# CHARTER SCHOOL PETITION REVIEW FORM:Promise Academy

CALIFORNIA DEPARTMENT OF EDUCATION

## Key Information Regarding Promise Academy

### Proposed Grade Span and Build-out Plan

#### Table 1: 2018–2023 Proposed Enrollment

TK–transitional kindergarten/K–kindergarten

NA–Not Applicable. Grade levels not served.

| Grade | 2018–19 | 2019–2020 | 2020–21 | 2021–22 | 2022–23 |
| --- | --- | --- | --- | --- | --- |
| TK | NA | 35 | 35 | 35 | 35 |
| K | NA | 35 | 35 | 35 | 35 |
|  1 | NA | 35 | 35 | 35 | 35 |
|  2 | NA | 35 | 35 | 35 | 35 |
|  3 | NA | NA | 35 | 35 | 35 |
|  4 | NA | NA | NA | 35 | 35 |
|  5 | NA | 35 | 35 | 35 | 35 |
|  6 | NA | 35 | 35 | 35 | 35 |
|  7 | NA | NA | 35 | 35 | 35 |
|  8 | NA | NA | NA | 35 | 35 |
|  9 | NA | NA | NA | NA | NA |
| 10 | NA | NA | NA | NA | NA |
| 11 | NA | NA | NA | NA | NA |
| 12 | NA | NA | NA | NA | NA |
| Total | NA | 210 | 280 | 350 | 350 |

### Proposed Location

Promise Academy (PA) intends to operate within the boundaries of the San Jose Unified School District (SJUSD), close to the downtown area of the SJUSD, primarily within zip code 95112 or 95116. In 2018−19, PA will have the following facility needs:

* A facility with approximately 20,000 square feet to house the following:
	+ Eight to ten classrooms that can accommodate 35 pupils and two teachers
	+ One multiple purpose room
	+ Seven to nine bathrooms
	+ One private office space for special education
	+ Enclosed space for special education testing
	+ Office space for teachers
	+ Conference room to seat approximately 20−25 adults
	+ Office space for three to five administrators and/or office staff
	+ Lobby for parents and pupils to wait
	+ Collaborative space for approximately 10–12 staff members
	+ Outdoor playground area
	+ Space to serve hot lunch
	+ Computer server room with proper air conditioning
* Additional needs include the following:
	+ Space for a photocopier and extra supply storage
	+ Space for locked cumulative file storage
	+ Teacher mailboxes
	+ Reception desk with phone
	+ Common space with book shelves for a library
	+ Space for laptop storage or desktop computer use
	+ Space for family members to use computers

### Brief History

PA was approved by the State Board of Education (SBE) on January 19, 2018, as a TK through grade eight school for a five-year term effective July 1, 2018, through June 30, 2023, upon fulfillment of the following:

* The PA Board will provide the California Department of Education (CDE) with a revised budget with positive three-year ending funding balances, a revised petition that reflects the SBE as authorizer, and a fully executed facilities lease agreement by June 15, 2018 (Attachment 7, p. 1).

On May 29, 2018, the CDE received a submission for a material revision to delay the opening of PA by one year due to PA’s inability to negotiate a facilities agreement with the local school district (Attachment 5, p. 1).

### Lead Petitioner

Anthony Johnson, Founder and School Leader

## SUMMARY OF REQUIRED CHARTER ELEMENTS PURSUANT TO CALIFORNIA *EDUCATION CODE* SECTION 47605(b)

NA–Not Applicable

| **Charter Requirements Pursuant to California*****Education Code* Section 47605(b)** | **Meets Requirements** |
| --- | --- |
| Sound Educational Practice (California *Education Code* [*EC*] sections 47605[b] and [b][1]) | Yes |
| Ability to Successfully Implement the Intended Program (*EC* Section 47605[b][2]) | No  |
| Required Number of Signatures (*EC* Section 47605[b][3]) | NA |
| Affirmation of Specified Conditions (*EC* sections 47605[b][4] and [d]) | Yes |
| Exclusive Public School Employer (*EC* Section 47605[b][6]) | Yes |
| 1. Description of Educational Program (*EC* Section 47605[b][5][A])
 | No |
| 1. Measurable Pupil Outcomes (*EC* Section 47605[b][5][B])
 | No |
| 1. Method for Measuring Pupil Progress (*EC* Section 47605[b][5][C])
 | Yes |
| 1. Governance Structure (*EC* Section 47605[b][5][D])
 | No |
| 1. Employee Qualifications (*EC* Section 47605[b][5][E])
 | Yes |
| 1. Health and Safety Procedures (*EC* Section 47605[b][5][F])
 | Yes |
| 1. Racial and Ethnic Balance (*EC* Section 47605[b][5][G])
 | Yes |
| 1. Admission Requirements (*EC* Section 47605[b][5][H])
 | Yes |
| 1. Annual Independent Financial Audits (*EC* Section 47605[b][5][I])
 | Yes |
| 1. Suspension and Expulsion Procedures (*EC* Section 47605[b][5][J])
 | No |
| 1. Retirement Coverage (*EC* Section 47605[b][5][K])
 | Yes |
| 1. Public School Attendance Alternatives (*EC* Section 47605[b][5][L])
 | Yes |
| 1. Post-employment Rights of Employees (*EC* Section 47605[b][5][M])
 | Yes |
| 1. Dispute Resolution Procedures (*EC* Section 47605[b][5][N])
 | Yes |
| 1. Closure Procedures (*EC* Section 47605[b][5][O])
 | Yes |
| Standards, Assessments, and Parent Consultation (*EC* sections 47605[c][1] and [2]) | Yes |
| Effect on Authorizer and Financial Projections (*EC* Section 47605[g]) | No |
| Teacher Credentialing (*EC* Section 47605[l]) | Yes |
| Transmission of Audit Report (*EC* Section 47605[m]) | Yes |
| Goals to Address the Eight State Priorities (*EC* Section 47605[b][5][A][ii]) | No |
| Transferability of Secondary Courses (*EC* 47605 [b][5][A][iii]) | NA |

**REQUIREMENTS FOR STATE BOARD OF EDUCATION-AUTHORIZED CHARTER SCHOOLS**

## Sound Educational Practice

*EC* sections 47605(b) and (b)(1)

*California Code of Regulations,* Title 5 (*5 CCR*) sections 11967.5.1(a) and (b)

### Evaluation Criteria

For purposes of *EC* Section 47605(b), a charter petition shall be “consistent with sound educational practice” if, in the SBE’s judgment, it is likely to be of educational benefit to pupils who attend. A charter school need not be designed or intended to meet the educational needs of every student who might possibly seek to enroll in order for the charter to be granted by the SBE.

For purposes of *EC* Section 47605(b)(1), a charter petition shall be “an unsound educational program” if it is either of the following:

1. A program that involves activities that the SBE determines would present the likelihood of physical, educational, or psychological harm to the affected pupils.
2. A program that the SBE determines not likely to be of educational benefit to the pupils who attend.

