# CHARTER SCHOOL PETITION REVIEW FORM:Eagle Collegiate Academy

CALIFORNIA DEPARTMENT OF EDUCATION

## Key Information Regarding Eagle Collegiate Academy

### Proposed Grade Span and Build-out Plan

#### Table 1: 2019–24 Proposed Enrollment

TK–transitional kindergarten/K–kindergarten

NA–Not Applicable. Grade levels not served.

| Grade | 2019–2020 | 2020–21 | 2021–22 | 2022–23 | 2023–24 |
| --- | --- | --- | --- | --- | --- |
| TK/K | 40 | 40 | 40 | 40 | 40 |
|  1 | 40 | 40 | 40 | 40 | 40 |
|  2 | 40 | 40 | 40 | 40 | 40 |
|  3 | 40 | 40 | 40 | 40 | 40 |
|  4 | 40 | 40 | 40 | 40 | 40 |
|  5 | 40 | 40 | 40 | 40 | 40 |
|  6 | 40 | 40 | 40 | 40 | 40 |
|  7 | 50 | 50 | 50 | 50 | 50 |
|  8 | 25 | 50 | 50 | 50 | 50 |
|  9 | NA | 25 | 50 | 50 | 50 |
| 10 | NA | NA | 25 | 50 | 50 |
| 11 | NA | NA | NA | 25 | 50 |
| 12 | NA | NA | Na | NA | 25 |
| Total | 355 | 405 | 455 | 505 | 555 |

### Proposed Location

Eagle Collegiate Academy (ECA) plans to lease a facility within the boundaries of Acton-Agua Dulce Unified School District (AADUSD). The ECA petitioners are currently in negotiations to lease a property on 13136 Sierra Highway, Agua Dulce, CA.

### Brief History

On September 27, 2018, the petitioners attended the AADUSD Board meeting to submit the ECA petition. On November 8, 2018, AADUSD voted to deny the ECA petition by a vote of three to zero. On November 13, 2018, the petitioner submitted the ECA petition to the Los Angeles County Office of Education (LACOE). On December 18, 2018, the Los Angeles County Board of Education (LACBOE) voted not to take action on the ECA petition by a vote of six to one.

The ECA petitioner submitted a petition to the State Board of Education (SBE) on January 28, 2019.

### Lead Petitioner

Ogo Okoye-Johnson, Lead Petitioner

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

| **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]) | Yes |
| 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])
 | No |
| 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]) | Yes |

**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

ECA intends to open in the 2019–2020 school year serving 355 TK/K through grade eight and grow a grade per year to serve 555 pupils in TK/K through grade twelve in 2023–24. The California Department of Education (CDE) notes that the projected enrollment included in the ECA petition proposes to serve 15 pupils in a pre-kindergarten program for three and four-year olds (Attachment 3, p. 29). Although opening with 355 pupils is aggressive, ECA has received 400 meaningful intent to enroll forms from parents. ECA intends to locate within the boundaries of AADUSD. The mission of ECA is to empower pupils to become self-confident, egalitarian, and authentic global citizens prepared for 21st century careers and responsibilities. The petition states that ECA will accomplish its mission through the following best practices (Attachment 3, pp. 16–19):

* Rigorous college preparatory emphasis
* International Baccalaureate (IB) programs
* Literacy competence to develop life-long learners
* Teacher common planning time and teaming
* Diverse enrichment courses and activities for the whole child
* Parent and community partnerships

ECA plans to become an IB school and outlines ECA’s IB continuum implementation timeline, Primary Years Program (PYP), Middle Years Program (MYP), and the Diploma Program (DP) that is aligned with the Common Core State Standards (CCSS). The IB program’s goal is to develop pupils according to the IB learner profile. IB learners are inquirers, knowledgeable, thinkers, communicators, principled, open-minded, caring, risk-takers, balanced, and reflective. The petition contains a visual representation of the IB continuum implementation depicting how ECA will be an IB candidate school by the school’s opening in August 2019. The ECA petition states the following about each level of the IB continuum (Attachment 3, pp. 36–41):

* PYP–The program aims to create a transdisciplinary curriculum that is engaging, relevant, challenging, and significant for learners.
* MYP–The program is rigorous and encourages pupils to make practical connections between their lessons and the real world.
* DP–The program will benefit pupils with the breadth and depth of knowledge who demonstrate high physical, intellectual, emotional, and ethical standards.

