Me curriculum, students will focus on a virtue in action and analyze their own progress as they develop or revise their current goals. Through direct instruction, facilitation and equitable groupings, teachers will advance students through their Depth of Knowledge (“DOK”) in all academic areas. Teachers will also assist students in meeting goals using MAP data and interventions as necessary through the ExactPath system.</p> <p>Students will also collaborate on cross-curricular inquiry/project-based learning (IBL/PBL). This is the ultimate practice of inquiry, self-direction, and self-determination. During the school day, or after school, students may connect with their staff mentor who connects the child throughout the year when they need to see a fresh face outside the classroom. This is a community practice for both certificated and classified staff.</p> <p>After school, students will meet up with their parent/guardian/grown-up who just finished a parenting workshop about “Supporting Learners at Home” or “Boosting Executive Functioning” or even “The Brain During Preliteracy.” At New Pacific School, students learn through community engagement and education. Lifelong learning is a treasured cultural practice.</p> <p>At home, students will continue to work on their outlined goals—to catch-up or get-ahead. Students may work agreed upon interventions by their Academic Triangle of students, parents or guardians, and teachers. Students may also continue to extend the learning as part of their accelerated learning plan to stay challenged or engaged. Students stay committed to their work and their plan because they helped build the path themselves.” (Petition at p. 40.)</p> <p>Therefore, the Charter School has reasonably comprehensively described the manner in which its program</p>
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	will comply with Education Code Section 47612.5 as it relates to instructional minutes and the classroom-based nature of its program. The District's accusation that the Charter School has submitted this Petition in an attempt subvert state law is salacious and patently untrue.
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DISTRICT REPORT	NEW PACIFIC SCHOOL RESPONSE
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<p>Finding 5: The Petition does not provide reasonably comprehensive descriptions of the required elements set forth in Education Code section 47605. A. Educational Program (EC § 47605(c)(5)(A)). Foreign Language</p>	
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<p><i>“The description of the educational program with regard to its emphasis on the fact that “all students TK-12 will engage in foreign language” does not sufficiently describe how that will actually occur, given that most students will be working independently and receiving instruction virtually through curriculum delivered online. Statements such as “the school will utilize the teachers, classroom volunteers and community members to support speaking Spanish in the classrooms” and “the students will use online language acquisition programs such as Rosetta Stone and Babel” create a disconnect with the largely online learning model. Further, there is no evidence of the feasibility of what Petitioners state and the associated costs for such online programs nor were expenses for such programs clearly evident within the proposed budget.”</i></p>	<p>The District’s assertions that students “will be receiving instruction virtually through curriculum delivered online” and that the Charter School’s program is a “largely online learning model” are simply false.</p> <p>The Charter School’s petition provides a reasonably comprehensive description of the manner in which “[t]he school will utilize <u>teachers, classroom volunteers, and community members</u> to support speaking Spanish in the classroom. The students will <u>also</u> use online language acquisition programs such as Rosetta Stone and Babel. The school will also offer experiential live virtual classes to promote international cultural awareness. Language acquisition will be infused in the project-based learning for the students.” (Petition at p. 64 (Emphasis added.)</p> <p>Furthermore, many school districts (e.g., Barstow Unified School District and Santa Ana Unified School District) and well-established and successful charter schools (e.g., California Montessori Project and Soleil Academy) utilize Rosetta Stone as part of their foreign language educational program.</p> <p>Finally, the associated costs for the Charter School’s language curriculum are clearly set forth in the proposed budget in the instructional supplies, which are budgeted at \$500 per student plus \$1,500 for initial costs incurred in the first year of enrollment. (Budget, Appendix 6, p. 2.)</p>
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DISTRICT REPORT	NEW PACIFIC SCHOOL RESPONSE
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<p>Finding 5:</p>	
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The Petition does not provide reasonably comprehensive descriptions of the required elements set forth in Education Code section 47605.

A. Educational Program (EC § 47605(c)(5)(A)).

Special Education

“Of particular concern with regard to the educational program description is that special education procedures are not clearly elaborated. More often than not, the Petition merely includes general assurances that the Charter School will follow SELPA policy but doesn’t indicate an awareness of what those policies are or how that will happen within the structures of the program design.

The Petition also does not mention parents/guardians as required members of the IEP team. Further, the Petition is devoid of any mention of the Charter School’s obligation to serve students in the least restrictive environment or how it will ensure compliance.

Additional deficiencies with regard to the Petition’s description of its special education program include the requirement that specific goals and objectives be developed within the IEP process. The Petition generally provides that benchmarks will be created for all students, but it is unclear whether these are distinguished from special education goals. The Petition also mentions modifications, but not accommodations (relevant to the Charter School’s obligation to

New Pacific School, and the petitioners, have shown time and again (as evidenced by the success of PCI’s Heritage Peak Charter School, Rio Valley Charter School, Sutter Peak Charter Academy, and Valley View Charter Prep charter schools) that they can deliver a legally compliant, beneficial program for students with disabilities. In accordance with Education Code Section 47605(c)(5)(A)(1), the petition contains a reasonably comprehensive description of the educational program of the charter program, including a description of its plan to serve students with disabilities, on pages 77-85 of the Petition (i.e., Plan For Students with Exceptionalities).

Indeed, there is no legal requirement for the entire scope of the Charter School’s special education program to be included in the Petition in its entirety. New Pacific School has clearly stated that it “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 (‘Section 504’), the Americans with Disabilities Act (‘ADA’) and the Individuals with Disabilities Education Improvement Act.” (Petition, p. 79.) The Charter School shall ensure that all aspects of its plan to serve students with disabilities will be implemented in a manner that fully complies with all applicable legal requirements.

The District’s statement that the petition only “mentions applicable laws but does not include enough details to evaluate how Petitioners will ensure that the Charter School’s policies and applicable laws will be followed” is demonstrably false.

As the Petition indicates, special education will be delivered to students as required by their IEPs, and teachers will be appropriately credentialed to serve the students who are assigned to them.

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<p><i>educate students in the least restrictive environment (LRE).</i></p> <p><i>The Petition states that “students that qualify for special education will be processed through the Special Education Information System (“SEIS”) and the students will begin using the agreed upon curriculum and instructional techniques” (at pg. 83). Accordingly, the Charter School appears entirely dependent on SEIS for operation of its program and concerning there is no mention of how goals and services will be developed. Specifically, there is no mention of a student IEP being developed through the IEP process, only that the “...student will begin to use agreed upon curriculum and instructional techniques.” There is no mention that the student’s strengths and/or parent concerns/input will be considered in the development of IEP. In short, the Petition mentions applicable laws, but does not include enough details to evaluate how Petitioners will ensure that the Charter School’s policies and applicable laws will be followed.</i></p> <p><i>The Petition does refer to the state and federal legal requirements to identify and serve students with disabilities as well as English Learners. However, it lacks meaningful specificity with regard to how the Charter School will actually do that or serve those students or the specific instructional methodologies to be used to meet</i></p>	
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<i>the needs of the subgroups they state they will serve.”</i>	
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<p>Finding 5: The Petition does not provide reasonably comprehensive descriptions of the required elements set forth in Education Code section 47605. A. Educational Program (EC § 47605(c)(5)(A)). Special Education Budget</p>	
<p><i>“The Petition further states at pg. 80 that it will be responsible for hiring itinerant staff to provide services including speech language pathologists, school psychologists, occupational therapists, behavioral therapists, as well as Ed Specialists and paraprofessionals. However, the financial documents only reflect an overall budget of \$100,000 for these purposes. Based on the targeted student population and costs associated with providing special education and related services required by student IEPs generally, the budget will be insufficient to ensure that eligible students receive the free appropriate public education (FAPE) to which they are entitled, consistent with their agreed-upon IEPs. Reviewing ongoing enrollment and continuing special education budget projections for the 2024-25 and 2025-26 school years, those budgets also appear to be insufficient to ensure eligible students receive a FAPE.”</i></p>	<p>The Charter School’s budget includes four teacher assistants who will support the needs of special education students. Students who cannot be served in a general education classroom will be served in coordination with the Charter School’s Special Education Local Plan Area (“SELPA”). (pp. 87-93.)</p> <p>Special Education revenues budgeted at \$500 per ADA for 2023-24 and \$625 per ADA for subsequent years. Special Education expenditures include special education costs incurred by Heritage Peak that have been allocated to the schools for shared staffing. Special education costs have been allocated based on student count. (Petition, Appendix 6, p. 2).</p> <p>This is an appropriate estimate, considering the fact that it is impossible to know exactly what the costs for special education will be until students with disabilities actually enroll. The conjecture and factually unsupported rhetoric in the Findings is beyond the scope for approval or denial.</p>