**The charter petition is “consistent with sound educational practice.”**

### Comments

The PA petition is consistent with sound educational practice. The petition describes key strengths as the following (Attachment 3, pp. 21−106):

* Clear and focused mission and vision that promotes pupil success and the ability for all pupils to develop agency to change the world
* Detailed plans to provide data-driven academic instruction, planning, and assessment
* Planned school model that includes flexible and targeted instruction and small group academic rotations
* Expectations that every pupil will have choice and agency over their academic goals and build a spirit of innovation and social entrepreneurship
* School culture built on partnership with families and community
* Detailed plans to provide a community service learning environment that fosters high achievement and strong social aptitude for all pupils
* Detailed curriculum plans for pupils in TK through grade eight

## Ability to Successfully Implement the Intended Program

*EC* Section 47605(b)(2)

5 *CCR* Section 11967.5.1(c)

### Evaluation Criteria

For purposes of *EC* Section 47605(b)(2), the SBE shall take the following factors into consideration in determining whether charter petitioners are "demonstrably unlikely to successfully implement the program":

1. If the petitioners have a past history of involvement in charter schools or other education agencies (public or private), the history is one that the SBE regards as unsuccessful, e.g., the petitioners have been associated with a charter school of which the charter has been revoked or a private school that has ceased operation for reasons within the petitioners’ control.
2. The petitioners are unfamiliar, in the SBE’s judgment, with the content of the petition or the requirements of law that would apply to the proposed charter school.
3. The petitioners have presented an unrealistic financial and operational plan for the proposed charter school (as specified).
4. The petitioners personally lack the necessary background in the following areas critical to the charter school’s success, and the petitioners do not have a plan to secure the services of individuals who have the necessary background in curriculum, instruction, assessment, and finance and business management.

**The petitioners are unable to successfully implement the intended program.**

### Comments

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. The CDE concludes that the PA multi-year financial plan is not fiscally viable due to the negative ending fund balances of $166,895; $247,321; and $215,440 with no reserves for fiscal year (FY) 2019–20 through 2021–22, respectively.

However, upon submitting the material revision to the SBE, the petitioner has secured a commitment letter from Silicon Schools Fund dated July 11, 2018, in the amount of $300,000 for FY 2018–19 and $200,000 for FY 2019–2020. The CDE finds that the petitioners are demonstrably likely to implement the program set forth in the petition, provided they secure the funding from Silicon Schools Fund.

#### Budget

The PA multi-year projected budget includes the following:

* A planning year in 2018–19
* 210 TK to grade two and grade five to grade six pupils in 2019–2020
* 280 TK to grade three and grade five to grade seven pupils in 2020–21
* 350 TK to grade eight pupils in 2021–22 and 2022–23

#### Facility

PA intends to operate within the boundaries of the SJUSD, close to the downtown area of the SJUSD, primarily within zip code 95112 or 95116. In 2018−19, PA will have the following facility needs:

* A facility with approximately 20,000 square feet to house the following:
	+ Eight to ten classrooms that can accommodate 35 pupils and two teachers
	+ One multiple purpose room
	+ Seven to nine bathrooms
	+ One private office space for special education
	+ Enclosed space for special education testing
	+ Office space for teachers
	+ Conference room to seat approximately 20−25 adults
	+ Office space for three to five administrators and/or office staff
	+ Lobby for parents and pupils to wait
	+ Collaborative space for approximately 10–12 staff members
	+ Outdoor playground area
	+ Space to serve hot lunch
	+ Computer server room with proper air conditioning
* Additional needs include the following:
	+ Space for a photocopier and extra supply storage
	+ Space for locked cumulative file storage
	+ Teacher mailboxes
	+ Reception desk with phone
	+ Common space with book shelves for a library
	+ Space for laptop storage or desktop computer use
	+ Space for family members to use computers

## Required Number of Signatures

*EC* Section 47605(b)(3)

5 *CCR* Section 11967.5.1(d)

### Evaluation Criteria

For purposes of *EC* Section 47605(b)(3), a charter petition that “does not contain the number of signatures required by [law]” …, shall be a petition that did not contain the requisite number of signatures at the time of its submission …

**Signatures are not applicable for a material revision.**

### Comments

The PA petition does not require signatures for the submission of a material revision.

## Affirmation of Specified Conditions

*EC* sections 47605(b)(4) and (d)

5 *CCR* Section 11967.5.1(e)

### Evaluation Criteria

For purposes of *EC* Section 47605(b)(4), a charter petition that "does not contain an affirmation of each of the conditions described in (*EC* Section 47605[d])" …, shall be a petition that fails to include a clear, unequivocal affirmation of each such condition. Neither the charter nor any of the supporting documents shall include any evidence that the charter will fail to comply with the conditions described in *EC* Section 47605(d).

| Criteria | Criteria Met |
| --- | --- |
| 1. [A] charter school shall be nonsectarian in its programs, admission policies, employment practices, and all other operations, shall not charge tuition, and shall not discriminate against a pupil on the basis of disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or any other characteristic that is contained in the definition of hate crimes set forth in Section 422.55 of the California *Penal Code*. Except as provided in paragraph (2), admission to a charter school shall not be determined according to the place of residence of the pupil, or of his or her parent or guardian, within this state, except that any existing public school converting partially or entirely to a charter school under this part shall adopt and maintain a policy giving admission preference to pupils who reside within the former attendance area of that public school.
 | Yes |
| 1. (A) A charter school shall admit all pupils who wish to attend the school.
2. If the number of pupils who wish to attend the charter school exceeds the charter school’s capacity, attendance, except for existing pupils of the charter school, shall be determined by a public random drawing. Preference shall be extended to pupils currently attending the charter school and pupils who reside in the school district except as provided for in Section 47614.5. Preferences, including, but not limited to, siblings of pupils admitted or attending the charter school and children of the charter school’s teachers, staff, and founders identified in the initial charter, may also be permitted by the chartering authority on an individual charter school basis.
3. In the event of a drawing, the chartering authority shall make reasonable efforts to accommodate the growth of the charter school and, in no event, shall take any action to impede the charter school from expanding enrollment to meet pupil demand.
 | Yes |
| 1. If a pupil is expelled or leaves the charter school without graduating or completing the school year for any reason, the charter school shall notify the superintendent of the school district of the pupil’s last known address within 30 days, and shall, upon request, provide that school district with a copy of the cumulative record of the pupil, including a transcript of grades or report card, and health information. This paragraph applies only to pupils subject to compulsory full-time education pursuant to *EC* Section 48200.
 | Yes |

**The petition does contain the required affirmations.**

### Comments

The PA petition contains all of the required affirmations, which are supported in detail in specific elements of the PA petition (Attachment 3, pp. 6−7).