## 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 not able to successfully implement the intended program.**

### Comments

The ECA projected budget is viable due to the positive ending fund balances of $156,212; $651,378; and $951,945, with reserves of 5, 18.5, and 21.6 percent for fiscal years 2019–2020 through 2021–22, respectively, if the school meets the enrollment projections.

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

* 355 TK/K through grade eight in 2019–2020
* 405 TK/K through grade nine in 2020–21
* 455 TK/K through grade ten in 2021–22
* 505 TK/K through grade eleven in 2022–23
* 555 TK/K through grade twelve in 2023–24

To be fiscally solvent, the budget plan requires the school to meet its enrollment and average daily attendance (ADA) projections each year.

In response to the LACOE staff report to address concerns of not meeting proposed enrollment, the petitioner stated that they included a budget at 80 percent proposed enrollment. The budget submitted to CDE states in the budget narrative that the budget reflects 80 percent of the currently projected enrollment; however, the budget provided by the petitioner reflects 100 percent of the projected enrollment.

#### Aggressive Enrollment/Program Implications

The petitioner does not present a sound plan for its projected enrollment layout. The plan relies on aggressive enrollment and growth to cover expenditures.

The enrollment projections for the school are aggressive with the petitioner proposing to open with 355 students. The petitioner states they have received 400 meaningful intent to enroll forms from parents.

The petitioner proposes to open with 355 students in grades K–8 in the first year of operation and add grades nine through twelve, one grade per year, over the next four years of the charter term. ECA proposes growing from 355 to 555, 63 percent over the five years, while also implementing an IB continuum at the same time. The concerns about aggressive enrollment are compounded by the size of the school district in which the petitioner is proposing to be located. The petitioner is looking to lease a facility within the boundaries of AADUSD. The district is a small school district serving approximately 1,080 pupils and is comprised of one elementary school, a junior high school, and a high school. The average enrollment by grade level of each of these schools ranges from 50–100 pupils. The majority of the enrollment at the district is from nonclassroom-based charter schools.

According to the petition, the school will be an IB candidate by the schools’ opening in August 2019. With the complexities of implementing an IB program for grades K–8 grades in the first year, the CDE is concerned about the ability to recruit staff, create a high quality instructional program, and initiate the administrative processes and facilities needed for all of those grade levels at once, while meeting the requirements for the IB program. The level of professional development for an IB teacher is extensive and structured in order for the school to remain consistent with the IB education model across all grade levels.

## 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 …

**The petition does contain the required number of signatures at the time of its submission.**

### Comments

The ECA petition does contain the required number of teacher signatures at the time of its submission.

## 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 ECA petition does contain the required affirmations (Attachment 3, pp. 3–5); however, the Affirmations and Assurances pages of the petition are not signed by the petitioner.

If approved by the SBE, as a condition for approval, the ECA petitioner will be required to submit a signed copy of the Affirmations and Assurances section of the petition.

## 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 ECA petition does include the necessary declaration (Attachment 3, p. 3).

# 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 ECA petition does overall present a reasonably comprehensive description of the educational program, which also includes a plan for socio-economically disadvantaged pupils, foster, and homeless youth (Attachment 3, pp. 141–145).

#### Educational Program

ECA intends to open in the 2019–2020 school year serving TK/K through grade eight and grow a grade per year to serve 555 pupils in TK/K through grade twelve in 2023–24. The CDE notes that the projected enrollment included in the ECA petition proposes to serve 15 pupils in a pre-kindergarten program for three and four-year olds (Attachment 3, p. 29). ECA intends to locate within the boundaries of AADUSD. The mission of ECA is to empower pupils to become self-confident, egalitarian, and authentic global citizens prepared for 21st century careers and responsibilities. The petition states that ECA will accomplish its mission through the following best practices (Attachment 3, pp. 16–19):

* Rigorous college preparatory emphasis
* IB programs
* Literacy competence to develop life-long learners
* Teacher common planning time and teaming
* Diverse enrichment courses and activities for the whole child
* Parent and community partnerships