DISTRICT REPORT	NEW PACIFIC SCHOOL RESPONSE
<p>Finding 5: The Petition does not provide reasonably comprehensive descriptions of the required elements set forth in Education Code section 47605. B. Balance of Students from Different Subgroups (EC § 47605(c)(5)(G)).</p>	
<p><i>“The Petition does not adequately address the means by which the Charter School will</i></p>	<p>The Petition outlines the extensive outreach (Petition at p. 141) that New Pacific School has conducted in the communities in and surrounding Yuba City, focusing on</p>

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<p><i>achieve a balance of students from different subgroups that is reflective of the general population residing within the territorial jurisdiction of the District. Rather, the Petition includes vague references to targeting non-English speakers and diverse groups of learners and families, but there is no evidence that the Charter School seeks to achieve a balance of subgroups that is reflective of the District’s population, or that the Charter School even has an understanding of the makeup of the District’s population. One of the overarching legislative purposes for the establishment of a charter school is to offer increased learning opportunities for students, with particular emphasis on expanded learning experiences for students who have been identified as academically low achieving. In addition, when considering whether to approve or deny a petition, a district governing board is charged with the responsibility of considering the academic needs of the students that the charter school proposes to serve. Consequently, without a clear, focused assessment or understanding of the Charter School’s target population, the District cannot meaningfully determine whether the proposed program would effectively address the educational and social-emotional needs of students in a manner that aligns with the District’s student demographics.”</i></p>	<p>underserved communities that include low-income families, Hispanic, Asian, and Punjabi-Americans, and other significant student subgroups (Petition, pp. 28-29) and affirms that all students will be welcomed to the Charter School when describing the manner in which all “[s]tudents will be considered for admission without regard to race or ethnicity, national origin, gender, gender expression, gender identity, disability, sexual orientation or any of the characteristics listed in Education Code Section 220, including immigration status.” (Petition at p. 141.)</p> <p>In accordance with Education Code Section 47605(c)(5)(G), the Petition includes a “reasonably comprehensive description” of “[t]he means by which the charter school will achieve a [student population] balance” that is reflective of the general population residing within the . . . school district.”</p> <p>New Pacific School intends to review its student enrollment each year to ensure that recruitment will “focus on achieving and maintaining a population balance among students that will be reflective of the general population residing within the territorial jurisdiction of YCUSD.” (Petition at p. 141.)</p>
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DISTRICT REPORT	NEW PACIFIC SCHOOL RESPONSE
<p>Finding 5: The Petition does not provide reasonably comprehensive descriptions of the required elements set forth in Education Code section 47605. C. Dispute Resolution Procedures (EC § 47605(c)(5)(N)).</p>	
<p><i>“The Petition includes proposed dispute resolution procedures between the District and the Charter School, but the process for resolution of internal disputes or complaints (between staff, students, parents/guardians) is unclear. Additionally, the Petition appears to lack any meaningful discussion of how the Charter School would comply with required Uniform Complaint Procedures (UCP).”</i></p>	<p>The District fails to comprehend that the legal requirement for this element is dispute resolution procedures between the District and the Charter School. There is no legal requirement to provide a reasonably comprehensive description of an internal dispute resolution process. For this reason alone, this finding is an impermissible basis for denial of the charter petition.</p> <p>In accordance with Education Code Section 47605(c)(5)(N), the Petition includes a reasonably comprehensive description of a <u>proposed</u> dispute resolution process between New Pacific School and the YCUSD (Petition at pp. 168-169.) As stated in the Petition, “New Pacific School <u>recognizes that it cannot bind the District</u> to a dispute resolution procedure to which the District does not agree. The policy below will be <u>intended as a starting point for a discussion</u> of dispute resolution procedures. New Pacific School will be willing to consider changes to the process outlined below as suggested by YCUSD.” (Petition at p. 168.)</p> <p>Education Code Section 47605(c)(5)(N) only requires that the charter petition include a reasonably comprehensive description of “[t]he procedures to be followed by the charter school and the chartering authority to resolve disputes relating to provisions of the charter” <u>and does not otherwise require internal dispute resolution procedures to be included</u>. However, New Pacific School identifies that there will be internal dispute resolution procedures adopted and implemented, including a Uniform Complaint Policy and Procedures (“UCP”), as required by law. (Petition at p. 168.) Although there is no legal requirement that a charter school’s UCP must be included in its entirety in the charter petition, New Pacific School will provide a copy, if requested.</p>

DISTRICT REPORT	NEW PACIFIC SCHOOL RESPONSE
<p>Finding 5: The Petition does not provide reasonably comprehensive descriptions of the required elements set forth in Education Code section 47605. D. Facilities Description/Compliance with Location Requirements (EC § 47605(h)).</p>	

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<p><i>“The Petition indicates that the Charter School intends to lease facilities in the Yuba City Unified School District territorial boundaries but does not indicate any potential locations nor does it provide a general description of the type and size of facilities it intends to use in order to operate its program. At most, the Petition generally references a location “near the junction of Highway 99 and Highway 20” and that its facilities will contain “classrooms designed for project-based learning and room for inquiry and collaboration,” as well as include “classrooms, student bathrooms, staff bathrooms, office space, open area for gatherings, and a kitchen prepared to distribute meals to students” (at pg. 175).</i></p> <p><i>A review of available commercial properties in that general area as well as within Yuba City proper indicates that there are no readily available locations with the capacity to provide in-person instruction for up to 100 students in the first year of operation or with the capacity to serve the number of students anticipated, consistent with the Charter School’s build-out plan for the ensuing two years or which provide the school facility features described in the Petition. As the proposed budget does not earmark any funds to be expended on tenant improvements, notably including required ADA upgrades, before it could be operational as a charter school, the Petition is</i></p>	<p>A charter petitioner has no obligation under Section 47605 to articulate its precise facility location as part of the approval process, and for good reason: without an approved charter, a petitioner is in no position to execute a lease, incur bond debt to purchase a facility, nor obtain a Proposition 39 offer.</p> <p>In fact, the fifteen elements for which a reasonably comprehensive description must be provided, else the Petition may be denied, <u>does not</u> include an element regarding facilities. (See Section 47605(c)(5).). Distinct from the required petition elements, Section 47605(h) provides that “[t]he 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 ... the facilities to be used by the charter school.”</p> <p>The Charter School will provide a precise location to the District following approval, as soon as a facilities location is obtained. The Charter School has, nonetheless, provided a reasonably comprehensive description of its current facilities plans as noted in the Report.</p> <p>The Petition also specifically affirms that the Charter School will not “open the Charter School without meeting all applicable laws and regulations, including any applicable local zoning and building codes, as applicable for charter schools.” (p. 183.) The Petition also specifically affirms that the Charter School “shall comply with Education Code Section 47610 by utilizing facilities that are either compliant with the Field Act or facilities that are compliant with the California Building Standards Code. The Charter School agrees to test sprinkler systems, fire extinguishers, and fire alarms annually at its facilities to ensure that they are maintained in an operable condition at all times. The Charter School shall conduct fire drills as required under Education Code Section 32001.” (p. 148.)</p> <p>With respect to the Staff Report’s criticism of the lack of budgeted tenant improvement costs, and claim that “the proposed budget does not earmark any funds to be expended on tenant improvements” this is completely speculative and without any factual basis. Tenant improvement costs are impossible to predict before confirming a location. Those costs could be zero, e.g., in the case where the landlord</p>
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also significantly lacking in this regard. Simply put, there are no references to how necessary improvements would be funded nor whether the improvements would be finalized in time for the start of the 2023-2024 school year. PCI grants identified in the budgets for the first three fiscal years of operation would also not appear to be available for such purposes, as the Charter School's financial information demonstrates that it will be largely relying on those monies to manage cash flow.

And while negotiations for a facility prior to approval of its Petition may be premature, there is no indication that the Charter School has identified any potential properties or begun any sort of meaningful inquiry or investigation into potential facilities. This tends to undermine the sincerity and truthfulness of the Charter School's representations in the Petition, specifically that it intends to operate on leased facilities. As such, the District's ability to rely on other affirmations and representations of intent in the Petition are necessarily in significant question as well.

Further, the Petition states that with regard to the Highways 99 and 20 junction location, "Parents indicated that this would be a desirable location because it offers easy access for both families living in both the north and south end of town."

agrees to incur tenant improvement costs and roll them into the lease or where the facility is brand new and completed by the landlord to the tenant's specifications, or if a significant financial obligation of the Charter School, they could be financed and paid for over time. Once a location is secured, the Charter School will prepare an amended budget as needed, e.g., to the extent improvement costs will have a material impact on the Charter School's budget. The Charter School will also benefit from PCI's institutional support and resources in ensuring that the Charter School's facilities meet the needs of its students.