## Exclusive Public School Employer

*EC* Section 47605(b)(6)

5 *CCR* Section 11967.5.1(f)(15)

### Evaluation Criteria

The declaration of whether or not the district shall be deemed the exclusive public school employer of the employees of the charter school for the purposes of the Educational Employment Relations Act (Chapter 10.7 [commencing with Section 3540] of Division 4 of Title 1 of the California *Government Code*), as required by *EC* Section 47605(b)(6), recognizes that the SBE is not an exclusive public school employer and that, therefore, the charter school must be the exclusive public school employer of the employees of the charter school for the purposes of the Educational Employment Relations Act (EERA).

**The petition does include the necessary declaration.**

### Comments

The PA petition includes the necessary declaration in the Affirmations and Assurances (Attachment 3, p. 7).

**THE 15 CHARTER ELEMENTS**

## 1. Description of Educational Program

*EC* Section 47605(b)(5)(A)

5 *CCR* Section 11967.5.1(f)(1)

### Evaluation Criteria

The description of the educational program …, as required by *EC* Section 47605(b)(5)(A), at a minimum:

| **Criteria** | **Criteria Met** |
| --- | --- |
| 1. Indicates the proposed charter school’s target student population, including, at a minimum, grade levels, approximate numbers of pupils, and specific educational interests, backgrounds, or challenges.
 | Yes |
| 1. Specifies a clear, concise school mission statement with which all elements and programs of the school are in alignment and which conveys the petitioners' definition of an "educated person” in the twenty-first century, belief of how learning best occurs, and goals consistent with enabling pupils to become or remain self-motivated, competent, and lifelong learners.
 | Yes |
| 1. Includes a framework for instructional design that is aligned with the needs of the pupils that the charter school has identified as its target student population.
 | Yes |
| 1. Indicates the basic learning environment or environments (e.g., site-based matriculation, independent study, community-based education, technology-based education).
 | Yes |
| 1. Indicates the instructional approach or approaches the charter school will utilize, including, but not limited to, the curriculum and teaching methods (or a process for developing the curriculum and teaching methods) that will enable the school’s pupils to master the content standards for the four core curriculum areas adopted by the SBE pursuant to *EC* Section 60605 and to achieve the objectives specified in the charter.
 | Yes |
| 1. Indicates how the charter school will identify and respond to the needs of pupils who are not achieving at or above expected levels.
 | No |
| 1. Indicates how the charter school will meet the needs of students with disabilities, English learners, students achieving substantially above or below grade level expectations, and other special student populations.
 | No |
| 1. Specifies the charter school’s special education plan, including, but not limited to, the means by which the charter school will comply with the provisions of *EC* Section 47641, the process to be used to identify students who qualify for special education programs and services, how the school will provide or access special education programs and services, the school’s understanding of its responsibilities under law for special education pupils, and how the school intends to meet those responsibilities.
 | Yes |

**The petition does not overall present a reasonably comprehensive description of the educational program.**

### Comments

The PA petition does not overall present a reasonably comprehensive description of the education program. The petition does not indicate how PA will respond to the needs of high-achieving pupils.

If approved by the SBE, as a condition for approval, the PA petitioner will be required to revise the petition and include the necessary language for Element 1–Description of Educational Program for high-achieving pupils.

#### Educational Program

The PA petition states PA core values and beliefs include providing pupils access to rigorous college-preparatory academics, twenty-first century instructional models, and a school climate that gives pupils the agency needed to believe pupils can change the world (Attachment 3, pp. 23–26).

The PA petition states that PA will target diverse groups of pupils within SJUSD, seeking to enroll the same or higher percentages of pupils with disabilities, pupils who are English learners (ELs), pupils identified as homeless or foster youth, and pupils identified as low-income or at-risk in accordance with the demographics of SJUSD (Attachment 3, pp. 30–36).

The petition describes a TK through grade eight program that includes multi-age cohorts that span two traditional grade levels. This structure allows PA instructional staff to spend two consecutive years with pupils. For approximately two hours each day, pupils will participate in structured and standards-driven academic rotations. The petition states that these rotations will offer strategic, small-group instruction that blends sound instructional practice with an effective adaptive software program. Each set of academic rotation stations will have, at a minimum, one teacher and one teacher’s assistant to facilitate pupil learning. Two days each week the focus of academic rotations will be based on English language arts (ELA) and history and two days will be based on mathematics (Attachment 3, pp. 46−52).

#### Plan for Low-Achieving Pupils

The PA petition describes the academic supports that the Response to Intervention (RTI) three-tiered system provides to low-achieving pupils after they are identified, and the Student Support Teams’ monitoring and evaluation of the effectiveness of the intervention, including RTI modifications (Attachment 3, pp. 80−86). The petitioners included a PA Playbook for the 2019 through 2023 school years which states how low-achieving pupils will be identified by meeting the following criteria (Attachment 8, p. 112):

* Classroom assessment mastery: On exit tickets and daily quizzes, these pupils will consistently maintain an average of 30 percent or lower.
* Blended goals: These pupils will consistently meet 70 percent of their blended learning goals.
* Interim Assessments: These pupils will score 30 percent or lower on their interim assessments, which approximately mirrors the California Assessment of Student Performance and Progress (CAASPP) cutoff for standard not met.
* CAASPP proficiency: These pupils will have scored standard not met on the CAASPP assessment from the previous year.

#### Plan for High-Achieving Pupils

The petition does not indicate how PA will respond to the needs of high-achieving pupils. The petitioners only include a PA Playbook for the 2019 through 2023 school years which states how high-achieving pupils will be identified by meeting the following criteria (Attachment 8, pp.111–112):

* Classroom assessment mastery: On exit tickets and daily quizzes, these pupils will consistently maintain an average of 95 percent or higher.
* Blended goals: These pupils will consistently meet 95 percent of their blended learning goals.
* Interim Assessments: These pupils will score above 90 percent on their interim assessments, which approximately mirrors the CAASPP cutoff for exceeds standard.
* CAASPP proficiency: These pupils will score exceeds standard on the CAASPP assessment from the previous year.

#### Plan for English Learners

The PA petition states that PA will meet all applicable legal requirements for ELs as it pertains to annual notification to parents, pupil identification, placement, program options, EL and core content instruction, teacher qualifications and training, re-classification to fluent English proficient status, monitoring and evaluating program effectiveness, and standardized testing requirements. PA will implement policies to assure proper placement, evaluation, and communication regarding ELs and the rights of pupils and parents (Attachment 3, p. 100).

The petition states that PA will administer the home language survey upon a pupil’s initial enrollment and that all pupils who indicate their home language is other than English will be given the California English Language Development Test (CELDT) or the English Language Proficiency Assessments for California (ELPAC) within 30 days of initial enrollment and at least annually thereafter between July 1 and October 31 until re-designated as fluent English proficient. Additionally, the petition states PA will notify all parents of its responsibility for CELDT/ELPAC testing and of test results within 30 days of receiving results from publisher (Attachment 3, p. 101).

