# CHARTER SCHOOL PETITION REVIEW FORM: Baypoint Preparatory Academy-San Diego

CALIFORNIA DEPARTMENT OF EDUCATION

## Key Information Regarding Baypoint Preparatory Academy-San Diego

### Proposed Grade Span and Build-out Plan

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

TK–transitional kindergarten/K–kindergarten

NA–Not Applicable. Grade levels not served.

| Grade | 2018–19 | 2019–20 | 2020–21 | 2021–22 | 2022–23 |
| --- | --- | --- | --- | --- | --- |
| TK | 25 | 25 | 50 | 50 | 75 |
| K | 25 | 25 | 50 | 50 | 75 |
| 1 | 25 | 25 | 50 | 75 | 75 |
| 2 | 25 | 25 | 25 | 50 | 75 |
| 3 | 25 | 25 | 25 | 50 | 50 |
| 4 | 25 | 25 | 25 | 50 | 50 |
| 5 | 25 | 25 | 25 | 25 | 25 |
| 6 | 25 | 25 | 25 | 25 | 50 |
| 7 | NA | 25 | 25 | 25 | 25 |
| 8 | NA | NA | 25 | 25 | 25 |
| Total | 200 | 225 | 325 | 425 | 525 |

### Proposed Location

Baypoint Preparatory Academy-San Diego (BPA-SD) served 200 pupils in TK through grade six during the 2018–19 school year located at 1175 Linda Vista Drive, San Marcos, CA. Currently BPA-SD is located at a temporary facility and has plans to move to their permanent facility, which will be located at 520 East Carmel Street, San Marcos, on or before October 31, 2019.

BPA-SD’s permanent facility 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.

### Brief History

BPA-SD was approved by the State Board of Education (SBE) on March 15, 2018, as a TK through grade eight school for a five-year term effective July 1, 2018, through June 30, 2023.

On July 29, 2019, 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 (CSFA) funding requirement under the CSFGP and pursuant to *Education Code* (*EC*) Section 47614.5(c)(2). In order for BPA-SD 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

Nancy Spencer, Executive Director

## 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]) | 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)

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

### Evaluation Criteria

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

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

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

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

### Comments

The BPA-SD petition is consistent with sound educational practice. BPA-SD served 200 pupils in transitional kindergarten through grade six in 2018–19 and plans to grow to serve 525 pupils in TK through grade eight in 2022–23. The petition states that the mission at BPA-SD is to educate pupils in TK through grade eight through a rigorous college preparatory curriculum in a flexible, student-centered learning environment with the goal to actively partner with pupils, parents, and the community to support pupils’ academic success and personal goals. The BPA-SD petition additionally states that school-wide learner outcomes will produce (Attachment 3, p. 18):

* Academic achievers
* Effective communicators
* Critical thinkers
* Technology users
* Career-focused pupils

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

### Comments

The CDE finds that the BPA-SD 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 BPA-SD multi-year projected budget includes the following projected pupil enrollment (Attachment 4):

* 225 Kindergarten (K) through grade seven in 2019–2020
* 325 K through grade eight in 2020–21
* 425 K through grade eight in 2021–22
* 525 K through grade eight in 2022–23

BPA-SD has maintained a good financial standing under SBE authorization since its inception in July 2018. BPA-SD’s Fiscal Year (FY) 2019–2020 preliminary budget report indicates that BPA-SD is projecting a positive ending fund balance of $296,340 and reserves of 14.45 percent, which is above the recommended 5 percent in reserves outlined in the Memorandum of Understanding (MOU) between BPA-SD and the SBE.

The CDE concludes that if the BPA-SD projected budget includes the following CSFGP funds: $87,596; $245,171; and $354,136 for FYs 2019–22, respectively, then BPA-SD’s projected budget will reflect positive ending fund balances of $276,580; $522,070; and $1,178,730 with reserves of 13.4, 15.7, and 28.4 percent for FYs 2019–2020 through 2021–22, respectively.