With regard to the "sincerity and truthfulness of the Charter School's representations in the Petition, specifically that it intends to operate on a leased facilities," This remark, exemplifies the unfair criticism noted throughout the Staff Report founded on speculation, conclusory statements, cynicism, and positions inconsistent with the law, and cites to no actual "facts" that could support the denial of the Petition.

PCI has a 15-year track record of acquiring, improving, and maintaining safe and appropriate facilities while maintaining a substantial budget reserve. PCI currently leases six (6) facilities in four (4) counties and five (5) cities. PCI is demonstrably likely to secure, improve, and open facilities because the organization and real estate consultant have successfully completed multiple facility projects on time and within budget in the past.

Except as required by law for students with disabilities in accordance with a student's individualized education program ("IEP"), there is no requirement in law that a charter school provide student transportation to school, nor that a charter petition address student transportation. The Charter School has specifically affirmed that it will provide transportation to special education students as required by law (see pg. 185). Accordingly, this contention does not identify any required description that is not "reasonably

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<p><i>However, the Petition states that it will not be providing any transportation (at pg. 176). Many of the families in the target community (at pg. 30) rely on school transportation or walk to their neighborhood school due to a lack of transportation. Accordingly, the feasibility of students getting to a classroom-based setting without school-provided transportation is unlikely. Further, if the target population includes students who are already truant from Bridge Street, Gray Ave and YCHS, it does not appear reasonable to conclude that getting to a school site in the identified target location will be any easier for students and families than it is in getting to their current YCUSD school site. These factors will also have an impact on the Charter School’s financial projections as revenues are largely tied to student enrollment and attendance rates.”</i></p>	<p>comprehensive” and which could warrant denial under Section 47605(c)(5).</p> <p>As stated in the description of the target community, “Most people in Yuba City drive alone to work, and the average commute time was 26.3 minutes. The average car ownership in Yuba City is 2 cars per household. Some public transportation is available via Yuba-Sutter Transit, but routes are limited. Secondary students may use the routes to/from Yuba Community College while participating early college” (page 29).</p> <p>Furthermore, the Petition provides a reasonably comprehensive description of the manner in which transportation will be supported by the Charter School, including by “engaging parents in safe pick-up and drop-off procedures, [and] working with the city to support bike-friendly routes to school.”</p>
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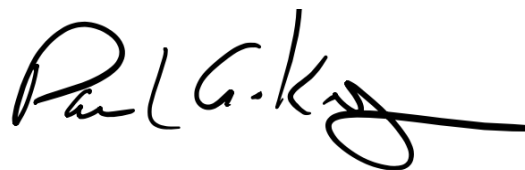
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As outlined above, New Pacific School respectfully requests approval of a five-year charter term. The academic programs and services proposed by New Pacific School, with the support and experience of PCI, will provide to be a great benefit to students and families in Yuba City and throughout the District.

New Pacific School looks forward to answering any questions from the District or its Board of Education, and the opportunity for collaboration with the District to serve the students of our community. Should you wish to discuss our responses to any of the above findings or require additional information, please do not hesitate to contact me at paul.keefer@pacificcharters.org or 916-616-3958.

Sincerely,

A handwritten signature in black ink that reads "Paul Keefe". The signature is written in a cursive style with a long horizontal stroke at the end.

Paul Keefe
Lead Petitioner



DECEMBER 6, 2022

Via Email
tomr@sutter.k12.ca.us

Tom Reusser, Superintendent
Sutter County Superintendent of Schools
970 Klamath Lane
Yuba City, California 95993

RE: Staff Report and Proposed Findings of Fact Regarding New Pacific School – Yuba City Petition

Dear Superintendent Reusser,

Pacific Charter Institute ("PCI"), which proposed to operate New Pacific School – Yuba City ("New Pacific School" or "NPS"), is in receipt of the Staff Report and Proposed Findings of Fact Regarding New Pacific School – Yuba City Petition. New Pacific School greatly appreciates the diligence demonstrated by the Sutter County Office of Education ("County") in its detailed staff report. We concur that the charter merits approval.

New Pacific School writes to address the items identified by the County for inclusion in a Memorandum of Understanding (MOU) between the parties. Below please find responses to each of the identified items, in the order presented.

a. Lack of more precise facilities information, including specific address;

Due to negotiations and fiduciary responsibility with public funds, the NPS team / PCI negotiates in closed session in accordance with the Brown Act. NPS is actively engaged in locating a facility and will notify the County of the address as soon as it can be determined. We request flexibility from the County on the timeline for finalizing a lease.

b. Lack of inclusion of dispute resolution policy/procedures for internal conflict referenced in the petition;

Conflict resolution at New Pacific School Yuba City begins at the most local level between staff members. If staff members and the supervisor are unable to resolve the conflict PCI human resources engages with the parties for resolution. If human resources is unable to resolve the dispute the executive director will evaluate the dispute and seek to resolve it. All staff members may go directly to the executive director for resolution, but that person (s) may be referred to human resources. ALL

employees may address the PCI Board of Directors if they continue to seek resolution within PCI. The PCI Board of Directors may resolve the issue and if it is unable to resolve the conflict it may contract with an outside agency to seek resolution. NPS does not object to memorializing this process in an MOU, however, we note that Education Code Section 47605(c)(5)(N) does not require a description of internal dispute resolution procedures in the charter petition.

c. Ambiguity in language following assurance that Charter School will resolve any audit deficiencies to the satisfaction of the authorizer;

New Pacific School Yuba City will resolve all audit exceptions according to GAAP and state audit guidelines. The state audit guidelines are consistent between charter schools and school districts. This norm should satisfy Sutter County Office of Education as the regulations apply to all LEA's. Education Code Section 47605(c)(5)(I) mandates that any concerns around deficiencies in the annual financial audit are resolved to the satisfaction of the charter authority. We do not have the unilateral prerogative to determine what resolution would be to the satisfaction of the County, and we are open to the County's preference.

d. While goals and actions of the Charter School's LCAP are present in the petition, as well as budget expenditures that could achieve their stated goals and actions, Petitioners lack a clear description of the correlation between their goals and budget.

State Priority	Goal	LCFF / LCAP amount
<p>State Priority #1 – Basic Services <i>The degree to which teachers are appropriately assigned (E.C. §44258.9) and fully credentialed, and every pupil has sufficient access to standards-aligned instructional materials (E.C. § 60119), and school facilities are maintained in good repair (E.C. §17002(d))</i></p>	<p>All students will receive instruction from teachers fully credentialed in the subject areas, will have sufficient access to standards-aligned instructional materials, and will learn in a well-maintained school environment.</p>	<p>NOTES: Salaries, benefits teaching staff/para's Payroll series \$554,051</p>
<p>State Priority #2— Implementation of Common Core State Standards <i>Implementation of State Standards (including CCSS and ELD) including how EL students will be enabled to gain academic content knowledge and English language proficiency</i></p>	<p>New Pacific School provides CCSS-based instruction to all students. New Pacific School provides differentiated professional development focused on effective instructional practices aligned to CCSS and ELD. New Pacific School uses interim and summative assessments aligned with CCSS.</p>	<p>PD/Curriculum programs Combination of 5000 and 7000 series: Portions of Travel & Conference, Instructional Services \$10,000 plus 1% of 7000 series</p>
<p>State Priority #3— Parental Involvement and Family Engagement <i>A. Parental involvement and family engagement, including efforts the Charter School makes to seek parent input in making decisions for the Charter School, and including how the Charter School will promote parental participation in programs for unduplicated pupils and individuals with exceptional needs.</i></p>	<p>New Pacific School will provide opportunities for parental involvement. Parents access all information and data about their student through PowerSchool suite of programs including, but not limited to, coursework, grades, state and school-wide assessment results, teacher communication, portfolio completion and school updates. NPS will have staff that speaks Punjabi, Spanish, and other concentration languages in the Yuba City community.</p>	<p>Powerschool & social media Combination of 7000 and Payroll series: Administrative services & Advertising 1% of \$12,287 Principal Salary \$165,377</p>
<p>State Priority #4— Student Achievement <i>Pupil achievement, as measured by all of the following, as applicable:</i></p>	<p>Schoolwide intervention in language arts and mathematics with assigned appropriate CCSS-aligned instructional materials and practice testing for familiarity with format and content.</p>	<p>4000 series Portion of the \$190,000</p>