The PA petition states that instruction in the four core academic subjects of ELA, mathematics, science, and social studies will be delivered by teachers who hold or are in the process of obtaining a Cross-cultural, Language and Academic Development Certificate or a Bilingual, Cross-cultural, Language and Academic Development Certificate. PA will work to recruit and hire teachers and staff who are bilingual in English and Spanish to ensure accurate assessment of all pupils’ language and literacy skills, appropriate academic support, and effective communication with parents (Attachment 3, p. 101).

The PA petition states that EL pupils will be served in sheltered English immersion programs consisting of Specially Designed Academic Instructions in English instructional methods and Sheltered Instruction Observation Protocol strategies, and that the level of English used for instruction will be modified appropriately for each EL pupil (Attachment 3, pp. 101–102).

#### Plan for Special Education

The petition states that PA will comply with all applicable state and federal laws in serving pupils with disabilities, including, but not limited to, the Individuals with Disabilities Education Improvement Act of 20014, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act, and any other civil rights enforced by the United States Department of Education Office for Civil Rights. Further, PA will comply with Assembly Bill (AB) 602, Special Education Local Plan Area (SELPA) guidelines, and all California laws pertaining to special education pupils (Attachment 3, p. 89). The petition identifies a plan for special education pupils, including identification; assessment referrals; implementation of the Individualized Education Program; staffing; reporting; and due process (Attachment 3, pp. 86–100).

## 2. Measurable Pupil Outcomes

*EC* Section 47605(b)(5)(B)

5 *CCR* Section 11967.5.1(f)(2)

### Evaluation Criteria

Measurable pupil outcomes, as required by *EC* Section 47605(b)(5)(B), at a minimum:

| Criteria | Criteria Met |
| --- | --- |
| 1. Specify skills, knowledge, and attitudes that reflect the school’s educational objectives and can be assessed, at a minimum, by objective means that are frequent and sufficiently detailed enough to determine whether pupils are making satisfactory progress. It is intended that the frequency of objective means of measuring pupil outcomes vary according to such factors as grade level, subject matter, the outcome of previous objective measurements, and information that may be collected from anecdotal sources. To be sufficiently detailed, objective means of measuring pupil outcomes must be capable of being used readily to evaluate the effectiveness of and to modify instruction for individual students and for groups of students.
 | No |
| 1. Include the school’s API growth target, if applicable.
 | Not Applicable |

**The petition does not present a reasonably comprehensive description of measurable pupil outcomes.**

### Comments

The PA petition does not provide sufficiently detailed objective means of measuring pupil outcomes (MPOs) capable of being used readily to evaluate the effectiveness of and to modify instruction for individual pupils and for groups of pupils. *EC* sections 52060 and 52052 state that schools will provide MPO goals for all pupils and numerically significant pupil subgroups. The PA petition identifies potential pupil enrollment of numerically significant pupil subgroups as Hispanic or Latino, and socio-economically disadvantaged (Attachment 2, Table 1).

The PA petition includes a table of PA outcomes aligned to state priorities; however, the table does not describe MPOs for the PA-proposed pupil population of numerically significant pupil subgroups of Hispanic or Latino, or socio-economically disadvantaged pupils (Attachment 3, pp. 112–120). The CDE notes that PA includes a table which outlines the following: annual goals to achieve priority, actions to achieve annual goals, and MPOs and methods of measurement tied to the University of California’s A–G requirements. However, PA does not plan to serve secondary pupils (Attachment 3, p. 115, and pp. 118–119).

If approved by the SBE, as a condition for approval, the PA petitioner will be required to revise the petition and include the necessary language for Element 2–Measurable Pupil Outcomes.

## 3. Method for Measuring Pupil Progress

*EC* Section 47605(b)(5)(C)

5 *CCR* Section 11967.5.1(f)(3)

### Evaluation Criteria

The method for measuring pupil progress, as required by *EC* Section 47605(b)(5)(C), at a minimum:

| **Criteria** | **Criteria Met** |
| --- | --- |
| 1. Utilizes a variety of assessment tools that are appropriate to the skills, knowledge, or attitudes being assessed, including, at minimum, tools that employ objective means of assessment consistent with the measurable pupil outcomes.
 | Yes |
| 1. Includes the annual assessment results from the Standardized Testing and Reporting (STAR) program.
 | Not Applicable |
| 1. Outlines a plan for collecting, analyzing, and reporting data on pupil achievement to school staff and to pupils’ parents and guardians, and for utilizing the data continuously to monitor and improve the charter school’s educational program.
 | Yes |

**The petition does present a reasonably comprehensive description of the method for measuring pupil progress.**

### Comments

The PA petition states that all pupils will participate in annual assessments to measure academic progress including the Northwestern Evaluation Association (NWEA) Measure of Academic Progress (MAP), CAASPP, and local assessments as detailed in the California School Dashboard. Further, all pupils will be measured using common core-aligned assessments created by PA teachers, as well as performance on Innovation Lab showcases. The PA petition provides charts detailing how each state priority goal is implemented and measured by PA (Attachment 3, pp. 112−124).

The PA petition includes a graph that details all assessments to be used by PA by course, including English language development. Information in the graph for each content area describes the types of assessments, the purpose of each assessment, the grade levels to which the assessment will be administered, and the timeline and frequency of each assessment (Attachment 3, pp. 122–124).

## 4. Governance Structure

*EC* Section 47605(b)(5)(D)

5 *CCR* Section 11967.5.1(f)(4)

### Evaluation Criteria

The governance structure of the charter school, including, but not limited to, the process … to ensure parental involvement …, as required by *EC* Section 47605(b)(5)(D), at a minimum:

| Criteria | Criteria Met |
| --- | --- |
| 1. Includes evidence of the charter school’s incorporation as a non-profit public benefit corporation, if applicable.
 | Yes |
| 1. Includes evidence that the organizational and technical designs of the governance structure reflect a seriousness of purpose necessary to ensure that:
	1. The charter school will become and remain a viable enterprise.
	2. There will be active and effective representation of interested parties, including, but not limited to parents (guardians).
	3. The educational program will be successful.
 | No |

**The petition does not present a reasonably comprehensive description of the school’s governance structure.**

### Comments

The petition does not present a reasonably comprehensive description of PA’s governance structure with respect to PA’s School Site Council (SSC), English Language Advisory Committee (ELAC), and internal fiscal controls.

The petition does not include any details regarding the composition of an SSC even though the PA multi-year projected budget includes Title I funding pursuant to *EC* Section 52852. The PA petition states that parents will be encouraged to serve on the PA Parent Leadership Group which will be consulted and advised regarding PA educational programs. The CDE finds that the PA petition does not meet the requirements of *EC* Section 52852(c) which states that existing schoolwide advisory groups or school support groups may be utilized as the SSC if those groups conform to the composition and selection process as required.

