# CHARTER SCHOOL PETITION REVIEW FORM: **COLLEGE PREPARATORY MIDDLE SCHOOL-LA MESA SPRING VALLEY**

CALIFORNIA DEPARTMENT OF EDUCATION

## Key Information Regarding College Preparatory Middle School-La Mesa Spring Valley

### Proposed Grade Span and Build-out Plan

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

| Grade | 2018–19 | 2019–2020 | 2020–21 | 2021–22 | 2022–23 |
| --- | --- | --- | --- | --- | --- |
|  5 | 60 | 100 | 125 | 125 | 125 |
|  6 | 60 | 100 | 125 | 125 | 125 |
|  7 | 60 | 100 | 125 | 125 | 125 |
|  8 | 60 | 100 | 125 | 125 | 125 |
| Total | 240 | 400 | 500 | 500 | 500 |

### Brief History

College Preparatory Middle School–La Mesa Spring Valley (CPMS-LMSV) was approved by the State Board of Education (SBE) on March 15, 2018, as a grade five through grade eight school for a five-year term effective July 1, 2018, through June 30, 2023. Currently, CPMS-LMSV serves 240 pupils and is located at 5150 Jackson Drive, La Mesa, CA. However, CPMS-LMSV is in the process of building a two story private facility located at 10269 Madrid Way, Spring Valley. CPMS-LMSV plans to occupy the facility on April 29, 2019.

On December 3, 2018, the California Department of Education (CDE) received a submission for a material revision to revise Element 8–Admission Requirements to comply with the California School Finance Authority funding requirement under the Charter School Facility Grant Program (CSFGP) or Senate Bill (SB) 740. In order for CPMS-LMSV to gain eligibility under the terms of the grant, revised proposed admission preferences need to be approved by the SBE at a public hearing.

### Lead Petitioner(s)

Christina M. Callaway, Director of School Business

## 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]) | Yes |
| 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])
 | Yes |
| 1. Measurable Pupil Outcomes (*EC* Section 47605[b][5][B])
 | Yes |
| 1. Method for Measuring Pupil Progress (*EC* Section 47605[b][5][C])
 | Yes |
| 1. Governance Structure (*EC* Section 47605[b][5][D])
 | Yes |
| 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])
 | Yes |
| 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]) | Yes |
| 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]) | Yes |
| 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)

5 *California Code of Regulations* (*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 CPMS-LMSV petition is consistent with sound educational practice and will likely be of educational benefit to the pupils who attend if successfully implemented.

The petition describes CPMS-LMSV’s key strengths as follows (Attachment 3, p.19):

* Providing an accelerated and rich core curriculum
* Setting high academic expectations and creating a supportive climate
* Engaging students in challenging, hands-on assignments to practice new skills
* Providing families with information about school, student progress, and career opportunities
* Grouping students to help them connect what they are learning across the curriculum
* Coordinating curriculum, sharing data among schools, and preparing students for success in high school
* Assigning qualified teachers to every classroom

## 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 petitioner is able to successfully implement the intended program.**

### Comments

The CDE finds that the CPMS-LMSV petitioner is demonstrably likely to implement the intended program as the petitioner has presented a realistic financial and operational plan for the proposed charter school.

The CPMS-LMSV multi-year projected budget includes the following projected pupil enrollment (Attachment 4):

* 400 grade five through eight in 2019–2020
* 500 grade five through eight in 2020–21
* 500 grade five through eight in 2021–22
* 500 grade five through eight in 2022–23

The CPMS-LMSV has maintained good financial standing under SBE authorization since its inception in March 2018. The CPMS-LMSV’s fiscal year (FY) 2018–19 first interim report indicates that CPMS is projecting a positive ending fund balance of $320,880 and reserves of 14.5 percent (including SB 740 funding of $135,531), which is above the recommended 5 percent in reserves outlined in the Memorandum of Understanding between CPMS-LMSV and the SBE.

The CDE concluded that the CPMS-LMSV projected budget is viable due to the positive ending fund balances of $502,345; $931,081; and $1,384,986, with reserves of 12.8, 19.8, and 28.6 percent for FYs 2019–2020 through 2021–22, respectively.

## 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 …

**This requirement is not applicable.**

### Comments

An approved charter requesting a material revision does not require signatures.

## 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 CPMS-LMSV petition contains the required affirmations.

## 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 CPMS-LMSV petition includes the necessary declaration (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.
 | Yes |
| 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.
 | Yes |
| 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 overall present a reasonably comprehensive description of the educational program.**

### Comments

The CPMS-LMSV petition presents a reasonably comprehensive description of the educational program.