	Parents will be communicated in their home language including Punjabi and Spanish regarding their student plan and updates.	
<p>State Priority #5— Student Engagement <i>Pupil engagement, as measured by all of the following, as applicable:</i></p>	New Pacific School will provide a safe, nurturing and engaging learning environment for all its students and families, including those of the various subgroups enrolled.	Facilities & Admin Services 5000 series \$171,618 Support Staff Payroll series included in other priorities
<p>State Priority #6— School Climate <i>School climate, as measured by all of the following, as applicable:</i></p> <p>A. <i>Pupil suspension rates</i> B. <i>Pupil expulsion rates</i></p> <p><i>Other local measures, including surveys of pupils, parents, and teachers on the sense of safety and school connectedness</i></p>	Students, parents, and teachers will be trained and implement best practices. All counselors will be promoting Leader in Me mental health strategies for students. Charter School leadership will work with teachers and families to manage student behavior issues and concerns. Parents will be communicated in their home language including Punjabi and Spanish to support the development of school climate and promote Leader in Me principals.	Leader in Me training, counseling, office staff, Combination of 5000 Travel & Conference \$10,000 and 7000 PCI Admin Travel & Conference, PCI Instructional Salaries & Benefits 1% of \$49,193. Some overlap with other priorities
<p>State Priority #7— Course Access</p> <p>The extent to which pupils have access to, and are enrolled in, a broad course of study, including programs and services developed and provided to unduplicated students (classified as EL, FRPM- eligible, or foster youth; E.C. §42238.02) and students with exceptional needs.</p> <p>“Broad course of study” includes the following, as applicable: Grades 1-6: English, mathematics, social sciences, science, visual and performing arts,</p>	Students, including all student subgroups and students with exceptional needs, will have access to and enroll in our academic and educational program as outlined in the New Pacific School charter document.	Combination of 4000 and 5000 series for Instructional: Portion of the \$200,000

<p>health, physical education, and other as prescribed by the governing board. (E.C. §51210)</p> <p>Grades 7-12: English, social sciences, foreign language(s), physical education, science, mathematics, visual and performing arts, applied arts, and career technical education. (E.C. §51220(a)-(i))</p>		
<p>State Priority #8—Other Student Outcomes <i>Pupil outcomes, if available, in the subject areas described above in #7, as applicable.</i></p>	<p>All students will have access to CCSS language arts programs, K-12.</p> <p>All students will have access to small group, one-on-one, and online intervention programs.</p> <p>All K-2 students will be assessed for literacy and appropriate interventions will be implemented for students not reading at grade level.</p> <p>Qualifying high school students will have access to dual enrollment.</p>	<p>Combination of Payroll for teachers/paras and 7000 series. Overlapped with other state priorities.</p>

e. Lack of assurance that recruitment materials will be printed in all languages that are identified as the primary language spoken by 15% or more of families within the district's boundaries in order to achieve a racial and ethnic balance.

New Pacific School Yuba City will hire staff or contract with experts to ensure populations greater than 15% will be communicated with in their home language through written materials and direct verbal communication. The languages will include Punjabi and Spanish. Further, a staff member will be hired that will speak languages utilized by greater than 15% of NPS families. All recruitment materials will be printed in English, Punjabi, Spanish, and any other language spoken by 15% or more of NPS families within the district boundaries.

* * *

New Pacific School – Yuba City looks forward to its opportunity to meet with the County Board on December 14th. We stand ready to negotiate a Memorandum of Understanding with County staff. Please feel free to contact me at paul.keefer@pacificcharters.org or 916-616-3958 if you have any questions.

Sincerely,



Paul Keefer
Lead Petitioner

Janelle A. Ruley

From: Paul Keefer <paul.keefer@pacificcharters.org>
Sent: Wednesday, February 8, 2023 7:01 PM
To: Janelle A. Ruley
Subject: Fw: extension

Sutter County email extension

Paul Keefer, MBA, Ed.D
Pacific Charter Institute
www.pacificcharters.org

From: Tom Reusser <TomR@sutter.k12.ca.us>
Sent: Tuesday, December 13, 2022 2:28 PM
To: Paul Keefer <paul.keefer@pacificcharters.org>
Subject: extension

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Paul,

We are currently scheduled to have the Sutter County Board of Education make a determination on the granting or denial of the Charter Petition that you submitted for New Pacific School – Yuba City at the regularly scheduled board meeting being held tomorrow, December 14, 2022.

I am reaching out to you today because the November 2022 election resulted in two new board members being elected to the County Board, and they are being sworn in at the December 14, 2022 meeting. To give them a reasonable amount of time to complete their own analysis of the Petition, are you agreeable to continuing the decision to grant or deny to the January 2023 board meeting? The meeting will be held on or before January 19th to meet all statutory timelines required. Thank you for your consideration, if possible please let us know by the end of the day.

Thank you,
Tom Reusser

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Charter Petition

January 18, 2023


Overview



1. About Pacific Charter Institute (PCI)
2. Yuba City, Yuba City USD, and PCI data comparison
3. NPS supporting Yuba City



About Pacific Charter Institute



Lead Petitioner, Dr. Paul Keefer



Pacific Charter Institute

- Serving Greater Sacramento since 2005
- 5 charter schools, 7 learning centers (6 approved)
- 3,000 students, 200 teachers and staff,
- 11 academic programs
- Focus on early literacy, counseling and mental health
- Dual and Concurrent Enrollment in 14 counties
- 90% of PCI students report their teacher cares about them and their learning

Board of Directors

- Dr. Rex Fortune, President (Founder)
- Jean-Paul Prentice, CCE LEED AP, Parent & Rancho Cordova Resident
- Josh Modlin, Director of Learn & Earn, Foundation for CA Community Colleges
- Judy Miller, CASBO - Retiree Representative
- Martha Melendez Quadros, Founder, Language Academy of Sacramento and English Learner Program Manager, SJUSD
- Alpana Carey, Dean, General Education, Delta Charter High School
- John Brennan, President BTV Management and Brennan Properties

2022 Yuba City Analysis and YCUSD and PCI Data Comparison



QuickFacts

[What's New & FAQs >](#)

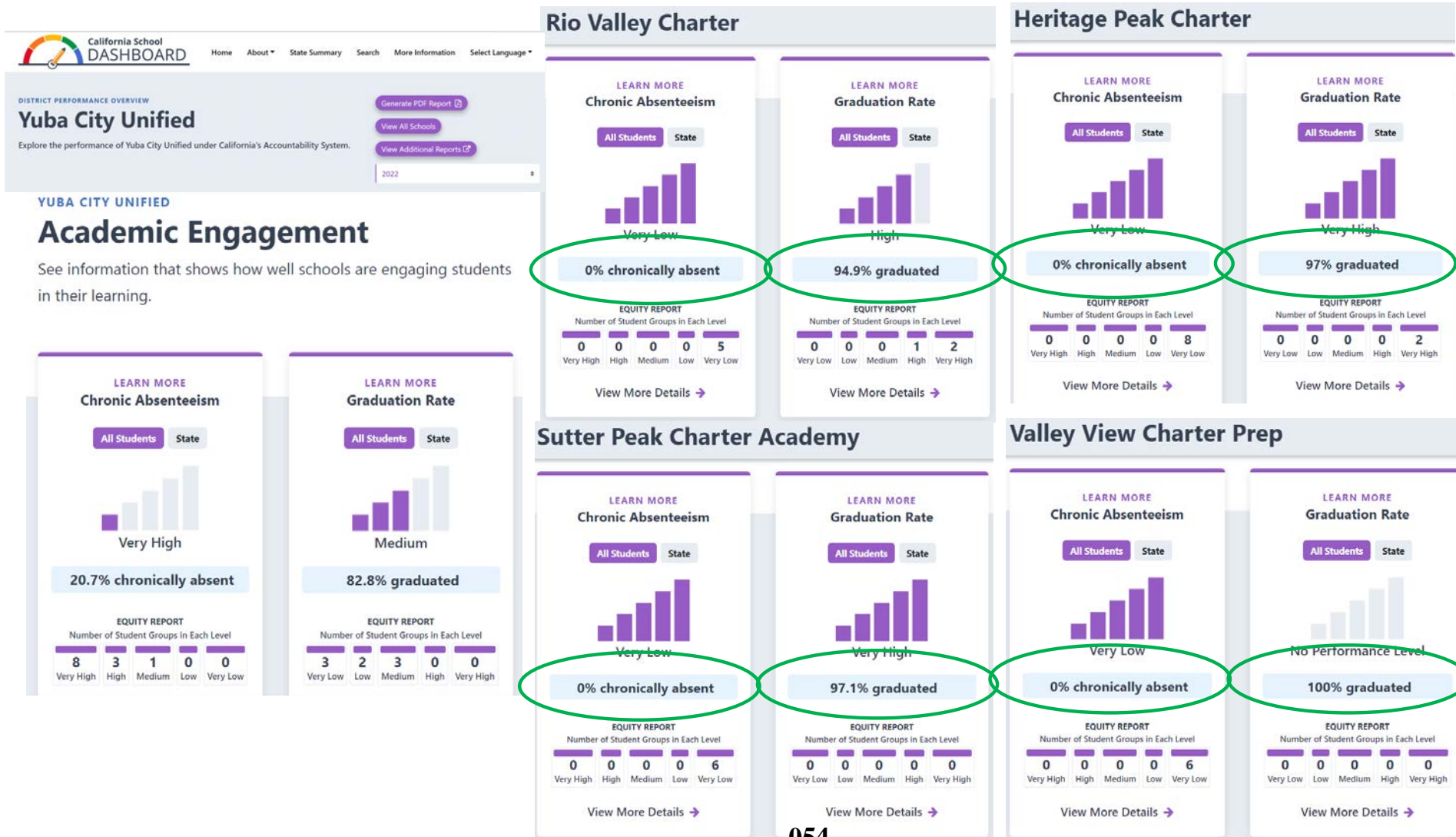
Marysville city, California; Stockton city, California; Lodi city, California; Woodland city, California; Redding city, California; Yuba City city, California