PA will be a directly funded independent charter school and will be operated by Promise Public Schools (PPS), a tax-exempt California Nonprofit Public Benefit Corporation, pursuant to *EC* Section 47604 (Attachment 3, p. 128).

The PA petition states that PA shall be governed by the PPS Board of Directors (Board). The Board shall be ultimately responsible for the operation and activities of PA. The Board shall be governed in its operations and its actions by the corporate bylaws of the organization, which shall be consistent with the charter, the Brown Act, and all other applicable laws. The primary methods for executing its responsibilities are to create, adopt, and monitor a long term strategic plan and associated budget, and to employ and evaluate the Head of School. The Board shall consist of at least three, and no more than nine, directors unless changed by amendment to the bylaws. All directors shall have full voting rights, including any representative appointed by the charter authorizer, as consistent with *EC* Section 47604(b). If the charter authorizer appoints a representative to serve on the Board of Directors, the Board may appoint an additional director to ensure an odd number of Board members. All directors, except for the representative appointed by the charter authorizer, shall be designated by the existing Board of Directors pursuant to the Corporation’s Bylaws (Attachment 3, pp. 128−134).

The petition does not adequately describe internal fiscal controls or provide, either in the petition or in PA fiscal policies, any information to clarify Article VI, Section 6.03, Checks, Notes, and Contracts, which states that the Board shall determine which person shall be authorized from time to time on the corporation’s behalf to sign checks, drafts, or other orders for payment of money; to sign acceptance notes or other evidences of indebtedness; to enter into contract; or to execute and deliver other documents and instruments (Attachment 9, p. 20).

The PA bylaws Section 3.05 states that no more than 49 percent of the directors serving at any one time may be interested persons described as: (a) any person currently being compensated by PA for services rendered to it within the previous 12 months, whether as a full-time or part-time employee, independent contractor, or otherwise, excluding any reasonable compensation paid to a director as a director; or (b) any brother, sister, grandparent, ancestor, descendant, spouse, brother-in-law, sister-in-law, son-in-law, daughter-in-law, mother-in-law, or father-in-law of any person listed in PA bylaws Section 3.05(a). The PA bylaws also state that any violation of the provisions of PA bylaws Section 3.05 shall not affect the validity or enforceability of any transaction entered into by PA (Attachment 9, p. 7).

The PA petition states that in the event that PA enrollment includes 21 or more EL pupils, an ELAC will be established. The ELAC will be comprised of four to eight parents, Head of School or designee, and one faculty member. ELAC representatives are elected by nomination and electronic ballot for a term of one school year (Attachment 3, p.135). However, PA does not make clear the number of parent ELAC members as required pursuant to *EC* Section 52176(b), which states that each school with more than 20 pupils of limited English proficiency shall establish a school level advisory committee on which parents or guardians, or both, of such pupils constitute membership in at least the same percentage as their children and wards represent of the total number of pupils in the school.

The PA petition states that parent meetings will be held regularly while PA is in session or more frequently, if necessary, in order to facilitate the communication process between parents, PA administration, and PA governing board. Parents will be encouraged to serve on the PA Parent Leadership Group. Parents will be consulted and advised regarding PA educational programs and pupil progress through meetings and informational bulletins on an ongoing basis. A PA website will facilitate the dissemination of information on areas of specific interest to parents (Attachment 3, p. 134).

If approved by the SBE, as a condition for approval, the PA petitioner will be required to revise the petition and include the necessary language for Element 4–Governance Structure.

## 5. Employee Qualifications

*EC* Section 47605(b)(5)(E)

5 *CCR* Section 11967.5.1(f)(5)

### Evaluation Criteria

The qualifications (of the school’s employees), as required by *EC* Section 47605(b)(5)(E), at a minimum:

| Criteria | Criteria Met |
| --- | --- |
| 1. Identify general qualifications for the various categories of employees the school anticipates (e.g., administrative, instructional, instructional support, non-instructional support). The qualifications shall be sufficient to ensure the health and safety of the school’s faculty, staff, and pupils.
 | Yes |
| 1. Identify those positions that the charter school regards as key in each category and specify the additional qualifications expected of individuals assigned to those positions.
 | Yes |
| 1. Specify that all requirements for employment set forth in applicable provisions of law will be met, including, but not limited to, credentials as necessary.
 | Yes |

**The petition does present a reasonably comprehensive description of employee qualifications.**

### Comments

The PA petition includes the necessary descriptions of employee qualifications.

## 6. Health and Safety Procedures

*EC* Section 47605(b)(5)(F)

5 *CCR* Section 11967.5.1(f)(6)

### Evaluation Criteria

The procedures …, to ensure the health and safety of pupils and staff, as required by *EC* Section 47605(b)(5)(F), at a minimum:

| Criteria | Criteria Met |
| --- | --- |
| 1. Require that each employee of the school furnish the school with a criminal record summary as described in *EC* Section 44237 and comply with *EC* Section 44830.1.
 | Yes |
| 1. Include the examination of faculty and staff for tuberculosis as described in *EC* Section 49406.
 | Yes |
| 1. Require immunization of pupils as a condition of school attendance to the same extent as would apply if the pupils attended a non-charter public school.
 | Yes |
| 1. Provide for the screening of pupils’ vision and hearing and the screening of pupils for scoliosis to the same extent as would be required if the pupils attended a non-charter public school.
 | Yes |

**The petition does present a reasonably comprehensive description of health and safety procedures.**

### Comments

The PA petition includes the necessary descriptions of health and safety procedures.

## 7. Racial and Ethnic Balance

*EC* Section 47605(b)(5)(G)

5 *CCR* Section 11967.5.1(f)(7)

### Evaluation Criteria

Recognizing the limitations on admissions to charter schools imposed by *EC* Section 47605(d), the means by which the school(s) will achieve a racial and ethnic balance among its pupils that is reflective of the general population residing within the territorial jurisdiction of the school district …, as required by *EC* Section 47605(b)(5)(G), shall be presumed to have been met, absent specific information to the contrary.

**The petition does present a reasonably comprehensive description of means for achieving racial and ethnic balance.**

### Comments

The petition states that PA will extend its outreach efforts to ensure that it maintains a racial and ethnic balance reflective of the district or of the community in which it is located and make it PA’s goal to seek out a larger diversity of pupils for PA reflective of the sponsoring school district (Attachment 3, p. 159).

## 8. Admission Requirements, If Applicable

*EC* Section 47605(b)(5)(H)

5 *CCR* Section 11967.5.1(f)(8)

### Evaluation Criteria

To the extent admission requirements are included in keeping with *EC* Section 47605(b)(5)(H), the requirements shall be in compliance with the requirements of *EC* Section 47605(d)(2)(B) and any other applicable provision of law.

