

California Department of Education

Executive Office

SBE-003 (REV. 11/2017)

ssb-csd-jan18item03

# California State Board of Education January Year Agenda Item #24

## Subject

Petition for the Establishment of a Charter School Under the Oversight of the State Board of Education: Consideration of Promise Academy, which was denied by the San Jose Unified School District and the Santa Clara County Board of Education.

## Type of Action

Action, Information, Public Hearing

## Summary of the Issue(s)

On June 1, 2017, the San Jose Unified School District (SJUSD) voted to deny the petition for Promise Academy (PA) by a vote of three to two.

On September 6, 2017, the Santa Clara County Board of Education (SCCBOE) held a public hearing regarding a resolution to deny the approval of the charter for PA. The SCCBOE vote was three to three; therefore, no action was taken.

Pursuant to California *Education Code* (*EC*) Section 47605(j), petitioners for a charter school that have been denied at the local level may petition the State Board of Education (SBE) for approval of the charter, subject to certain conditions. The PA petitioner submitted an appeal to the SBE on September 28, 2017.

## California Department of Education Recommendation

The California Department of Education (CDE) proposes to recommend that the SBE hold a public hearing to deny the request to establish PA. The meeting notice for the December 7, 2017, Advisory Commission on Charter Schools (ACCS) meeting is located on the SBE ACCS Web page at <https://www.cde.ca.gov/be/cc/cs/accsnotice120717.asp>.

**Advisory Commission on Charter Schools Recommendation**

The ACCS considered the PA petition for establishment at its December 7, 2017, meeting. The ACCS moved CDE staff recommendation to deny the PA petition. The motion did not pass by a vote of three to two. Five votes are required to move an ACCS motion forward to the SBE; therefore, no recommendation moved.

## Brief History of Key Issues

The CDE received a petition for establishment from PA on September 28, 2017.

PA plans to operate a transitional kindergarten (TK) through grade twelve charter school. The mission of PA is to create personalized, world-class educational experiences that prepare all pupils to reach their potential and to change the world. PA pupils will use the skills they learn at PA to create solutions for tough challenges in their community and in their world. The empathy and agency the pupils develop at PA will produce the social entrepreneurs who will not only excel in college and career but who will change the world.

The PA petitioner proposes to serve 210 pupils in TK through grade two, grade five, and grade six in the 2018−19 school year. PA will then expand their services each year over a seven year term to 280 pupils in TK through grade three, and grade five through grade seven in 2019−20; 350 pupils in TK through grade eight in 2020−21; 385 pupils in TK through grade nine in 2021−22; 420 pupils in TK through grade ten in 2022−23; 455 pupils in TK through grade eleven in 2023−24; and 490 pupils in TK through grade twelve in 2024−25.

In considering the PA petition for establishment, CDE staff reviewed the following:

* PA charter petition for establishment (Attachment 3 of Agenda Item 03 on the ACCS December 7, 2017, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item03a3.pdf>).
* Educational and demographic data of schools where PA pupils would otherwise be required to attend (Attachment 2 of Agenda Item 03 on the ACCS   
  December 7, 2017, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item03a2.xls>).
* PA budget narrative and financial projections (Attachments 4 and 5 of Agenda Item 03 on the ACCS December 7, 2017, Meeting Notice on the SBE ACCS Web pages located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item03a4.pdf> and <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item03a5.xls>).
* SJUSD findings for denial of the PA petition and the PA response (Attachment 6 of Agenda Item 03 on the ACCS December 7, 2017, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item03a6.pdf>).
* SCCBOE findings for denial of the PA petition and the PA response (Attachment 7 of Agenda Item 03 on the ACCS December 7, 2017, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item03a7.pdf>).
* PA Articles of Incorporation (Attachment 8 of Agenda Item 03 on the ACCS December 7, 2017, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item03a8.pdf>).
* PA Bylaws (Attachment 9 of Agenda Item 03 on the ACCS December 7, 2017, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item03a9.pdf>).
* PA letter to the SBE describing changes to the PA petition necessary to reflect the SBE as the authorizing entity (Attachment 10 of Agenda Item 03 on the ACCS December 7, 2017, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item03a10.pdf>).
* PA 2018−19 Draft Parent Student Handbook (Attachment 11 of Agenda Item 03 on the ACCS December 7, 2017, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item03a11.pdf>).
* New Schools Venture Fund Award letter of support to PA (Attachment 12 of Agenda Item 03 on the ACCS December 7, 2017, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item03a12.pdf>).
* Silicon Schools Fund Award letter of support to PA (Attachment 13 of Agenda 03 on the ACCS December 7, 2017, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item03a13.pdf>).