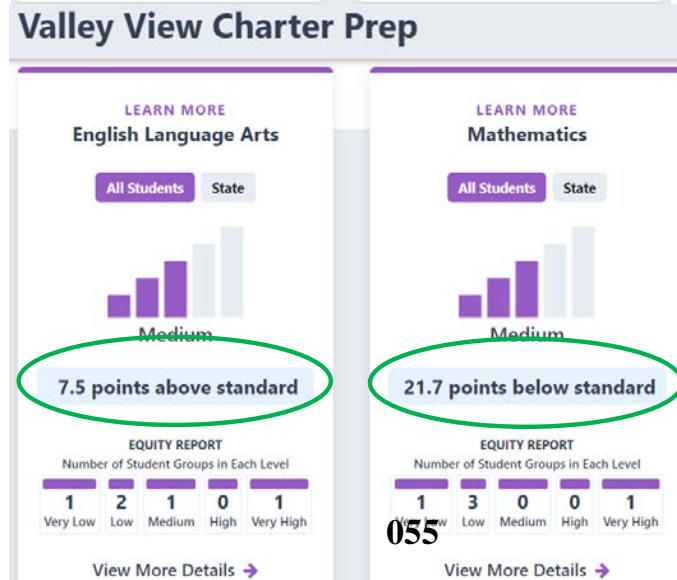
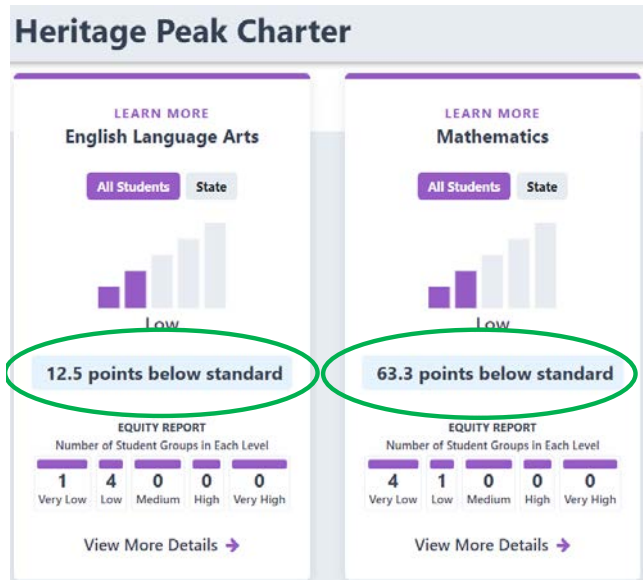
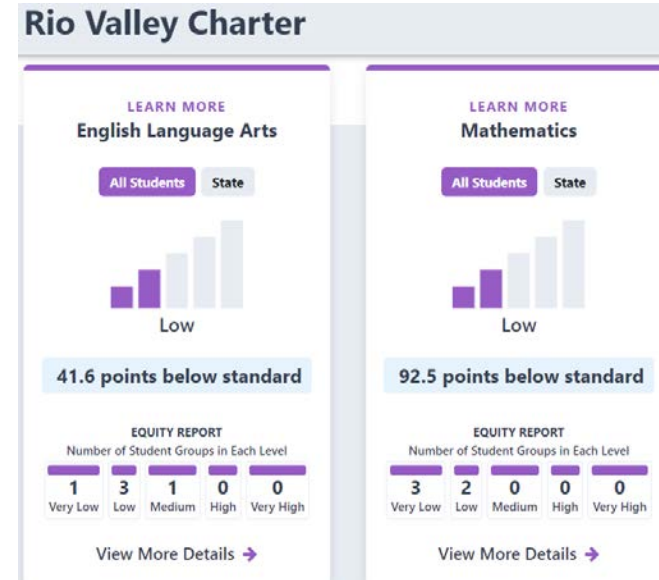
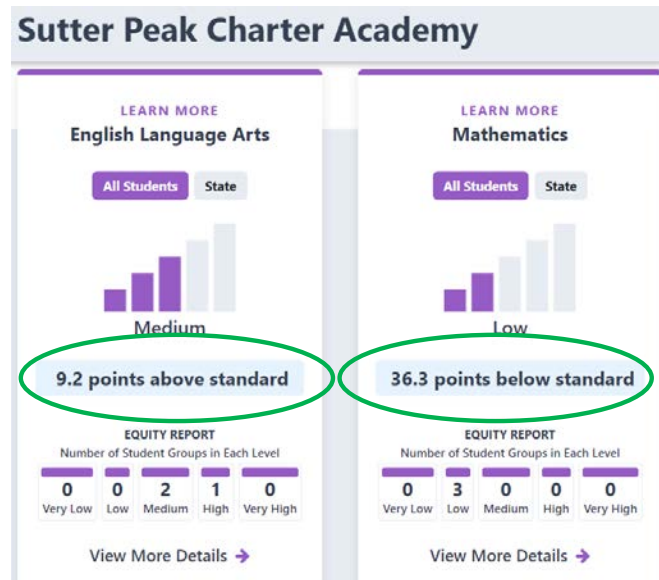
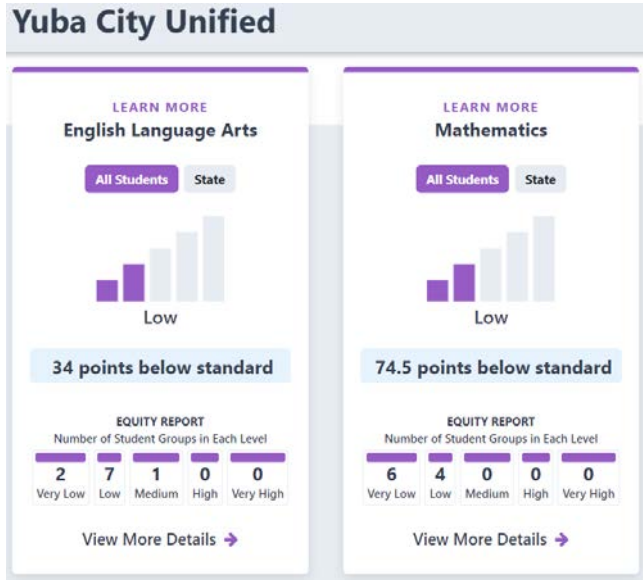
QuickFacts provides statistics for all states and counties, and for cities and towns with a *population of 5,000 or more*.

Table

All Topics	Marysville city, California	Stockton city, California	Lodi city, California	Woodland city, California	Redding city, California	Yuba City city, California
Population Estimates, July 1 2022, (V2022)	NA	NA	NA	NA	NA	NA
PEOPLE						
Population						
Population Estimates, July 1 2022, (V2022)	NA	NA	NA	NA	NA	NA
Population Estimates, July 1 2021, (V2021)	12,664	322,120	67,021	61,398	93,462	69,536
Education						
High school graduate or higher, percent of persons age 25 years+, 2017-2021	82.8%	78.1%	80.9%	83.7%	91.8%	78.8%
Bachelor's degree or higher, percent of persons age 25 years+, 2017-2021	15.6%	18.0%	22.5%	27.9%	25.6%	20.5%