**The petition does present a reasonably comprehensive description of admission requirements.**

### Comments

The PA petition states that applications will be accepted during a publicly advertised open application period each year for enrollment in the following school year. Following the open enrollment period each year, applications shall be counted to determine whether any grade level has received more applications than space available. If the number of pupils who wish to attend PA exceeds PA capacity, attendance, except for existing pupils, shall be determined by a public random drawing for each grade level conducted in advance of each academic semester. In accordance with *EC* Section 47605(d)(2)(B), PA shall offer admission preferences in the following order (Attachment 3, p. 161):

1. Existing pupils of the charter school
2. Pupils residing in the District except as provided for in *EC* Section 47614.5
3. Children of current PA teachers and staff and founders of PA (founders have been identified and described in the Section I: Founding Group), not to exceed 10 percent of enrollment
4. Siblings of currently enrolled pupils or graduates of PA residing within the boundaries of the District
5. Siblings of currently enrolled pupils or graduates of PA residing outside the boundaries of the District
6. Pupils who currently attend the lowest performing elementary schools in the district at the time of the submission of this petition
7. All other pupils who wish to attend PA

The CDE notes that with the amendments to *EC* Section 47605(d)(2)(B), as outlined in AB 1360 and signed into law on October 13, 2017, the SBE has the discretion to approve proposed preferences stated in the PA petition.

## 9. Annual Independent Financial Audits

*EC* Section 47605(b)(5)(I)

5 *CCR* Section 11967.5.1(f)(9)

### Evaluation Criteria

The manner in which annual, independent financial audits shall be conducted, which shall employ generally accepted accounting principles, and the manner in which audit exceptions and deficiencies shall be resolved to the SBE’s satisfaction, as required by *EC* Section 47605(b)(5)(I), at a minimum:

| Criteria | Criteria Met |
| --- | --- |
| 1. Specify who is responsible for contracting and overseeing the independent audit.
 | Yes |
| 1. Specify that the auditor will have experience in education finance.
 | Yes |
| 1. Outline the process of providing audit reports to the SBE, CDE, or other agency as the SBE may direct, and specifying the timeline in which audit exceptions will typically be addressed.
 | Yes |
| 1. Indicate the process that the charter school(s) will follow to address any audit findings and/or resolve any audit exceptions.
 | Yes |

**The petition does present a reasonably comprehensive description of annual independent financial audits.**

### Comments

The petition states that PA will select an independent auditor, who will have, at a minimum, a certified public accountant and educational institution audit experience, and will be approved by the State Controller on its published list as an educational audit provider. At the conclusion of the audit, the Head of School and the financial services provider along with the Board Finance Committee, if any, will review any audit exceptions or deficiencies, and report them to the Board with recommendations on how to resolve them. The Board will submit a report to the SJUSD describing how the exceptions or deficiencies have been or will be resolved to the satisfaction of the SJUSD along with an anticipated timeline. The annual audit should be completed within four months of the close of the fiscal year. A copy of the auditor’s findings will be forwarded to the SJUSD, Santa Clara County Office of Education, State Controller, and CDE by December 15 each year (Attachment 3, pp. 164−165).

## 10. Suspension and Expulsion Procedures

*EC* Section 47605(b)(5)(J)

5 *CCR* Section 11967.5.1(f)(10)

### Evaluation Criteria

The procedures by which pupils can be suspended or expelled, as required by *EC* Section 47605(b)(5)(J), at a minimum:

| Criteria | Criteria Met |
| --- | --- |
| 1. Identify a preliminary list, subject to later revision pursuant to subparagraph (E), of the offenses for which students in the charter school must (where non-discretionary) and may (where discretionary) be suspended and, separately, the offenses for which students in the charter school must (where non-discretionary) or may (where discretionary) be expelled, providing evidence that the petitioners’ reviewed the offenses for which students must or may be suspended or expelled in non-charter public schools.
 | Yes |
| 1. Identify the procedures by which pupils can be suspended or expelled.
 | Yes |
| 1. Identify the procedures by which parents, guardians, and pupils will be informed about reasons for suspension or expulsion and of their due process rights in regard to suspension or expulsion.
 | Yes |
| 1. Provide evidence that in preparing the lists of offenses specified in subparagraph (A) and the procedures specified in subparagraphs (B) and (C), the petitioners reviewed the lists of offenses and procedures that apply to students attending non-charter public schools, and provide evidence that the charter petitioners believe their proposed lists of offenses and procedures provide adequate safety for students, staff, and visitors to the school and serve the best interests of the school’s pupils and their parents (guardians).
 | Yes |
| 1. If not otherwise covered under subparagraphs (A), (B), (C), and (D):
2. Provide for due process for all pupils and demonstrate an understanding of the rights of pupils with disabilities in regard to suspension and expulsion.
3. Outline how detailed policies and procedures regarding suspension and expulsion will be developed and periodically reviewed, including, but not limited to, periodic review and (as necessary) modification of the lists of offenses for which students are subject to suspension or expulsion.
 | No |

**The petition does not present a reasonably comprehensive description of suspension and expulsion procedures.**

### Comments

The PA petition does not present a reasonably comprehensive description of suspension and expulsion procedures.

The PA petition is not compliant with Federal law regarding interim alternative educational placement. The petition states that when an appeal relating to the placement of the pupils or the manifestation determination has been requested by either the parent or PA, the pupils shall remain in the interim alternative educational setting pending the decision of the hearing officer or until the expiration of the 45 day time period provided for in an interim alternative educational setting, unless the parent and PA agree otherwise (Attachment 3, p. 187). 20 United States Code (U.S.C.) Section 1415(k)(3)(ii)(II) allows a hearing officer to order a change in placement of a child with a disability to an appropriate interim alternative setting for no more than 45 days if the hearing office determines that maintaining the current placement of such child is substantially likely to result in injury to the child or to others. PA’s policy, which allows placing a pupil in an interim alternative setting for a 45 day period prior to a determination by a hearing officer that the current placement of such pupil will result in injury to the pupil or others, violates 20 U.S.C. Section 1415(k)(3)(ii)(II). This would deny a pupil’s due process right to be heard prior to placing the pupils in an alternative education setting for 45 days. It should be further noted that under 20 U.S.C. Section 1415(k)(4)(B), the State or local educational agency shall arrange for an expedited hearing, which shall occur within 20 school days of the date the hearing is requested and shall result in a determination within 10 school days after the hearing. This would allow for a maximum placement in an interim alternative educational setting pending a decision for no more than 30 school days.

Addressing evaluation criteria A, B, and D, the PA petition identifies a preliminary list of discretionary and non-discretionary offenses and procedures for which pupils shall be suspended or expelled. The petition states the pupil suspension and expulsion policy has been established in order to promote learning and protect the safety and well-being of all pupils at PA.