The CDE finds that the PA petitioner is demonstrably unlikely to implement the program set forth in the petition and that the PA petition does not provide a reasonably comprehensive description of multiple required charter elements, including a description of the educational program, measurable pupil outcomes, employee qualifications, and health and safety procedures.

### Ability to Successfully Implement the Intended Program

The CDE finds that the petitioner is unlikely to successfully implement the intended program and is unfamiliar with the requirement of law with regard to the following:

#### Description of Educational Program

The CDE finds that the PA graduation requirements may not align with goals and objectives in a pupil’s Individualized Education Program (IEP), and/or grade eleven or grade twelve transition plan. Further, the CDE finds that the PA petition does not describe alternative means for pupils with disabilities on certificate graduation track and fails to address the alternative needs of pupils with one or more protected characteristics.

The CDE finds that PA does not provide for adequate accommodations for all subgroups of pupils, including English learners (ELs), long term English learners, foster/homeless youth, and pupils with disabilities. Based on information listed in the table, Promise Graduation Requirements, pupils must complete the Scholastic Aptitude Test (SAT) or the American College Testing (ACT) to University of California or California State University eligibility standards; complete three Advanced Placement (AP) tests; complete a college readiness course; develop a college plan; complete at least four applications to four-year colleges; and gain acceptance to at least one four-year university (Attachment 3 of Agenda Item 03 on the ACCS December 7, 2017, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item03a3.pdf>).

Further, as listed in the table, Required Courses for High School Graduation, the only core courses offered in grade eleven and grade twelve are AP English language, AP English literature, AP biology, AP physics, AP United States (US) history, and AP US government and economics (Attachment 3 of Agenda Item 03 on the ACCS December 7, 2017, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item03a3.pdf>).

Additionally, the CDE finds that PA’s graduation requirements would appear to constitute an impermissible pupil fee and therefore, violate *EC* Section 49011(b)(1). The requirements to complete three AP tests, SAT, and ACT, and submit at least four applications to four-year colleges would constitute an expense to the pupil. The CDE notes that PA has made no provision either in the petition, the projected multi-year budget, or the budget narrative and assumptions to offset these expenses to pupils in order for them to meet PA’s graduation requirements.

Pursuant to *California Code of Regulations*, Title 5Section 11967.5.1(f), PA must indicate how it will identify and respond to the needs of pupils who are not achieving at or above expected levels, pupils with disabilities, ELs, and other special pupil populations.

* + The PA petition does not provide specific criteria for the identification of low-achieving pupils (i.e., two grade levels below in reading, or specific cut points on assessment metrics, etc.). The PA petition states that low-achieving pupils are identified by data showing the pupils are performing significantly behind in English or mathematics (Attachment 3 of Agenda Item 03 on the ACCS December 7, 2017, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item03a3.pdf>), but the PA petition does not define what significantly behind is. Further, the PA petition states that interventions for low-achieving pupils are research-based and determined by pupil assessment data (Attachment 3 of Agenda Item 03 on the ACCS December 7, 2017, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item03a3.pdf>).
  + The PA petition does not provide specific criteria for the identification of high-achieving pupils. The PA petition identifies high-achieving pupils as achieving above grade level as determined by external or internal assessments (Attachment 3 of Agenda Item 03 on the ACCS December 7, 2017, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item03a3.pdf>). However, the CDE finds that the PA petition does not define what achieving above grade level is.