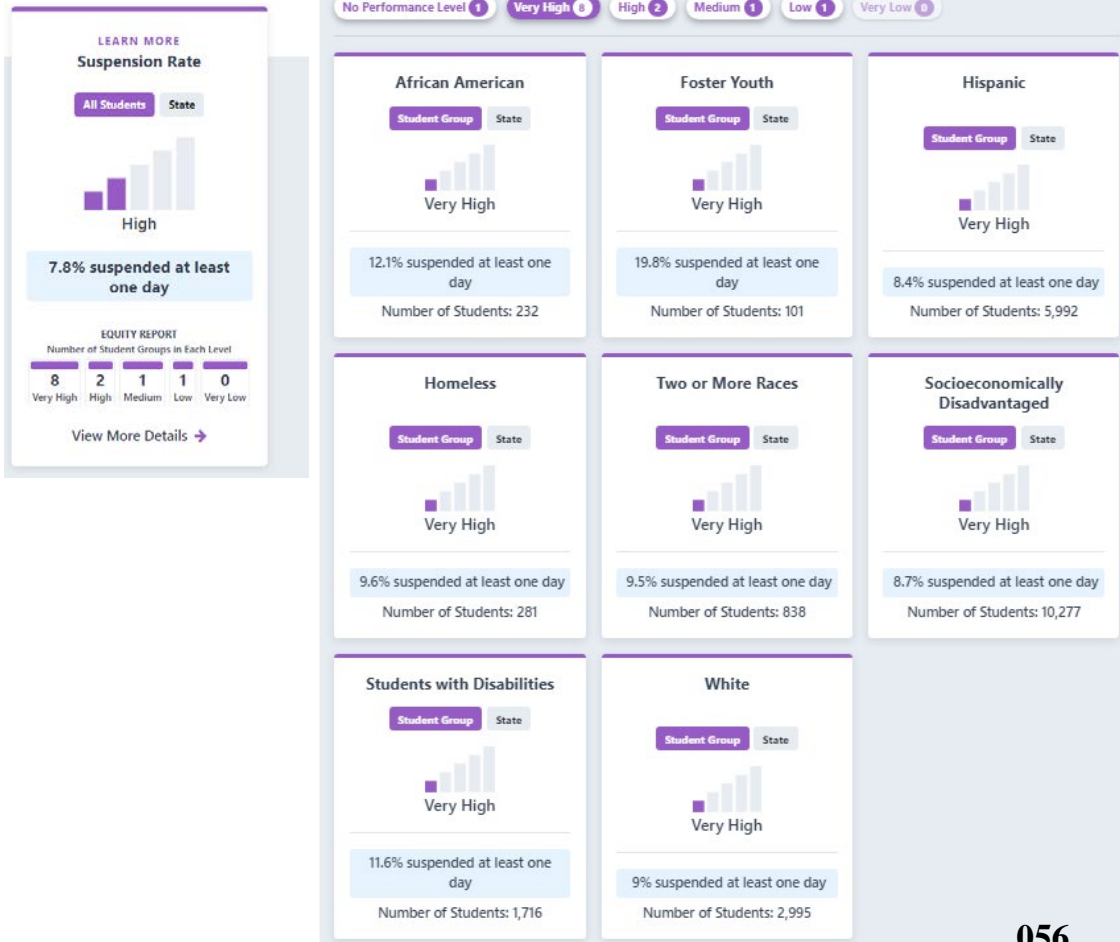
055

YUBA CITY UNIFIED

Conditions & Climate

View data related to how well schools are providing a healthy, safe and welcoming environment.

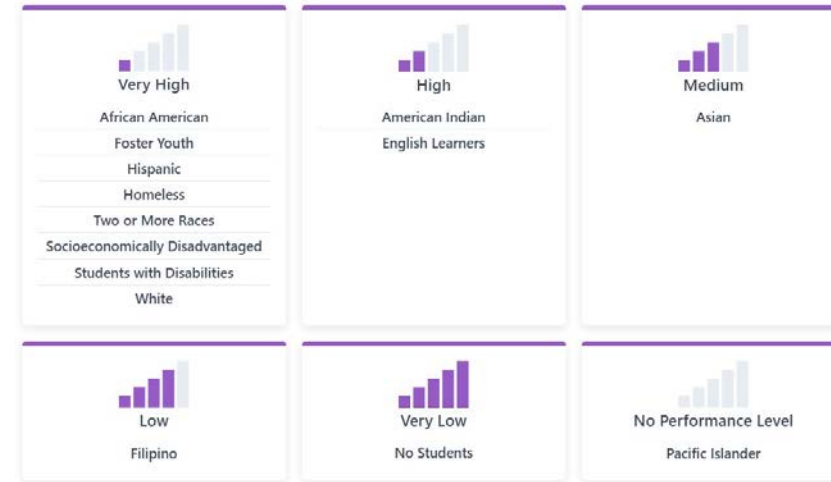
Explore Groups By Performance Level



Student Group Details

All Student Groups by Performance Level

12 Total Student Groups



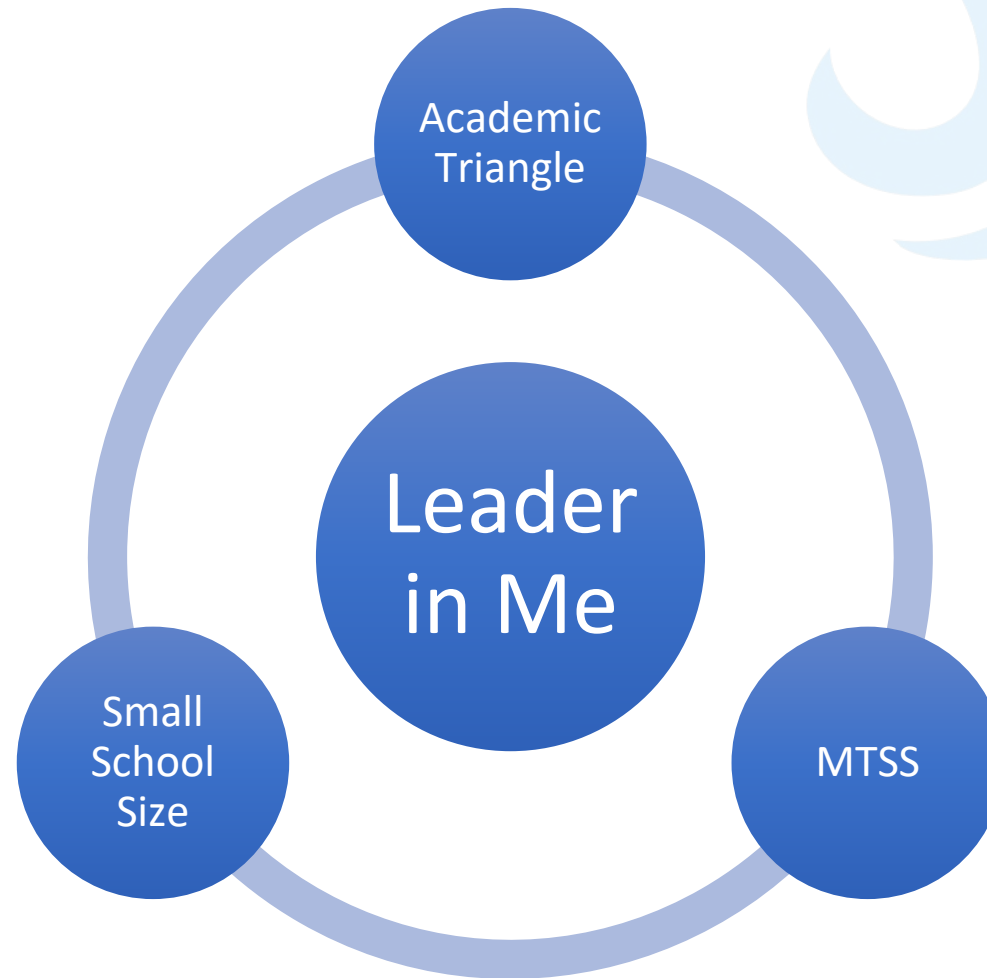
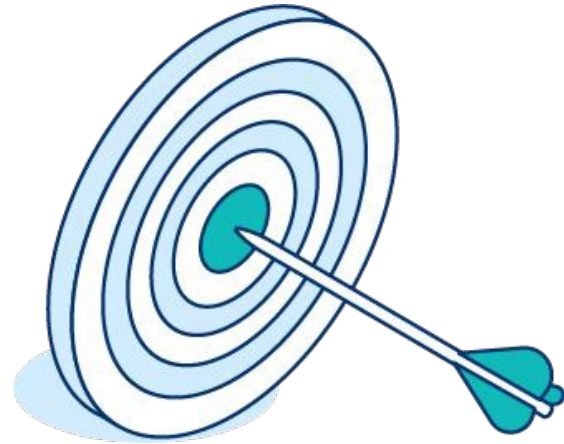
DEEP DIVE ON SUSPENSIONS In YUBA CITY

How is New Pacific School Unique?