#### Educational Program

The mission of CPMS-LMSV is to provide a safe, nurturing educational community for the middle school learner, based on mutual respect, and high expectations for academics and behavior, with the appropriate supports in place to ensure all learner success. The CPMS-LMSV petition states goals that will allow pupils to demonstrate the capabilities indicative of being college and career ready, and that learning best occurs by creating an educational community that is focused on the fundamental belief that all can learn (Attachment 3, p. 11). The petition states that the framework for instructional design at CPMS-LMSV is underpinned by the following school goals that focus on a standards-based curriculum, accountability, and high expectations (Attachment 3, pp. 20–21):

* Our school mission drives our program.
* We have high academic and behavioral expectations for every pupil.
* We attract and grow competent and experienced school leadership and staff.
* We offer an academically rigorous program with intentional pupil supports to promote success.
* We provide a research-proven, standards aligned curriculum, and frequent assessments.

#### Plan for Low-Achieving Pupils

The CPMS-LMSV petition states that pupils achieving below grade level will be identified using the following criteria: performing more than one or more levels below grade level, a cumulative grade point average of less than 2.0 earned on assessments of content learning standards in the core curricular areas, and teacher identification. The petition states that most pupils’ needs are met by a variety of school-wide intervention supports already in place, teachers receive extensive training on effective intervention strategies, and CPMS-LMSV monitors the progress of pupils at-risk through the implementation of data driven systems. The CPMS-LMSV petition states that data from weekly, interim, and yearly assessments are disaggregated by subgroups, which the teaching staff examine and may use to refer pupils for Tier II interventions, such as computer adaptive intervention programs, small group clustering and re-teaching, in-class differentiated materials or strategies, small group work with an Instructional Assistant, or daily tutoring (Attachment 3, pp. 61–63).

#### Plan for High-Achieving Pupils

The CPMS-LMSV petition states that pupils achieving above grade level will be identified using the following criteria: performing more than one level above grade level, consistent letter grades of A earned on assessments of content learning standards in the core curricular areas, and teacher identification. The petition states that high-achieving pupils are provided differentiated instruction or appropriate flexible ability groupings, the use of computer adaptive instructional programs, and customized homework to better meet the pupils’ learning goals. Additionally, the petition states that opportunities for enrichment are provided through CPMS-LMSV’s elective wheel, and through after school enrichment programs, such as art, chess, foreign language, and robotics (Attachment 3, p. 61).

#### Plan for English Learners

The CPMS-LMSV petition states that it will comply with federal, state, and district mandates regarding English learner (EL) education and re-designation of EL pupils. The CPMS-LMSV petition states that ELs will be identified according to their home language survey and the English Language Proficiency Assessments for California results. In addition to Specifically Designed Academic Instruction in English (SDAIE), the petition states that CPMS-LMSV will employ the following strategies for teachers of ELs (Attachment 3, p. 56):

1. Vocabulary and language development
2. Guided interaction (collaborative learning)
3. Metacognition and authentic assessment
4. Explicit instruction
5. Meaning-based context and universal themes
6. Modeling, graphic organizers, and visuals

The CPMS-LMSV petition states that teachers authorized to teach ELs will continue to receive training and support in effective techniques, such as guided language acquisition design and SDAIE; that teachers will work with the English language development (ELD) lead teacher to be aware of the specific language needs of EL pupils; and that all EL pupils will participate in an additional daily ELD course of study (Attachment 3, p. 58). The CPMS-LMSV petition includes a process and criteria for reclassification, process for monitoring progress of ELs and reclassified pupils, and process for monitoring progress and supports for long-term ELs (Attachment 3, pp. 58–60).

#### Plan for Special Education

The CPMS-LMSV petition states that CPMS-LMSV shall comply with all applicable state and federal laws in serving pupils with disabilities, including, but not limited to, Section 504 of the Rehabilitation Act, the Americans with Disabilities Act, and the Individuals with Disabilities in Education Act (Attachment 3, p. 63). The petition states CPMS-LMSV will comply with Child Find requirements, and will establish a referral and assessment process that will entail a search and serve, student study team, referral, assessment, and Individualized Education Program (IEP) review (Attachment 3, p. 65).

## 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.
 | Yes |
| 1. Include the school’s API growth target, if applicable.
 | Not Applicable |

**The petition does present a reasonably comprehensive description of measurable pupil outcomes.**

### Comments

The CPMS-LMSV petition presents a comprehensive description of measurable pupil outcomes (MPOs) and includes a table of CPMS-LMSV MPOs aligned with the state priorities, and the goals and actions needed to achieve those priorities schoolwide and for pupil subgroups (Attachment 3, pp. 74–84).