The CDE finds that the PA petition is in violation of EC Section 51225.3(a)(1)(F) which states that a pupil shall complete two courses in physical education while in grade nine through grade twelve, inclusive, in order to receive a diploma of graduation from high school.The CDE notes that the PA petition does not include two courses in physical education as evidenced by information listed in the table, Required Courses for High School Graduation (Attachment 3 of Agenda Item 03 on the ACCS December 7, 2017, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item03a3.pdf>).

The CDE finds that the PA petitioner is demonstrably unlikely to successfully implement the intended program as the petitioner has presented an unrealistic financial and operational plan for the proposed charter school.

#### Budget

The CDE reviewed the PA multi-year financial plan and concludes that it is not fiscally sustainable due to negative ending fund balances of $404,223; $429,695; and $169,199 with no reserves for fiscal years (FYs) 2018–19 through 2020–21, respectively.

The PA multi-year projected budget includes fundraising of $365,000 at the startup year in 2017–18; $300,000 for FY 2018–19; and $200,000 for FY 2019–20. The CDE is aware that the petitioner has commitment letters from Silicon Schools Fund and New Schools Venture Fund for funding; however, these commitment letters do not obligate Silicon Schools Fund and New Schools Venture Fund to provide this funding. If PA does not receive the grant funding, PA may need to borrow to make up the deficits the CDE projects. The resulting long-term debt costs will threaten the fiscal viability of PA. As a result, the CDE excluded this funding from its budget analysis.

Additionally, given that PA did not provide estimated rent for a private facility in the downtown area of SJUSD, primarily within zip codes 95112 and 95116, the CDE cannot determine if the 2018–19 budgeted amount of $600 per pupil is sufficient for rent (Attachment 5 of Agenda Item 03 on the ACCS December 7, 2017, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item03a5.xls>).

The PA multi-year projected budget includes the following:

* A planning year in 2017–18
* 210 TK through grade two, grade five, and grade six pupils in 2018–19
* 280 TK through grade three, and grade five through grade seven pupils in 2019–20
* 350 TK through grade eight pupils in 2020–21
* 385 TK through grade nine pupils in 2021–22
* 420 TK through grade ten pupils in 2022–23

The PA multi-year projected budget includes lottery funds in the first year of operation, 2018–19. However, lottery funds are based on prior year Second Principal Apportionment in enrollment. PA will not begin receiving lottery funds until the second year of operation, 2019–20. Therefore, the CDE excluded the lottery funds of $37,309 from the PA projected revenue in 2018–19, and adjusted the understated lottery funds of $26,294 in 2019–20.

The PA multi-year projected budget, as submitted, was calculated using the incorrect Fiscal Crisis and Management Assistance Team (FCMAT) Local Control Funding Formula (LCFF) calculator. Therefore, the CDE used the August 7, 2017, FCMAT LCFF calculator to recalculate the PA LCFF revenue. The CDE found that PA had overstated the LCFF revenue by $3,928; $9,438; and $15,475 for FYs 2018–19 through 2020–21, respectively.

### District and County Office of Education Findings

On June 1, 2017, the SJUSD denied the PA petition based on the following findings (Attachment 6 of Agenda Item 03 on the ACCS December 7, 2017, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item03a6.pdf>):