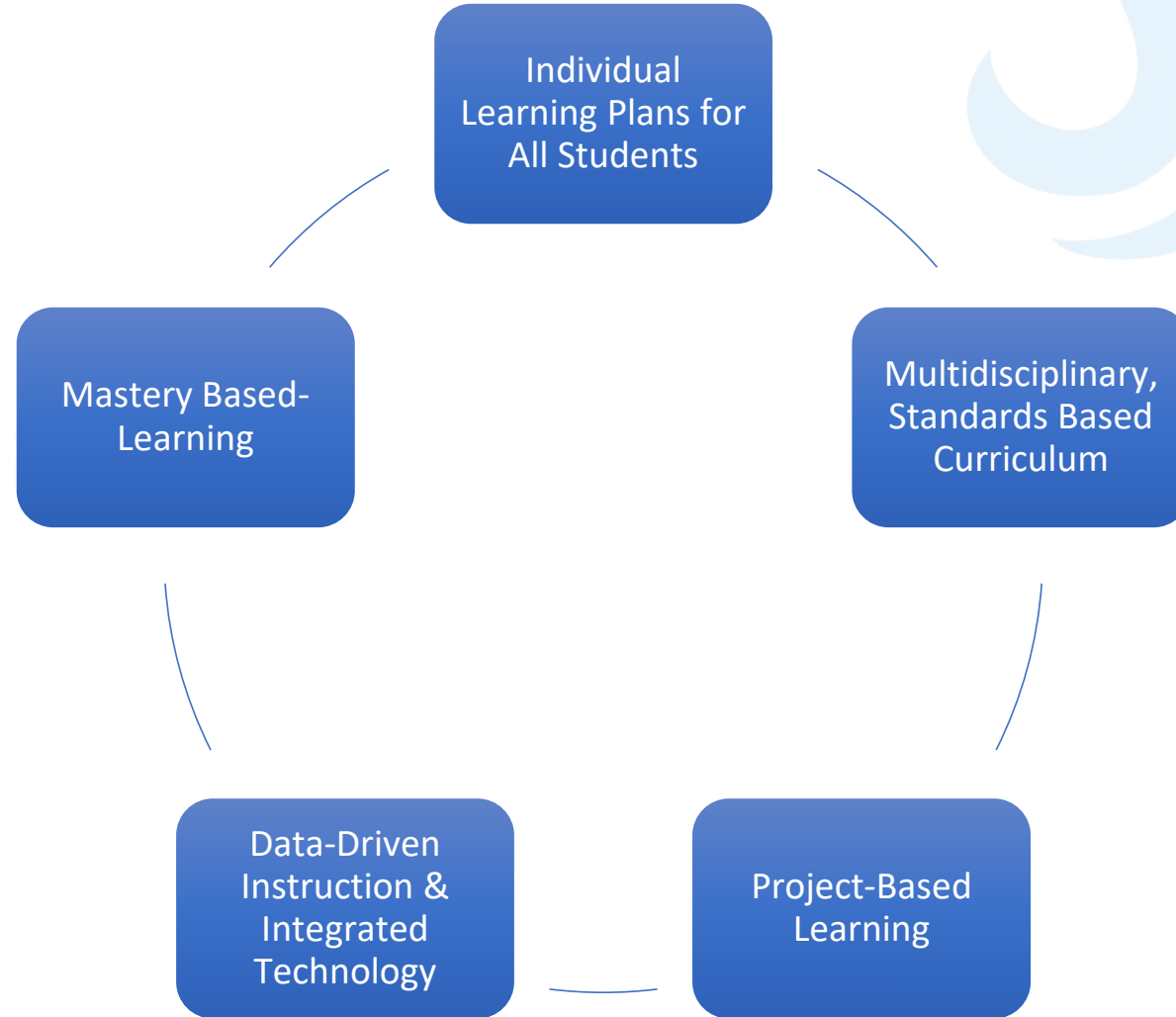
How Learning Best Occurs



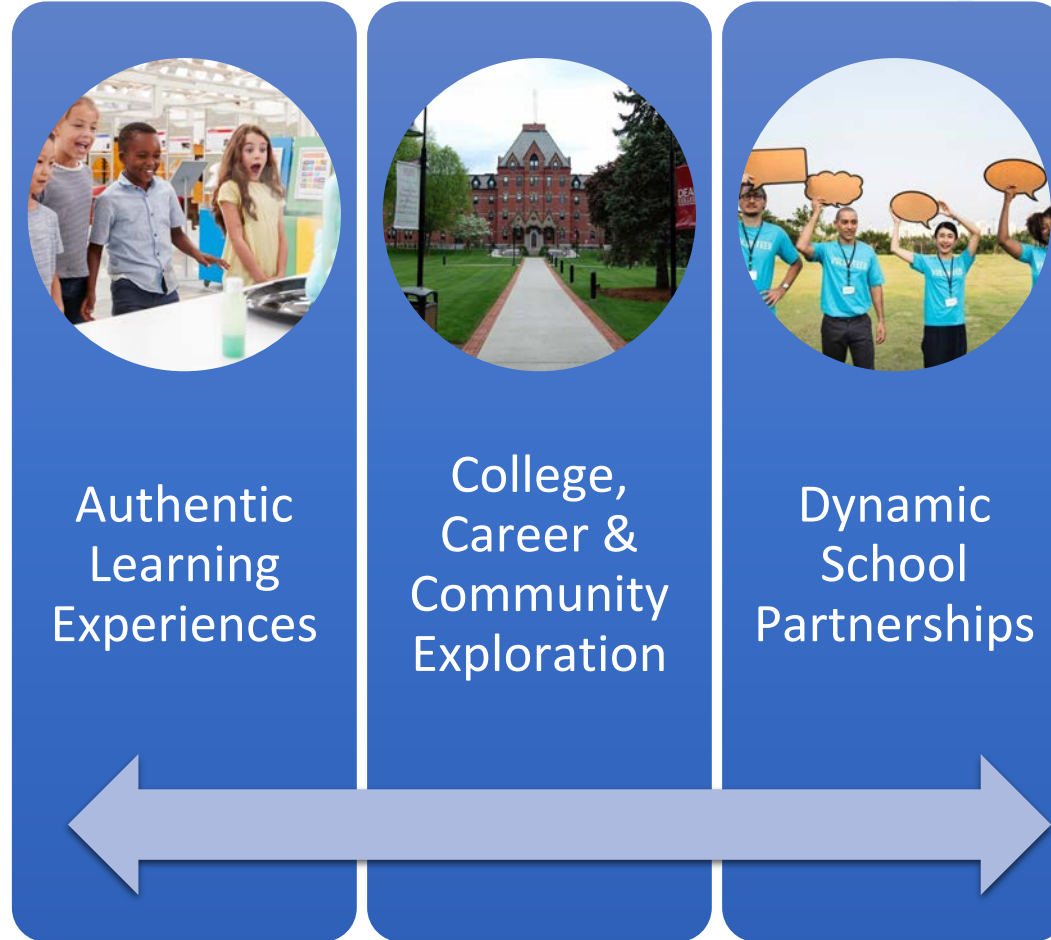
School Culture & Connectedness



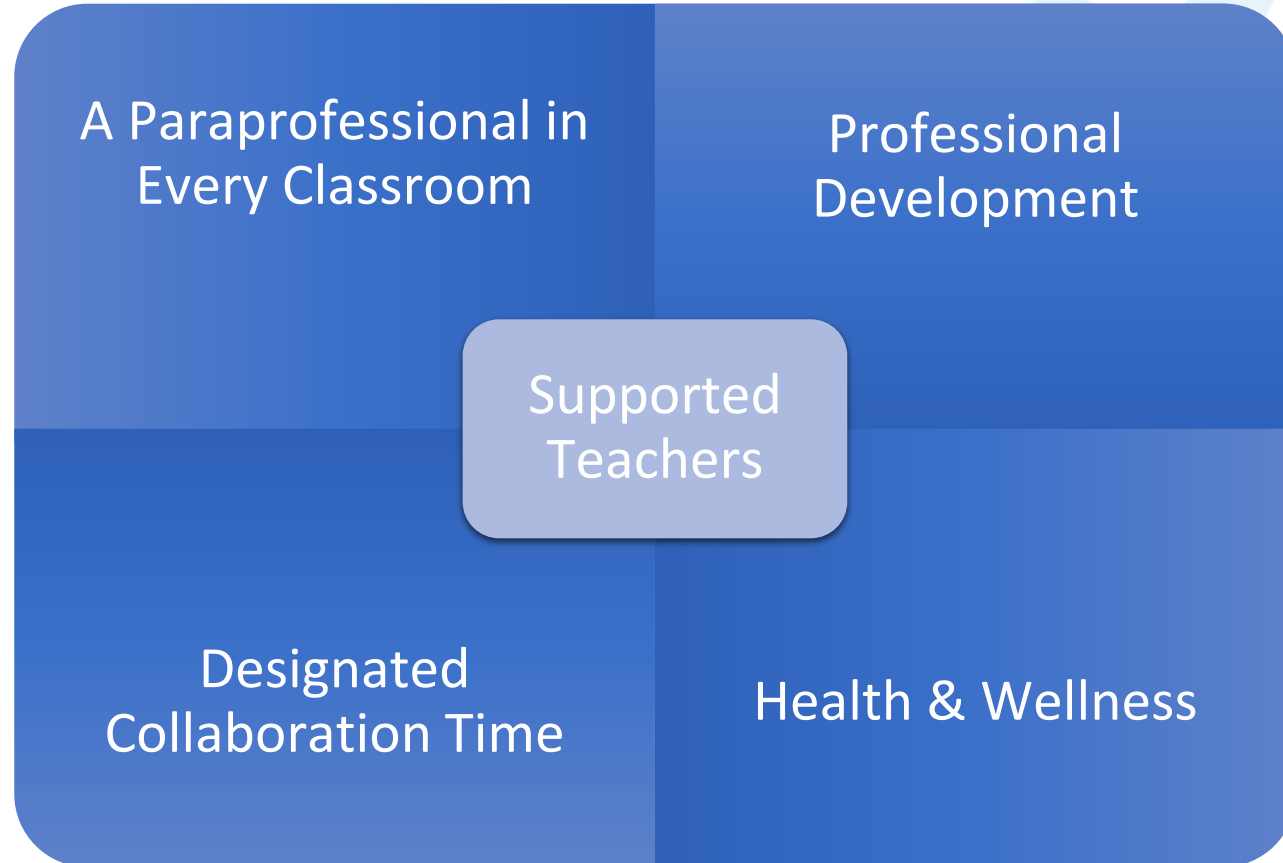
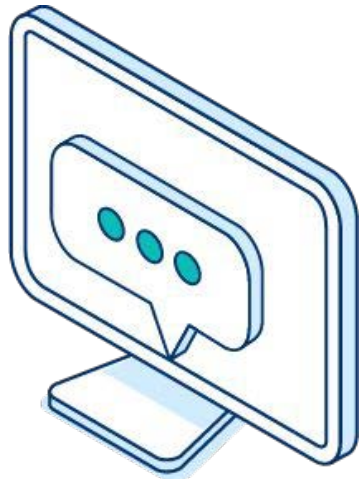
Evidence-Based Pedagogical Strategies