## 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 CPMS-LMSV petition provides a reasonably comprehensive plan for measuring pupil outcomes by the following: (1) collecting, analyzing, and using data to continuously monitor and improve the CPMS-LMSV educational program; (2) reporting pupil achievement to staff and parents, including methods of measuring pupil progress; (3) describing diagnostic and summative assessments; and (4) monitoring the formative progress of pupils (Attachment 3, p. 53 and pp. 74–84)

## 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.
 | Yes |

**The petition does present a reasonably comprehensive description of the school’s governance structure.**

### Comments

The petition states that CPMS-LMSV will be operated by College Preparatory Middle School, a California non-profit public benefit corporation with 501(c)(3) tax exempt status, and governed by a non-profit Board of Directors. The CPMS-LMSV petition states that the Board, which consists of five directors and may include parents and/or community members, is responsible for addressing major matters including, but not limited to, setting CPMS-LMSV’s general policies and overall curriculum policies; approving and monitoring the annual budget and financial procedures; fundraising; hiring and evaluating CPMS-LMSV’s executive team; approving personnel policies and monitoring their implementation; assuring that the CPMS-LMSV fulfills its charter contract; and strategic planning (Attachment 3, pp. 85–90).

The petition states that parent involvement at CPMS-LMSV will include the following site-based planning and oversight groups, as well as planned activities for meaningful parent involvement: Local Control and Accountability Plan Parent Group, and Parent Teacher Student Association (Attachment 3, pp. 94–96).

The SBE expects all SBE-authorized charter schools to follow the recently released Attorney General opinion dated December 28, 2018, and any subsequent legislation regarding governance and transparency.

## 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 CPMS-LMSV petition presents a reasonably comprehensive description of employee qualifications. The petition acknowledges that all persons are entitled to equal employment opportunity and shall adhere to all requirements of the Every Student Succeeds Act that are applicable to teachers and paraprofessional employees (Attachment 3, p. 97). The petition states that CPMS-LMSV will ensure that all teachers meet applicable state requirements for certificated employment, including provisions of *EC* Section 47605(l), and comply with provisions of *EC* sections 44237 and 45125.1 regarding the fingerprinting and background clearance of employees, contractors, and volunteers (Attachment 3, p. 97).

The CPMS-LMSV petition identifies general qualifications, which include those identified as key positions, for the following (Attachment 3, pp. 97–102):

* Directors of operations and school business
* Teachers
* Office manager
* Clerical personnel
* Noon-duty supervisors
* Services provided via contractors

## 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 CPMS-LMSV petition presents a reasonably comprehensive description of health and safety procedures. The petition states that CPMS-LMSV will adopt and implement full health and safety procedures, and risk management policies in consultation with its insurance carrier and risk management experts (Attachment 3, pp. 103–105).

## 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 CPMS-LMSV petition states that CPMS-LMSV is committed to maintaining a racial and ethnic balance of its students that is reflective of the general population residing within the La Mesa Spring Valley School District’s territorial jurisdiction (Attachment 3, pp. 106–108).

## 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

On March 15, 2018, the SBE approved the following CPMS-LMSV preferences:

1. Siblings of a currently attending CPMS-LMSV pupil.
2. Children or wards of CPMS-LMSV employees, limited to 10 percent of the charter school’s total enrollment.
3. Pupils who reside in the District.

Pursuant to *EC* Section 47614.5(c)(2) the California School Finance Authority must determine, upon receipt of an application, eligibility, based on the geographic location of the charter school site, pupil eligibility for free or reduced-price meals, and a preference in admissions, as appropriate. A charter school site is eligible for funding if the school site meets either of the following conditions:

* The charter school site is physically located in the attendance area of a public elementary school in which 55 percent or more of the pupil enrollment is eligible for free or reduced-price meals and the charter school site gives a preference in admissions to pupils who are currently enrolled in that public elementary school and to pupils who reside in the elementary school attendance area where the charter school site is located.
* Fifty-five percent of the pupil enrollment at the charter school site is eligible for free or reduced-priced meals.

Currently CPMS-LMSV does not meet the 55 percent free or reduced-priced meals threshold at the charter school site for the SB 740 grant; therefore, CPMS-LMSV is requesting a material revision to amend Element 8–Admission Requirements by including a preference for pupils who are currently enrolled in or who reside in the elementary school attendance area of the public elementary school in which CPMS-LMSV is located.

Based on the information noted above, the CDE has determined that the CPMS-LMSV petition presents a reasonably comprehensive description of admission requirements. The CPMS-LMSV petition states that CPMS-LMSV will have open admission for any pupil who seeks to enroll in CPMS-LMSV’s academic program. The petition states that pupils currently attending CPMS-LMSV are exempt from the lottery and that after all applicants with exemptions have been offered seats, all general applicants will be entered into a lottery drawing based on the following lottery preferences (Attachment 3, pp. 109–113):

1. Siblings of a currently attending CPMS-LMSV pupil.
2. Students who are currently enrolled in or who reside in the elementary school attendance area of the Public elementary school(s) in which CPMS-LMSV is located (for purposes of the CSFGP).
3. Pupils who reside in the District.
4. Children or wards of CPMS-LMSV employees, limited to 10 percent of the charter school’s total enrollment.