* The petition fails to contain a reasonably comprehensive description of the proposed educational program.
  + The petition fails to provide a reasonably comprehensive description of how the proposed educational model is intended to bring pupils to grade level proficiency.
  + The petition is unclear how PA would accomplish its proposed small group instructional approach under the proposed staffing model.
  + The petition is unclear regarding the credentialing requirements for teachers and how PA would staff academic rotation and content workshops.
* The petition presents an unsound educational program for the pupils to be enrolled in PA.
  + The petition fails to address the limitations of the Innovation Lab science model, which limits the ability to provide differentiated teaching strategies for pupils for whom that model does not provide the most effective learning environment in those subject matters.
  + The petition fails to provide a reasonably comprehensive picture of how the PA proposed curriculum would be delivered and implemented through its very specific instructional design.
  + The petition offers only a general and generic summary of obligations under special education law, and fails to contain a reasonably comprehensive description of how PA would meet the requirements of mainstreaming, least restrictive environment, and access to instructional strategies based upon pupil autonomy for pupils with disabilities.
  + The petition lacks a reasonably comprehensive description of how strategies such as Sheltered Instruction Observation Protocol and differentiated instruction would be integrated into the academic rotation, the content workshop, or the Innovation Lab, for ELs.
  + The petition’s proposed teaching structure and staffing plan would make it difficult to support identified teaching strategies for low-achieving pupils.
* The petitioner is demonstrably unlikely to successfully implement the program.
  + The lack of curricular material results in a lack of a reasonably comprehensive description of the proposed scope and sequence of the proposed PA TK through grade twelve curriculum.
  + The petition proposes a high school class schedule that is not viable based on PA’s anticipated staffing plan.
  + The petition proposes a breadth versus depth approach to enrollment that will inhibit the ability to provide pupils with extracurricular activities, including music and athletics, as well as hamper the ability to implement the proposed educational program at the high school level based on the staffing plan.
  + The petition overstates the relationship with the Tech Museum of Education as a partnership for special privileges, curriculum-based activities for PA pupils when the Tech Museum of Education actually provides all of those privileges and activities to all SJUSD schools.
  + The petition states that PA recruiting efforts are primarily focused on English and Spanish speaking pupils, while ignoring other significant populations including Asian and African American pupils.
* The petition does not contain the number of signatures required.
  + The petitioner provided approximately 300 signature forms. The SJUSD conducted calls based on the information on those forms and found that only 65 respondents (28.26 percent) confirmed meaningful interest.
* The petition does not contain reasonably comprehensive descriptions of all of the required elements of a charter petition.
  + The petition lacks knowledge and understanding of charter school laws.
  + The petition presents various concerns and deficiencies, including but not limited to, the issues relative to the educational program and implementation of PA as a viable and sustainable institution.

On September 6, 2017, the SCCBOE considered the PA petition on appeal based on the following findings (Attachment 7 of Agenda Item 03 on the ACCS December 7, 2017, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item03a7.pdf>):

* The petition does not contain a reasonably comprehensive description of the proposed educational program.
  + The petition fails to provide details and sample formats that might address the integration of different classes, where and how teachers might loop with pupils, and how multiple grade curricula will be presented for each grade level in multi-age TK through grade eight classrooms.
  + The petition fails to demonstrate how teachers will be trained and evaluated given that there is no requirement for administrative credentials in any leadership staff position.
* The petition presents and unsound educational program for the pupils to be enrolled in the charter school.
  + The petition fails to demonstrate knowledge of providing pupils with an IEP and a full continuum of services, as mandated by the Individuals with Disabilities Education Improvement Act.
  + The petition states that remediation options for pupils performing below grade level will be provided, budget permitting. This fails to address the seriousness of interventions and provide pupils access to needed interventions.
  + The petition incorrectly defines the pupils who are entitled to Section 504 accommodations.
  + The petition fails to provide specified times when ELs may receive small-group instruction without limiting access to curricular and extra-curricular activities.
* The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition.
  + The petition states that the PA graduation requirements include completion of three AP exams along with completion of all PA high school course requirements, but fails to demonstrate how the proposed small class size structure and corresponding small teacher staff would enable PA to offer high school pupils any variety in course selection.
  + The petition states among its graduation requirements that pupils must gain acceptance into a four-year university. However, this graduation requirement does not account for pupils with disabilities on a certificate of completion track and fails to address needs of pupils with one or more protected characteristics.
  + The petition shows discrepancies in the proposed budget and relies on specific funding sources that, if not met, will put PA in financial distress.
  + The petition fails to take into account expenses for exceptional needs or extraordinary special education costs, and does not have financial provisions in place if PA is not able to obtain Proposition 39 site funding.
* The petition does not contain reasonably comprehensive descriptions of each of the required elements in the charter.
  + The petition fails to specify how EL pupils would receive instruction, lacks specificity of the rotational model, and fails to provide details of the implementation of the educational program.
  + The petition presents inconsistencies regarding roles and duties of Board members, as well as conflicting language between the PA petition and the bylaws.
  + The petition does not provide specific teacher qualifications for teachers matched to specific course, or appropriate administrative credential requirements for staff that oversee teachers and the special education plan.
  + The petition fails to provide any provisions to reach all pupil demographics in their target area.