If the material revision is not approved, the BPA-SD budget will continue to be viable with positive ending fund balances of $188,984; $189,303; and $491,827 with reserves of 9.1, 5.7, and 11.9 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 BPA-SD 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 BPA-SD petition includes 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 BPA-SD petition does overall present a reasonably comprehensive description of the educational program.

#### Educational Program

The BPA-SD petition states that BPA-SD utilizes a blended learning station-rotation model to educate pupils facilitated by a rigorous, relevant, college-preparatory curriculum with cutting-edge educational technology that is based on the Common Core State Standards (CCSS) and supports BPA-SD’s mission statement and school-wide learner outcomes. Time will be spent between working independently and in daily small group instruction. The blended learning model allows for personalized educational plans. English learner (EL) pupils receiving special education services utilize not only the core curriculum and blended learning model, but also gain instruction through specialized targeted curriculum, and additional small group and/or one-on-one support (Attachment 3, pp. 25–26).

The petition states that TK pupils use a modified kindergarten/preschool curriculum aligned to the California Preschool Learning Foundations developed by the CDE.

The BPA-SD petition states that TK/K operates on a full-day schedule with a focus on language arts and mathematics. The instructional day for these grades includes a two-hour language arts block each morning. Pupils then have a 15-minute recess and return to their classroom for 90 minutes of the remaining language arts or mathematics instruction. Afternoons are designated for social studies, science, fine arts, physical education, enrichment, and/or intervention. All elementary teachers present academically challenging lessons that integrate the CCSS (Attachment 3, p. 26).

The BPA-SD petition states that the blended learning model offers integration between the subjects during small group instruction. Core subject content teachers collaborate across subjects and create projects that span the disciplines. Beginning in grade six, a supervising teacher develops a four-year high school education plan with the pupil and parents. At the beginning of each subsequent year, this plan is reviewed in conjunction with the pupil’s current course plan, as outlined in the academic flowchart of the four-year educational plan (Attachment 3, p. 35).

#### Independent Study

The petition states that BPA-SD’s educational program may include the enrollment of interested pupils into a full-time Independent Study Program (ISP). Grade-level appropriate teachers are responsible for overseeing the program and meeting with assigned pupils and their parents to determine goals, provide lesson plans, support instruction, and administer assessments of pupil progress (Attachment 3, p. 43).

The BPA-SD petition states that pupils who are enrolled into the ISP have access to extra-curricular programs, workshops, small group instruction, field trips, intervention, curriculum, and any resources available to the site-based pupils. These services include a facility staffed by credentialed teachers, ongoing tutoring on-site, and regular scheduled meetings at least once every 20 school days to review assignments, assess mastery of standards, and assign new materials. Parents are provided with lesson plans, curriculum, and materials for instruction that are reviewed at these monthly meetings with the teachers (Attachment 3, p. 43).

The petition states that BPA-SD will adhere to all applicable sections of *EC* for ISP, including *EC* sections 51745 and 51746, all regulations and funding determination requirements of *EC* sections 47612.5 and 47634.2, and 5 *CCR* sections 11963–11963.7 (Attachment 3, p. 43).

#### Plan for Low-Achieving Pupils

The BPA-SD petition states it uses a variety of methods, including Measure of Academic Progress (MAP) assessments and ongoing teacher collected data, to identify pupils who are low-achieving (Attachment 3, p. 44).

The petition states that pupils are provided with curriculum, materials, and teaching resources appropriate to their academic levels, with the goal of attaining at least one year’s academic progress within the school year. Pupils who are found to be at risk of not attaining at least one year’s academic progress are supported by BPA-SD’s Multiple Tiered System of Supports (MTSS) (Attachment 3, p. 44).