The CDE notes that with the amendments to *EC* Section 47605(d)(2)(B) outlined in Assembly Bill 1360 and signed into law on October 13, 2017, the SBE has the discretion to approve the proposed preferences stated in the CPMS-LMSV petition at a public hearing.

## 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 CPMS-LMSV petition presents a reasonably comprehensive description of annual independent financial audits. The petition states that the Director of School Business will be responsible for contracting services with an independent Certified Public Accountant who has been certified from the State of California Controller’s Office, and submit a copy of the CPMS-LMSV independent audit report for the preceding fiscal year to the District, the State Controller, the County Superintendent of School, and the CDE by December 15 of each year. The Director of School Business and the Board ad hoc Finance committee review any audit exceptions or deficiencies, and report recommendations to the full board as to how these have been, or will be, resolved (Attachment 3, p. 114).

## 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.
 | Yes |

**The petition does present a reasonably comprehensive description of suspension and expulsion procedures.**

### Comments

The CPMS-LMSV petition presents a reasonably comprehensive description of suspension and expulsion procedures. The petition identifies the grounds for suspension and expulsion of pupils, provides a list of discretionary and nondiscretionary offenses for suspension and expulsion, and outlines procedures by which pupils can be suspended and expelled (Attachment 3, pp. 115–122).

However, the petition fails to provide the opportunity for a pupil to present his or her side of the story when facing a suspension of less than 10 days, as required by *EC* Section 47605(b)(5)(J)(i).

If approved by the SBE, the CPMS-LMSV petitioner will be required to revise the petition to include the necessary language in 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 CPMS-LMSV petition does present a reasonably comprehensive description of retirement coverage. The petition states CPMS-LMSV will not, initially, participate in CalSTRS or CalPERS, but will request a material revision to the charter if the CPMS-LMSV board decides in the future to participate. CPMS-LMSV petition states that the CPMS-LMSV board of directors shall determine which school-sponsored retirement plans will be available for all employees. However, all employees will participate in the federal Social Security system in accordance with applicable law. Certificated employees will be covered by a 403(b) plan and CPMS-LMSV will make matching employer contributions (Attachment 3, p. 123).

## 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 CPMS-LMSV petition presents a reasonably comprehensive description of public school attendance alternatives. The petition states that pupils who choose not to attend CPMS-LMSV may choose to attend other public schools in their district of residence, or pursue inter-district transfers in accordance with existing enrollment and transfer policies of the district (Attachment 3, p. 124).

## 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 CPMS-LMSV petition presents a reasonably comprehensive description of post-employment rights of employees. The petition states that employees of the District who chose to leave employment at CPMS-LMSV shall have no automatic rights of return to the District after employment at CPMS-LMSV, unless specifically granted by the District through a leave of absence, or other agreement or policy of the District (Attachment 3, p. 125).

## 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 CPMS-LMSV petition presents a reasonably comprehensive description of dispute resolution procedures specific to the SBE (Attachment 3, pp. 126–127).

## 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 CPMS-LMSV petition includes a reasonably comprehensive description of closure procedures. The petition outlines the steps to be implemented in the event of closure, which include identifying an entity or persons responsible for closure-related activities; maintenance and transfer of pupil records; and completion of an independent final audit to be completed within six months after closure (Attachment 3, pp. 128–131).

**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 CPMS-LMSV petition provides evidence addressing the requirements regarding standards, assessments, and parent consultation.

## 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.  | Yes |

**The petition does provide the required information and financial projections.**

### Comments

The CPMS-LMSV petition does provide the required information and financial projections (Attachment 3, p. 9 and Attachment 4). CPMS-LMSV currently serves 240 pupils and is located at 5150 Jackson Drive, La Mesa, CA. CPMS-LMSV is in the process of building a private facility with an anticipated occupancy date of April 29, 2019.

## 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 CPMS-LMSV petition meets this requirement. The petition states that CPMS-LMSV shall ensure that all teachers meet applicable state requirements for certificated employment, including the provisions of *EC* Section 47605(l) (Attachment 3, p. 97).

## 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 CPMS-LMSV petition does address this requirement. The petition states that CPMS-LMSV will conduct yearly independent financial audits, to be completed by December 15 of each year (Attachment 3, p. 114).

## 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 address this requirement.**

### Comments

The CPMS-LMSV petition does address this requirement. The petition includes a description of each of the following subgroups: pupils with disabilities, ELs, reclassified fluent English proficient, homeless pupils, foster youth, and socioeconomically disadvantaged pupils. The CPMS-LMSV petition includes a table that outlines school-wide and student group outcome goals with associated methods of measurement, based on the state priorities detailed in *EC* Section 52060(d) (Attachment 3, pp. 75–79).

## 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

CPMS-LMSV does not plan to serve secondary pupils.