#### Plan for Low-Achieving Pupils

The petition states that ECA will initiate universal assessments in math and literacy for all pupils entering ECA in order to identify academically low-achieving pupils and allow ECA to target interventions to the most at-risk pupils from the beginning of school. Additionally, teachers will assess pupils through informal measures such as checklists, running records, class work, and observations, and will use the results from the assessments to design instruction and pupil support. The pupil support program at ECA will include the student success team (SST) and the response to intervention (RTI) processes. The petition lists the following interventions to be given to pupils depending on identified needs (Attachment 3, pp. 96–101):

* Instructional activities and/or materials modified to accommodate the pupil’s specific academic needs
* Supplemental math lab, writing lab, and literacy lab in the academic center to close skill gaps or a study hall period to help pupils stay on pace
* Additional help during the school day from teachers, support staff, peers, and/or volunteer tutors
* Supplemental instruction, including extra help and/or targeted academic interventions to raise skills to grade level

#### Plan for High-Achieving Pupils

The ECA petition states that academically high-achieving pupils will be identified using the results of the California Assessment of Student Performance and Progress (CAASPP), school-wide benchmark assessments, classroom assessments, and/or classroom observations. The petition lists the following strategies to be used to support pupils who are academically high-achieving (Attachment 3, pp. 101–102):

* Pupils at the elementary level could read ahead and complete comprehension activities while the teacher works with the rest of the class
* Pupils at the secondary level could be challenged to develop projects and prototypes of concepts under study that require extensive engagement with local and global industry partners
* Multiage groups in mathematics, honors classes, advanced placement (AP) classes, and the IB program
* Pairing high-achieving pupils with low-performing pupils to serve as peer tutors for a small portion of the day to develop leadership and social skills and deepen their own understanding
* Participation in college preparatory electives such as Nano Technology, Aerospace Engineering, and Environmental Science
* Participation in enrichment activities during and after school

#### Plan for English Learners

The petition states that ECA will comply with all applicable federal and state legal requirements for English learners (ELs) and applicable district mandates, as they pertain to annual notification to parents, pupil identification, placement, program options, EL and core content instruction, teacher qualifications and training, reclassification to fluent English proficient status, monitoring and evaluating program effectiveness, and standardized testing requirements. The petition states that ECA will develop an EL Plan which will document identification, services, program, and evaluation, and will be evaluated and revised annually to ensure that ECA complies with all legal requirements and meets the rights of all pupils and parents. The petition states that families will complete a home language survey, which will indicate whether pupils speak a language other than English at home and will be given the English Language Proficiency Assessment for California (ELPAC) within 30 calendar days of initial enrollment. ELs will receive specific instruction in English language development (ELD) during the school day through integrated or designated ELD instruction. The ECA petition states that teachers will incorporate the following six research-based key strategies to support ELs (Attachment 3, pp. 103–116):

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 petition states that reclassified fluent English proficient pupils will be monitored for four years after reclassification.

#### Plan for Special Education

The petition states that ECA 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 Improvement Act. The petition states that ECA intends to be categorized as a public school of the district in accordance with *EC* Section 47641(b). The ECA petition identifies a plan for pupils with disabilities, including identification, referral for assessment, development and implementation of the Individualized Education Program, interim and initial placements, special education strategies for instruction and services, staffing, and reporting (Attachment 3, pp. 116–141).

## 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 ECA petition does present a reasonably comprehensive description of measurable pupil outcomes (MPOs). The ECA petition includes a table that outlines the actions, measurable outcomes, method of measurement, and person(s) responsible aligned to each of the eight state priorities (Attachment 3, pp. 148–169).

## 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 ECA petition does present a reasonably comprehensive description of the method for measuring pupil progress. The petition includes a table outlining the type of assessment, description, score significance, purpose, format, and frequency of the assessment (Attachment 3, pp. 172–174). The petition states that all stakeholders at ECA will be actively involved with the analysis and reporting of data and that data will be reviewed at the individual pupil level, by classroom cohorts, and schoolwide to monitor specific groups of pupils and the effectiveness of various programs and interventions. ECA’s pupil performance data will be sent to parents/guardians in the form of progress reports, report cards, standardized test scores, and EL progress towards English proficiency. The petition states that the ECA Board of Directors, administrators, teachers, pupils, and parents will use data to establish, evaluate, and improve the educational program and school policies (Attachment 3, pp. 170–178).