Integration of Community Learning



Resourceful, Highly-Qualified & Supported Teachers



Thank you!
New Pacific School
Yuba City

Agenda

SUTTER COUNTY BOARD OF EDUCATION
Regular Meeting

Wednesday, February 8, 2023 - 5:30 p.m.
Sutter County Superintendent of Schools Office
970 Klamath Lane – Board Room
Yuba City, CA 95993

- o *Public Hearing to Sunshine 2022-2023 Bargaining Proposals CSEA Chapter 634 (Classified Employees)*

A full Board packet is available for review at the Sutter County Superintendent of Schools Office Reception Desk, 970 Klamath Lane, Yuba City, CA (8:00 a.m. – 5:00 p.m., Monday through Friday – excluding legal holidays) and the Sutter County Superintendent of Schools' website at www.sutter.k12.ca.us.

5:30 p.m.

1.0 Call to Order

2.0 Pledge of Allegiance

3.0 Roll Call of Members:

June McJunkin, Trustee Area 2, President
Victoria Lachance, Trustee Area 5, Vice President
Gurv Pamma, Trustee Area 1, Member
Kash Gill, Trustee Area 3, Member
Harjit Singh, Trustee Area 4, Member

4.0 Items of Public Interest to Come to the Attention of the Board

Members of the public wishing to address the Board on specific agenda items, or any item of interest that is within the subject matter jurisdiction of the Board, will be given an opportunity to do so. At the discretion of the Board president, time limits may be imposed upon such presentations. No action may be taken on items not appearing on the posted agenda.

5.0 CONSENT AGENDA
[Action Item]

5.1 Approval of Minutes of January 18, 2023

The above items are self-explanatory. All items on the Consent Agenda are considered a routine item or one that has been previously discussed. Any Board Member may request that an item be pulled for further discussion.

New Pacific School –
Yuba City Supporting Documentation

Sutter County Board of Education Agenda
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February 8, 2023

- 6.0 Special Education and SELPA Department Presentation
Jessica Burrone and Dr. Carolyn Patton

- 7.0 Summary Finding of Career Training Center Request for
Qualifications - James Peters **[Action Item]**

A summary of findings from the Career Training Center Design-Build Request for Qualifications will be presented to the Board and request approval to negotiate and enter into a contract on behalf of the Sutter County Board of Education.

- 8.0 Public Hearing to Sunshine 2022-2023 Bargaining Proposals CSEA
Chapter 634 (Classified Employees) – Ron Sherrod

Pursuant to Government Code Section 3547, the initial negotiations proposals of the exclusive representative union shall be “sunshined” for public comment.

CSEA, Local Chapter 634 is presenting its proposals for the 2022-2023 school year for sunshining.

SCSOS is presenting its proposals for the 2022-2023 school year for sunshining.

- 9.0 Quarterly Report on Williams/Valenzuela Uniform Complaints
(October 1, 2022 – December 31, 2022)
Brian Gault

Education Code 35186 requires the county superintendent to report on the number and nature of complaints.

- 10.0 Sutter County Career Training Center Compliance for Student
Financial Assistance Programs Report – Ron Sherrod

Audit of the Sutter County Career Training Center compliance with compliance requirements regarding Institutional eligibility and participation, reporting, student eligibility, disbursements, return of Title IV funds, cash management, and administrative requirements described in Chapter 3 of the 2016 edition of the U.S. Department of Education’s Guide for Audits of Proprietary Schools and For Compliance Attestation Engagements of Third-Party Servicers Administering Title IV Programs (Guide) for the period ended June 30, 2022.

- 11.0 Disclosure of Collective Bargaining Agreement for Sutter County
Superintendent of Schools Staff Association (CTA)
Ron Sherrod

New Pacific School –
Yuba City Supporting Documentation

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The disclosure of the Collective Bargaining Agreement is a statement of costs associated with the agreement with the Sutter County Superintendent of Schools Staff Association (CTA) July 1, 2021 – June 30, 2023.

- 12.0 Business Services Report
 - 12.1 Monthly Financial Report – January 2023
Nic Hoogeveen
 - 12.2 Quarterly Facilities Update – James Peters

- 13.0 Select and Convene Superintendent’s Salary Committee
Ron Sherrod **[Action Item]**

Education Code Section 1209 states that a county superintendent of schools shall not increase his or her salary, financial remuneration, benefits, or pension in any manner or for any reason without bringing the matter to the attention of the county board of education for its discussion at a regularly scheduled public meeting of the board and without the approval of the county board of education.

We would like to convene the committee to review the Superintendent’s current salary schedule for comparability and possible adjustments to the structure of the schedule.

- 14.0 New and Revised Board Bylaws – Second Reading
Maggie Nicoletti **[Action Item]**

The following new and revised Board Bylaws are submitted for a second reading and Board approval:

- BB 9010 – Public Statements
- BB 9121 – President/Vice President
- BB 9124 – Attorney
- BB 9322 – Agenda/Meeting Materials

- 15.0 New and Revised Board Policies – Second Reading
Ron Sherrod **[Action Item]**

The following new and revised Board Policies are submitted for a second reading and Board approval:

- 3514.1 AR – Hazardous Substances
- 3514.1 BP – Hazardous Substances
- 3514.2 AR – Integrated Pest Management
- 3515 SP/BP – Campus Security
- 3470 BP – Debt Issuance and Management
- 3512 BP/AR – Equipment
- 3513.4 SP/BP – Drug and Alcohol

- 16.0 Anticipated Employee Salary Increases of \$10,000 or more During the 2022/23 School Year – Ron Sherrod

New Pacific School –
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Sutter County Board of Education Agenda
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Pursuant to Education Code Section 1302, the county superintendent of schools shall not increase by ten thousand dollars (\$10,000) or more the salary or bonus of any employee of the county office of education unless the matter is brought to the attention of the county board of education for its discussion at a regularly scheduled public meeting of the county board of education.

We are anticipating recent settlements with the employee units to result in employees in various classifications exceeding this threshold as follows:

Deputy Superintendent	School Psychologist
Assistant Superintendent	Speech and Language Pathologist
Senior Director	Teacher Special Ed/Alternative Education
Director	School Nurse
Principal	Coordinator I
Lead Nurse	

17.0 Items from the Superintendent/Board

18.0 Adjournment

In compliance with the Americans with Disabilities Act, for those requiring special assistance to access the Board Meeting room, to access written documents being discussed at the Board Meeting, or to otherwise participate at Board Meetings, please contact Superintendent Tom Reusser at 530-822-2900 for assistance. Notification at least 48 hours prior to the meeting will enable the Superintendent's Office to make reasonable arrangements to ensure accessibility to the Board Meeting and to provide any required accommodations, auxiliary aids or services.

All Open Session Agenda related documents, including materials distributed less than 72 hours prior to the scheduled meeting, are available to the public for viewing at the Sutter County Superintendent of Schools Office located at 970 Klamath Lane, Yuba City, CA 95993.