The BPA-SD petition states that BPA-SD implements a MTSS with the use of the Response to Intervention Model (RTI). MTSS addresses the academic development, as well as the emotional and behavioral development, of pupils. The RTI process provides effective instruction and intervention across three tiers to all pupils. The three tiers begin with Tier One, supporting every pupil with researched-based core instruction. If the pupil is still struggling, Tier Two will begin with targeted interventions. Tier Three is documented by the Student Support Team (SST) and includes intensive interventions. Assessments, progress monitoring, and data-driven decision making are all components of BPA-SD’s MTSS (Attachment 3, pp. 44–45).

#### Plan for High-Achieving Pupils

The petition states that BPA-SD uses a variety of methods, including MAP assessments, California Assessment of Student Performance and Progress (CAASPP) scores, classroom observations and assessments, and data from Imagine Learning, ST Math, and/or Edgenuity, to identify pupils who are high-achieving using the following criteria (Attachment 3, p. 45):

* Performing more than one level above actual grade level
* Receiving a score of four consistently on TK through grade five assessment reports
* Receiving letter grades of A earned on assessments of content learning standards in the core curricular areas for grade six through grade eight
* Teacher identification

The BPA-SD petition states that teachers work closely with parents and pupils to assure a steady flow of enrichment activities for pupils working above grade level. Parents/guardians will be notified of their pupil’s academic abilities through communications from the teacher, including, but not limited to, parent-teacher conferences, quarterly report cards, informal phone calls/emails, one-on-one meetings, SST meetings, and written notes. Multiple measures of data may all be shared with parents/guardians in order to provide data on pupil academic performance and mastery of standards (Attachment 3, p. 45).

The petition states that BPA-SD offers numerous resources and learning opportunities to high-achieving pupils, including, but not limited to, the following: enrichment activities, online curriculum and resources, honors courses, Edgenuity courses for elementary pupils, additional teacher support, and differentiated instruction (Attachment 3, p. 45).

#### Plan for English Learners

The petition states that BPA-SD will meet all applicable legal requirements for ELs 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 EL program effectiveness, and standardized state testing requirements.

The BPA-SD petition states that EL pupils are identified though the completion of a Home Language Survey. ELs are supported through a combination of modified instruction, a supportive school culture, and additional targeted academic support as needed, such as vocabulary development, collaborative learning, and explicit direct instruction. Additionally BPA-SD uses comprehensive English language development (ELD) instructional approaches and EL pupils receive instruction based on their proficiency level. The petition includes schedules that reflect daily intervention and enrichment, which allows for designated ELD instruction based on English Language Proficiency Assessments for California (ELPAC) data, ELD standards, and teacher data and observations (Attachment 3, pp. 40–41). The petition states that after reclassification, pupils will be monitored for a minimum of four years to ensure correct classification, placement, and additional academic support (Attachment 3, pp. 45–47).

#### Plan for Special Education

The petition states that BPA-SD shall comply with all applicable state and federal laws in serving pupils with disabilities including, but not limited to, the Individuals with Disabilities Education Improvement Act of 2004, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act, Assembly Bill (AB) 602, El Dorado County Office of Education Special Education Local Plan Area (SELPA) guidelines, all California laws pertaining to special education pupils, and any other civil rights enforced by the U.S. Department of Education Office of Civil Rights (Attachment 3, pp. 47–48). The petition states BPA-SD will comply with Child Find requirements, as well as identify a plan for pupils with disabilities, including a search and serve process, student study team, referral, assessment, and Individualized Education Program review (Attachment 3, pp. 47–56).

## 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 petition presents a comprehensive description of measurable pupil outcomes (MPOs) and includes a table of BPA-SD MPOs aligned to the state priorities, and the goals and actions needed to achieve those priorities schoolwide and for pupil subgroups (Attachment 3, pp. 57–70).