Addressing evaluation criteria C, the PA petition states that PA will provide a hearing adjudicated by a neutral officer within a reasonable number of days at which the pupil has a fair opportunity to present testimony, evidence, and witnesses and confront and cross-examine adverse witnesses, and at which the pupil has the right to bring legal counsel or an advocate (Attachment 3, p. 173). The petition also states that no pupil shall be involuntarily removed by the PA for any reason unless the parent or guardian of the pupil has been provided written notice of intent to remove the pupil no less than five school days before the effective date of the action (Attachment 3, p. 171).

If approved by the SBE, as a condition for approval, the PA petitioner will be required to revise the petition and include the necessary language for Element 10–Suspension and Expulsion Procedures.

## 11. Teachers’ and Public Employees’ Retirement System, and Social Security Coverage

**California State Teachers’ Retirement System, California Public Employees’ Retirement System, and Social Security Coverage**

*EC* Section 47605(b)(5)(K)

5 *CCR* Section 11967.5.1(f)(11)

### Evaluation Criteria

The manner by which staff members of the charter schools will be covered by California State Teachers’ Retirement System (CalSTRS), California Public Employees’ Retirement System (CalPERS), or federal social security, as required by *EC* Section 47605(b)(5)(K), at a minimum, specifies the positions to be covered under each system and the staff who will be responsible for ensuring that appropriate arrangements for that coverage have been made.

**The petition does present a reasonably comprehensive description of CalSTRS, CalPERS, and social security coverage.**

### Comments

The PA petition states that PA will provide a 403(b) retirement plan or similar plan to all employees, along with an employer match. All employees shall also participate in federal social security. PA reserves the right to offer other retirement plans to employees, including, but not limited to, CalSTRS and CalPERS, pursuant to policies that may be adopted by the Board. PA will make all contributions that are legally required of the employer. Retirement reporting will be contracted out to a qualified service provider; however, the Head of School will be responsible for ensuring that such retirement coverage is arranged for all employees (Attachment 3, p. 189).

## 12. Public School Attendance Alternatives

*EC* Section 47605(b)(5)(L)

5 *CCR* Section 11967.5.1(f)(12)

### Evaluation Criteria

The public school attendance alternatives for pupils residing within the school district who choose not to attend charter schools, as required by *EC* Section 47605(b)(5)(L), at a minimum, specify that the parent or guardian of each pupil enrolled in the charter school shall be informed that the pupil has no right to admission in a particular school of any local educational agency (LEA) (or program of any LEA) as a consequence of enrollment in the charter school, except to the extent that such a right is extended by the LEA.

**The petition does present a reasonably comprehensive description of public school attendance alternatives.**

### Comments

The PA petition states that parents or guardians of each pupil enrolled in PA shall be informed on admission forms that pupils have no right to admission in a particular school of the SJUSD (or program of the SJUSD) as a consequence of enrollment in PA, except to the extent that such a right is extended by the SJUSD (Attachment 3, p. 190).

## 13. Post-employment Rights of Employees

*EC* Section 47605(b)(5)(M)

5 *CCR* Section 11967.5.1(f)(13)

### Evaluation Criteria

The description of the rights of any employees of the school district upon leaving the employment of the school district to work in a charter school, and of any rights of return to the school district after employment at a charter school, as required by *EC* Section 47605(b)(5)(M), at a minimum, specifies that an employee of the charter school shall have the following rights:

| Criteria | Criteria Met |
| --- | --- |
| 1. Any rights upon leaving the employment of an LEA to work in the charter school that the LEA may specify.
 | Yes |
| 1. Any rights of return to employment in an LEA after employment in the charter school as the LEA may specify.
 | Yes |
| 1. Any other rights upon leaving employment to work in the charter school and any rights to return to a previous employer after working in the charter school that the SBE determines to be reasonable and not in conflict with any provisions of law that apply to the charter school or to the employer from which the employee comes to the charter school or to which the employee returns from the charter school.
 | Yes |

**The petition does present a reasonably comprehensive description of post-employment rights of employees.**

### Comments

The PA petition states that employees of the SJUSD who choose to leave the employment of the SJUSD to work at PA and who later wish to return to the SJUSD will have no automatic rights of return to the SJUSD, and shall be treated the same as any other former SJUSD employee seeking reemployment in accordance with SJUSD policy, applicable law, and applicable bargaining agreements. PA shall not have any authority to confer any rights to return on SJUSD employees. Sick leave, vacation leave, or years of service credit with the SJUSD or any school district shall not be transferred to PA. Employment by PA provides no rights of employment at any other entity, including any rights in the case of closure of PA (Attachment 3, p. 191).

## 14. Dispute Resolution Procedures

*EC* Section 47605(b)(5)(N)

5 *CCR* Section 11967.5.1(f)(14)

### Evaluation Criteria

The procedures to be followed by the charter school and the entity granting the charter to resolve disputes relating to the provisions of the charter, as required by *EC* Section 47605(b)(5)(N), at a minimum:

| Criteria | Criteria Met |
| --- | --- |
| 1. Include any specific provisions relating to dispute resolution that the SBE determines necessary and appropriate in recognition of the fact that the SBE is not a LEA.
 | Yes |
| 1. Describe how the costs of the dispute resolution process, if needed, would be funded.
 | Yes |
| 1. Recognize that, because it is not a LEA, the SBE may choose to resolve a dispute directly instead of pursuing the dispute resolution process specified in the charter, provided that if the SBE intends to resolve a dispute directly instead of pursuing the dispute resolution process specified in the charter, it must first hold a public hearing to consider arguments for and against the direct resolution of the dispute instead of pursuing the dispute resolution process specified in the charter.
 | Yes |
| 1. Recognize that if the substance of a dispute is a matter that could result in the taking of appropriate action, including, but not limited to, revocation of the charter in accordance with *EC* Section 47604.5, the matter will be addressed at the SBE’s discretion in accordance with that provision of law and any regulations pertaining thereto.
 | Yes |

**The petition does present a reasonably comprehensive description of dispute resolution procedures.**

### Comments

The PA petition does present a reasonably comprehensive description of dispute resolution procedures. The petition does not acknowledge the following:

The CDE notes that the PA petitioner includes a letter describing the changes to the PA petition for the purpose of material revision to delay opening to 2019. The letter states that PA recognizes that, because the SBE is not an LEA, the SBE may choose to resolve a dispute directly instead of pursuing the dispute resolution process specified in the charter, and must first hold a public hearing to consider arguments for and against the direction resolution of the dispute instead of pursuing the dispute resolution process specified in the charter (Attachment 6, p. 1).

If approved by the SBE, as a condition for approval, the PA petitioner will be required to revise the petition and include the necessary language for Element 14–Dispute Resolution Procedures.

## 15. Closure Procedures

*EC* Section 47605(b)(5)(O)

5 *CCR* Section 11967.5.1(f)(15)

### Evaluation Criteria

A description of the procedures to be used if the charter school closes, in keeping with *EC* Section 47605(b)(5)(O). The procedures shall ensure a final audit of the charter school to determine the disposition of all assets and liabilities of the charter school, including plans for disposing of any net assets and for the maintenance and transfer of pupil records.