## 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 does present a reasonably comprehensive description of the ECA governance structure. ECA will be a directly funded independent charter school and will be operated by ECA, a California nonprofit public benefit corporation. ECA is governed by a Board of Directors in accordance with its corporate bylaws and who shall ultimately be responsible for the operation and activities of ECA. The petition states that the Board will execute its responsibilities by creating, adopting, and monitoring a long-term strategic plan and associated budget, and employ and evaluate the leadership of ECA. The petition describes the responsibilities of the Board as well as Board Committees. ECA will establish a school site council (SSC) to ensure that all stakeholders have a role in the decision regarding how ECA functions in order to promote success of all pupils. Additionally, ECA’s English Learner Advisory Committee (ELAC) will be responsible for giving advice to school leadership and staff on programs and services for ELs and contribute to the development of ECA’s Local Control and Accountability Plan and Single Plan for Student Achievement (Attachment 3, pp. 179–187).

Additionally, the Chief Executive Officer (CEO) and Chief Financial Officer (CFO) are officers chosen by the ECA Board and officers need not be Directors (Attachment 8, p. 11). According to ECA’s petition, the CEO and CFO appear to be compensated positions. It is unclear whether the office of CEO and CFO will be chosen from the ECA Board of Directors. If these offices are chosen from ECA’s Board, this may conflict with ECA’s bylaws that no Directors serving at any time may be a current employee of the corporation (Attachment 5, p. 8).

The California Attorney General recently issued an opinion addressing a series of questions regarding the applicability of various ethics and transparency laws to charter schools. The attorney general concluded that charter schools are subject to key ethics laws: *Government Code (GC)* Section 1090 and the Political Reform Act of 1974. The attorney general also concluded that charter schools are subject to the Ralph M. Brown Act and the California Public Records Act. This opinion affirms prior advice from the Fair Political Practices Commission regarding the Political Reform Act of 1974, and squarely concludes that other laws, namely *GC* Section 1090, the Ralph M. Brown Act, and the California Public Records Act, also apply to charter schools.

The SBE expects all SBE-authorized charter schools to follow the recently released Attorney General Opinion, dated December 28, 2018, and Senate Bill (SB) Number 126, approved by Governor Newsom on March 5, 2019.

If approved by the SBE, as a condition for approval, ECA needs to provide assurance that it will not violate its own Bylaws.

## 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.
 | No |
| 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 not present a reasonably comprehensive description of employee qualifications.**

### Comments

The ECA petition does not present a reasonably comprehensive description of employee qualifications. The petition does not identify those positions that ECA regards as key in each category and specify the additional qualifications expected of individuals assigned to those positions (Attachment 3, pp. 188–195).

Although this section discusses professional development, it does not speak to the significant amount of professional development required for teachers to implement an IB program.

With the complexities of implementing an IB program for transitional kindergarten through grade eight in the first year, this element is of particular importance in implementing the educational program and having the essential staff identified. The professional development of an IB teacher is extensive and needs to be implemented in a manner which allows the school to remain consistent with the IB education model across all grade levels. Additionally, the IB professional development model consists of the following:

* Training in IB program implementation and curriculum
* Administering IB assessments
* Examining pupil work and adjusting instruction
* Engaging in strategies for vertical continuum from PYP, MYP, and DP

If approved by the SBE, as a condition for approval, the ECA petitioner will be required to revise the petition to include the necessary language for Element 5–Employee Qualifications by identifying those positions that ECA regards as key in each category and specify the additional qualifications expected of individuals assigned to those positions as well as include a description of the professional development to implement the IB program.

## 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 ECA petition does present a reasonably comprehensive description of health and safety procedures. The petition states that ECA will adopt and implement health and safety policies and procedures and risk management policies at ECA in consultation with insurance carriers and risk management experts. The petition states that employees and contractors of ECA will be required to submit a criminal background check and to furnish a criminal record summary as required by *EC* sections 44237 and 45125.1. ECA’s faculty, staff, and any volunteer or vendor/contracting entity employee who may have frequent or prolonged contact with pupils, will be assessed and examined for tuberculosis prior to commencing employment and working with pupils, and for employees at least once every four years thereafter, as required by *EC* Section 49406. The petition states that ECA shall adhere to all laws related to legally required immunizations for entering pupils as is required at public schools pursuant to *Health and Safety Code* sections 120325-120375, and 17 *CCR* sections 6000-6075. Pupils will be screened for vision, hearing, and scoliosis (Attachment 3, pp. 196–202).