A detailed analysis of the review of the entire petition is provided in Attachment 1 of Agenda Item 02 on the ACCS December 7, 2017, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item03a1.doc>.

## Summary of Previous State Board of Education Discussion and Action

Currently, 30 charter schools operate under SBE authorization as follows:

* One statewide benefit charter, operating a total of six sites
* Seven districtwide charters, operating a total of 18 sites
* Twenty-two charter schools, authorized on appeal after local or county denial

The SBE delegates oversight duties of the districtwide charters to the county office of education of the county in which the districtwide charter is located. The SBE delegates oversight duties of the remaining charter schools to the CDE.

## Fiscal Analysis

If approved as an SBE-authorized charter school, the CDE would receive approximately one percent of the revenue of PA for the CDE’s oversight activities. However, no additional resources are allocated to the CDE for oversight.

## Attachment

Attachment 1 California State Board of Education Standard Conditions on Opening and Operation (3 Pages)

# Attachment 1

**CALIFORNIA STATE BOARD OF EDUCATION**

**STANDARD CONDITIONS ON OPENING AND OPERATION**

* Department of Justice and Subsequent Arrest Notification. Each California State Board of Education (SBE)-authorized charter school shall comply with and remain compliant with the requirements of California *Education Code* (*EC*) Section 44830.1, pertaining to criminal history record summaries, fingerprints, and subsequent arrest notices (SANs), and that the School must comply with this Code section in requesting a subsequent arrest service notification from the California Department of Justice (DOJ). The California Department of Education (CDE) will request written assurance on school letterhead that the School is in compliance with *EC* Section 44830.1. This assurance must provide evidence that (1) the School, as a local educational agency and the employer of record, has a DOJ/SAN account; (2) that ***all*** school employees have the appropriate DOJ clearance; (3) that the custodian of records will receive the SANs; (4) that the School has a procedure for monitoring the SANs of the designated custodian of records; and (5) employee records are kept secure at the School and available upon request for review. This assurance must be signed by the school administrator and the custodian of record.
* Insurance Coverage. Prior to opening, (or such earlier time as the School may employ individuals or acquire or lease property or facilities for which insurance would be customary), submit documentation of adequate insurance coverage, including liability insurance, which shall be based on the type and amount of insurance coverage maintained in similar settings. Additionally, the School will provide a document stating that the District will hold harmless, defend, and indemnify the SBE and the CDE, their officers and employees, from every liability, claim, or demand that may be made by reason of: (1) any injury to volunteer; and (2) any injury to person or property sustained by any person, firm, or corporation caused by any act, neglect, default, or omission of the School, its officers, employees, or agents. In cases of such liabilities, claims, or demands, the School at its own expense and risk will defend all legal proceedings that may be brought against it and/or the SBE or the CDE, their officers and employees, and satisfy any resulting judgments up to the required amounts that may be rendered against any of the parties.
* Memorandum of Understanding/Oversight Agreement. Prior to opening, either: (a) accept an agreement with the SBE, administered through the CDE, to be the direct oversight entity for the School, specifying the scope of oversight and reporting activities, including, but not limited to, adequacy and safety of facilities; or (b) enter into an appropriate agreement between the charter school, the SBE (as represented by the Executive Director of the SBE), and an oversight entity, pursuant to *EC* Section 47605(k)(1), regarding the scope of oversight and reporting activities, including, but not limited to, adequacy and safety of facilities.