**The petition does include a reasonably comprehensive description of closure procedures.**

### Comments

The PA petition does include a reasonably comprehensive description of closure procedures. The petition states that closure of PA will be documented by official action of the Board Directors, identify the reason for closure, and the entity and person or persons responsible for closure-related activities. PA will have an independent audit completed within six months after closure that will include an accounting of all financial assets and an assessment of the disposition of any restricted funds received by or due to PA (Attachment 3, pp. 194–195).

**ADDITIONAL REQUIREMENTS UNDER *EDUCATION CODE* SECTION 47605**

## Standards, Assessments, and Parent Consultation

*EC* sections 47605(c)(1) and (2)

5 *CCR* Section 11967.5.1(f)(3)

### Evaluation Criteria

Evidence is provided that:

| Criteria | Criteria Met |
| --- | --- |
| 1. The school shall meet all statewide standards and conduct the pupil assessments required pursuant to *EC* sections 60605, 60851, and any other statewide standards authorized in statute or pupil assessments applicable to pupils in non-charter public schools.
 | Yes |
| 1. The school shall, on a regular basis, consult with their parents and teachers regarding the school’s educational programs.
 | Yes |

**The petition does provide evidence addressing the requirements regarding standards, assessments, and parent consultation.**

### Comments

The PA petition states that all pupils will participate in annual assessments to measure academic progress, including the NWEA MAP, CAASPP, and local assessments, as detailed in the California School Dashboard. Further, all pupils will be measured using common core-aligned assessments created by PA teachers, as well as performance on Innovation Lab showcases. The PA petition provides charts detailing how each state priority goal is implemented and measured by PA (Attachment 3, pp. 112−124).

The PA petition states that parent meetings will be held regularly while PA is in session or more frequently, if necessary, in order to facilitate the communication process between parents, PA administration, and PA governing board. Parents will be encouraged to serve on the PA Parent Leadership Group. Parents will be consulted and advised regarding PA educational programs and pupil progress through meetings and informational bulletins on an ongoing basis. The petition states that the PA website will facilitate the dissemination of information on areas of specific interest to parents (Attachment 3, p. 134).

## Effect on Authorizer and Financial Projections

*EC* Section 47605(g)

5 *CCR* Section 11967.5.1(c)(3)(A–C)

### Evaluation Criteria

…[T]he petitioners [shall] provide information regarding the proposed operation and potential effects of the school, including, but not limited to:

| Criteria | Criteria Met |
| --- | --- |
| * The facilities to be utilized by the school. The description of the facilities to be used by the charter school shall specify where the school intends to locate.
 | Yes |
| * The manner in which administrative services of the school are to be provided.
 | Yes |
| * Potential civil liability effects, if any, upon the school and the SBE.
 | Yes |
| The petitioners have provided financial statements that include a proposed first-year operational budget, including startup costs, and cash flow and financial projections for the first three years of operation.  | No |

**The petition does not provide the required information and financial projections.**

### Comments

The CDE reviewed the PA multi-year financial plan and concludes that it is not fiscally viable due to the negative ending fund balances of $166,895; $247,321; and $215,440 with no reserves for FYs 2019–2020 through 2021–22, respectively.

If approved by the SBE, as a condition for approval, the PA petitioner will be required to revise the petition and include the necessary Effect on Authorizer and Financial Projections.

## Teacher Credentialing

*EC* Section 47605(l)

5 *CCR* Section 11967.5.1(f)(5)

### Evaluation Criteria

Teachers in charter schools shall be required to hold a California Commission on Teacher Credentialing certificate, permit, or other document equivalent to that which a teacher in other public schools would be required to hold …It is the intent of the Legislature that charter schools be given flexibility with regard to noncore, non-college preparatory courses.

**The petition does meet this requirement.**

### Comments

The PA petition states that all teachers will have the appropriate certification pursuant to statute and that PA will take all steps necessary to minimize the use of teachers holding emergency permits, including posting and interviewing for job openings as early as possible, and recruiting faculty from accredited teacher credentialing programs (Attachment 3, p. 143).

## Transmission of Audit Report

*EC* Section 47605(m)

5 *CCR* Section 11967.5.1(f)(9)

### Evaluation Criteria

A charter school shall transmit a copy of its annual independent financial audit report for the preceding fiscal year … to the chartering entity, the Controller, the county superintendent of schools of the county in which the charter is sited …, and the CDE by December 15 of each year.

**The petition does address this requirement.**

### Comments

The PA petition states that PA shall provide the required financial reports in accordance with *EC* Section 47604.33 (Attachment 3, p. 199).

## Goals to Address the Eight State Priorities

*EC* Section 47605(b)(5)(A)(ii)

### Evaluation Criteria

A charter school shall provide a description of annual goals for all pupils and for each subgroup of pupils identified pursuant to Section 52052, to be achieved in the state priorities, as described in subdivision (d) of Section 52060, that apply for the grade levels served, or the nature of the program operated, by the charter school, and specific annual actions to achieve those goals. A charter petition may identify additional school priorities, the goals for the school priorities, and the specific annual actions to achieve those goals.

**The petition does not address this requirement.**

### Comments

The PA petition does not address this requirement. The petition does not provide sufficiently detailed objective means of MPOs capable of being used readily to evaluate the effectiveness of and to modify instruction for individual pupils and for groups of pupils. *EC* sections 52060 and 52052 state that schools will provide MPO goals for all pupils and numerically significant pupil subgroups. The PA petition identifies potential pupil enrollment of numerically significant pupil subgroups as Hispanic or Latino, and socio-economically disadvantaged (Attachment 2, Table 1).

The PA petition includes a table of PA outcomes aligned to state priorities; however, the table does not describe MPOs for the PA-proposed pupil population of numerically significant pupil subgroups of Hispanic or Latino, or socio-economically disadvantaged pupils (Attachment 3, pp. 112–120). The CDE notes that PA includes a table which outlines the following: annual goals to achieve priority, actions to achieve annual goals, and MPOs and methods of measurement tied to the University of California’s A–G requirements. However, PA does not plan to serve secondary pupils (Attachment 3, p. 115, and pp. 118–119).

If approved by the SBE, as a condition for approval, the PA petitioner will be required to revise the petition and include the necessary language for Goals to Address the Eight State Priorities.

## Transferability of Secondary Courses

*EC* Section 47605(b)(5)(A)(iii)

### Evaluation Criteria

If the proposed school will serve high school pupils, a description of the manner in which the charter school will inform parents about the transferability of courses to other public high schools and the eligibility of courses to meet college entrance requirements. Courses offered by the charter school that are accredited by the Western Association of Schools and Colleges may be considered transferable and courses approved by the University of California or the California State University as creditable under the “A” to “G” admissions criteria may be considered to meet college entrance requirements.

**This requirement is not applicable.**

### Comments

PA does not plan to serve secondary pupils.