If approved by the SBE, as a condition for approval, the petitioner will need to add language regarding the development, review, and annual update of ECA’s school safety plan pursuant to *EC* Section 47605(b)(5)(F)(ii)(iii).

## 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 ECA petition does present a reasonably comprehensive description of means for achieving racial and ethnic balance. The petition states that through ECA outreach efforts, ECA will ensure that ECA recruits pupils that are reflective of the demographic makeup of all district schools including ELs and pupils with disabilities and the demographics of the surrounding communities from which ECA families reside (Attachment 3, pp. 203–207).

## 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 ECA petition does present a reasonably comprehensive description of admission requirements. The petition states that ECA shall admit all pupils who wish to attend and that no test or assessment shall be administered to pupils prior to acceptance and enrollment into ECA. ECA shall adhere to the provisions of the McKinney-Vento Homeless Assistance Act and ensure that each child of a homeless individual and each homeless youth has equal access to the same free, appropriate public education as provided to other children and youths. The petition states that admission preferences in the case of a public random drawing shall be given to the following pupils in the following order (Attachment 3, pp. 208–211):

* Pupils who are currently enrolled (exempt from the drawing pursuant to *EC* Section 47605[d][2][B])
* Siblings of enrolled pupils (includes all siblings and step-siblings living within the same household)
* Residents of the AADUSD attendance area as required by *EC* Section 47605(d)(2)(B)
* Children of ECA’s founding families, Board members, and employees not to exceed ten percent of the total enrollment
* Pupils who meet the California state definition of socioeconomically disadvantaged
* All other applicants

The SBE has the discretion to approve the proposed preferences in the ECA 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 ECA petition does present a reasonably comprehensive description of annual independent financial audits.

## 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 ECA petition does present a reasonably comprehensive description of suspension and expulsion procedures.

Addressing evaluation criteria A, B, and D, the petition states that 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 ECA. The petition lists discretionary and non-discretionary offenses and procedures for suspension and expulsion (Attachment 3, pp. 215–234). Additionally, the petition states that ECA is committed to annual review and modification of the list of offenses and policies and procedures surrounding suspensions and expulsions (Attachment 3, p. 213). The petition states that no pupil shall be involuntarily removed by ECA 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. 215). Additionally, the petition states that a pupil may be expelled by the neutral and impartial Administrative Panel, to be assigned by the ECA Board of Directors, following a hearing before it, or by the Board upon an appeal. The Administrative Panel will not include any of the administrators involved in the initial student discipline and shall consist of at least three members who are certificated and neither a teacher of the pupil or a Board member (Attachment 3, p. 226).

Addressing evaluation criteria C and E, the ECA petition states that when an appeal relating to the placement of the pupil or the manifestation determination has been requested by either the parent or ECA, the pupil will remain in the interim alternative educational setting pending the decision of the hearing officer in accordance with state and federal law, including 20 United States Code (U.S.C.) Section 1415(k), until the expiration of the 45-day time period provided for in an interim alternative educational setting, unless the parent and ECA agree otherwise. In accordance with 20 U.S.C. Section 1415(k)(3), if a parent or guardian disagrees with any decision regarding placement, or the manifestation determination, or if ECA believes that maintaining the current placement of the pupil is substantially likely to result in injury to the pupil or to others, the parent or guardian or ECA may request a hearing. In such an appeal, a hearing officer may: (1) return a pupil with a disability to the placement from which the pupil was removed; or (2) order a change of placement of a pupil with a disability to an appropriate interim alternative setting for not more than 45 school days if the hearing officer determines that maintaining the current placement of such pupils is substantially likely to result in injury to the pupil or to others (Attachment 3, p. 233).