* Special Education Local Plan Area Membership. Prior to opening, submit written verification of having applied to a Special Education Local Plan Area (SELPA) for membership as a local educational agency and submit either written verification that the School is (or will be at the time pupils are being served) participating in the SELPA; or an agreement between a SELPA, a school district that is a member of the SELPA, and the School that describes the roles and responsibilities of each party and that explicitly states that the SELPA and the district consider the School’s pupils to be pupils of the school district in which the School is physically located for purposes of special education programs and services (which is the equivalent of participation in the SELPA). Satisfaction of this condition should be determined by the Executive Director of the SBE based primarily on the advice of CDE staff following a review of either: (1) the School’s written plan for membership in the SELPA, including any proposed contracts with service providers; or (2) the agreement between a SELPA, a school district, and the School, including any proposed contracts with service providers.
* Educational Program. Prior to opening, submit a description of the curriculum development process the School will use and the scope and sequence for the grades envisioned by the School; and submit the complete educational program for pupils to be served in the first year including, but not limited to, a description of the curriculum and identification of the basic instructional materials to be used; plans for professional development of instructional personnel to deliver the curriculum and use the instructional materials; and identification of specific assessments that will be used in addition to the assessment identified in *EC* Section 60640 in evaluating student progress. Satisfaction of this condition should be determined by the Executive Director of the SBE based primarily on the advice of CDE staff.
* Student Attendance Accounting. Prior to opening, submit for approval the specific means to be used for student attendance accounting and reporting that will be satisfactory to support state average daily attendance claims and satisfy any audits related to attendance that may be conducted. Satisfaction of this condition should be determined by the Executive Director of the SBE based primarily on the advice of the Director of the School Fiscal Services Division.
* Facilities Agreements. Prior to opening, present written agreements (e.g., a lease or similar document) indicating the School’s right to use the principal school sites and any ancillary facilities identified by the petitioners for at least the first year of each School’s operation and evidence that the facilities will be adequate for the School’s needs. Satisfaction of this condition should be determined by the Executive Director of the SBE based primarily on the advice of the Director of the School Facilities and Transportation Services Division.
* Zoning and Occupancy. Not less than 30 days prior to the School’s opening, present evidence that each School’s facility is located in an area properly zoned for operation of a school and has been cleared for student occupancy by all appropriate local authorities. For good cause, the Executive Director of the SBE may reduce this requirement to fewer than 30 days, but may not reduce the requirement to fewer than 10 days. Satisfaction of this condition should be determined by the Executive Director of the SBE based primarily on the advice of the Director of the School Facilities and Transportation Services Division.
* Final Charter. Prior to opening, present a final charter that includes all provisions and/or modifications of provisions that reflect appropriately the SBE as the chartering authority and otherwise address all concerns identified by CDE and/or SBE staff, and that includes a specification that the School will not operate satellite schools, campuses, sites, resource centers, or meeting spaces not identified in the charter without the prior written approval of the Executive Director of the SBE based primarily on the advice of the Charter Schools Division (CSD) staff. Satisfaction of this condition is determined by the Executive Director of the SBE based primarily on the advice of the Director of the CSD.
* Processing of Employment Contributions. Prior to the employment of any individuals by the School, present evidence that the School has made appropriate arrangements for the processing of the employees’ retirement contributions to the California Public Employees’ Retirement System and the California State Teachers’ Retirement System.
* Operational Date. If any deadline specified in these conditions is not met, approval of the charter is terminated, unless the SBE deletes or extends the deadline not met. If the School is not in operation by September 30, 2018, approval of the charter is terminated.