However, the automatic placement of a pupil in an interim alternative educational setting is contrary to the provision of 20 U.S.C. Section 1415(k)(3) which gives only a hearing officer the authority to order a change in placement.

If approved by the SBE, as a condition for approval, the ECA petitioner will be required to revise the petition to comply with the law.

## 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 ECA petition does present a reasonably comprehensive description of CalSTRS and social security coverage. The petition states that all eligible certificated employees of ECA will have membership in CalSTRS and that all eligible classified employees will participate in social security. Additionally, the petition states that all employees will have the opportunity to participate in an optional 401(k) or 403(b) retirement plan, or other plan approved by the Board of Directors. The petition states that the CEO will ensure that appropriate arrangements are made for retirement coverage approved by the ECA Board for all ECA employees (Attachment 3, p. 235).

## 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 petition does present a reasonably comprehensive description of public school alternatives (Attachment 3, p. 237).

## 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 ECA petition does present a reasonably comprehensive description of post-employment rights of employees (Attachment 3, p. 238).

## 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 ECA petition does present a reasonably comprehensive description of dispute resolution procedures.

The CDE notes that the ECA petitioner included a letter, dated January 28, 2019, describing the changes to the ECA establishment charter petition necessary for appeal to the SBE, which includes language for Element 14–Dispute Resolution Procedures (Attachment 5, p. 2).

If approved by the SBE, as a condition for approval, the ECA petitioner will be required to revise the petition in order to reflect the SBE as the authorizing entity and include the necessary language for Element 14–Dispute Resolution Procedures by adding the following:

* Recognize that, because it is not an 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.
* 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.
* Recognize that the SBE cannot be pre-bound to a contractual obligation to split the costs of mediation or agree to mediation to resolve disputes.

## 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 ECA petition does include a reasonably comprehensive description of closure procedures. The petition states that closure of the ECA shall be documented by official action of the ECA Board of Directors. The action shall identify the reason for closure and will identify an entity and person or persons responsible for closure-related activities such as the CEO or designee. The petition states that ECA will complete and file any annual reports required pursuant to *EC* Section 47604.33. ECA shall remain responsible for satisfaction of all liabilities arising from the operation of the school (Attachment 3, pp. 242–243).

# 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 ECA petition does provide evidence addressing the requirements regarding standards, assessments, and parent consultation. The petition states that ECA shall meet all statewide standards and conduct the pupil assessments required, pursuant to *EC* sections 60605 and 60851, and any other statewide standards authorized in statute, or pupil assessments applicable to pupils in non-charter public schools (Attachment 3, pp. 3 and 170). The petition states that ECA will consult with parents and teachers regarding the school’s educational programs through the establishment of the SSC, ELAC, parent leadership team, and parent center (Attachment 3, pp. 184–187).

## 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 ECA petition does provide the required information and financial projections (Attachment 3, pp. 246–249 and Attachment 4).

ECA plans to lease a facility within the boundaries of AADUSD. The ECA petitioners are currently in negotiations to lease a property on 13136 Sierra Highway, Agua Dulce, CA 91390.

## 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 ECA petition does meet this requirement (Attachment 3, pp. 4 and 188–190).

## 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 ECA petition does address this requirement (Attachment 3, pp. 212 and 244).

Article 9, Section 9.5-Financial Audit of ECA’s Bylaws states that it will obtain a financial audit for any tax year in which it receives or accrues gross revenue of two million or more, excluding grant or contract income from any government entity for which the governmental entity requires an accounting. It is unclear whether ECA will comply with *EC* Section 47605(m) *if it receives or accrues gross revenue of two million or less.*

If approved by the SBE, as a condition for approval, the petitioner will need to revise its Bylaws to show it will comply with *EC* Section 47605(m).

## 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 ECA petition does address this requirement. The ECA petition includes a table that outlines the actions, measurable outcomes, method of measurement, and person(s) responsible aligned to the eight state priorities (Attachment 3, pp. 148–169).

## 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.

**The petition does address this requirement.**

### Comments

The ECA petition does address this requirement. The petition states that ECA will inform parents about the transferability of courses to other public high schools and the eligibility of courses to meet college entrance requirements through a report card issued twice a year, a pupil-parent handbook, and a transcript issued upon transfer and/or graduation (Attachment 3, p. 145).