## 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 BPA-SD petition does present a reasonably comprehensive description of the method for measuring pupil progress. The petition states that BPA-SD administers a variety of meaningful assessments to document and analyze pupil academic progress over time. Internal and external assessments provide teachers the opportunity to modify classroom instruction and allow the school to modify its program to best address pupil needs. The petition includes a table which outlines BPA-SD MPOs and assessment tools. Additionally, the petition states that progress reports are given quarterly, and at parent-teacher conferences, parents/guardians review the progress of the pupil, sharing and discussing test scores, projects, schoolwork, and areas for improvement. BPA-SD publishes a School Accountability Report Card annually, in accordance with the timelines set forth in law (Attachment 3, pp. 71–74).

## 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 BPA-SD’s governance structure. The petition states that BPA-SD shall be operated by the nonprofit public benefit corporation. The petition states that BPA-SD is governed by the BPA-SD Board. The Board shall be no less than three and no more than nine voting members unless changed by amendments to the bylaws. The petition states the Board retains ultimate responsibility over the performance of those powers or duties so delegated including, but not limited to, vision and strategic planning; academic performance monitoring; staffing and personnel; parent, pupil, and community relations; finance and budget; facilities; internal business; and membership (Attachment 3, pp. 75–78).

The BPA-SD petition states that a Parent Advisory Committee (PAC) makes recommendations to the Board concerning BPA-SD. The PAC consists of parents/guardians of pupils enrolled at BPA-SD, and at least one certificated and/or classified employee of BPA-SD. Parent/guardian members may be chosen by ballot of parents of pupils enrolled. The employees of BPA-SD who serve on the PAC shall be appointed by the Executive Director. The petition states that the PAC meets no less than four times per year. The PAC may elect from their ranks a Chair, Vice-Chair, and Secretary to serve one year terms. Each member has one vote and all decisions require a simple majority of the members voting. The PAC may adopt its own procedures for filling mid-term vacancies. The Chair reports the proceedings directly to the Board within 30 days of their meetings. Members serve for one year and do not receive compensation for their services on the PAC (Attachment 3, p. 81).

The BPA-SD petition states that all meetings of the Board are to be held and conducted in accordance with the terms and provisions of the Ralph M. Brown Act, California *Government Code* (GC) Section 54950 and shall also comply with the applicable ethics and conflict of interest standards set forth in the California *Corporations Code* and the California Political Reform Act. Additionally, beginning in January 2020, the BPA-SD Board will comply with *EC* Section 47604.1, which further clarifies the Ralph M. Brown Act, the California Public Records Act, the Political Reform Act of 1974, Section 8730 of the *GC*, Conflict of Interest Code, and Governing Board meetings (Attachment 3, p. 76). The CDE notes that Section 8730 is not in existence and that the BPA-SD Board must comply with *GC* Section 1090.

The petition states that Frank Ogwaro serves as BPA-SD’s Board Chair and Chief Executive Officer (CEO). The CDE notes that Frank Ogwaro currently serves as BPA-SD’s CEO and that as of June 30, 2019, Frank Ogwaro no longer serves on the BPA-SD’s board.

BPA-SD’s Bylaws, Article VII, Sections 22 and 23 provide for Board Members to be compensated for their service on the Board, and for the same Board members to fix their own compensation. Additionally, BPA-SD’s Board approves salaries, and compensation policies, and hears all employee grievances. BPA-SD’s Board also establishes performance goals, and reviews employment contracts of the CEO. The SBE needs assurance from BPA-SD that it has adopted policies and procedures regarding real and apparent conflicts of interest to address its Bylaws, which provide for Board Members to fix their own compensation. BPA-SD shall also provide assurance to the SBE that beginning January 1, 2020, that its bylaws, and policies comply with the requirement of *EC* Section 47604.1.

The SBE expects all SBE schools to comply with *EC* Section 47604.1 (effective January, 1, 2020), which requires charter schools or entities managing charter schools to comply with the following:

1. The Ralph M. Brown Act (commencing with *GC* Section 54590);
2. The California Public Records Act (commencing with *GC* Section 6250);
3. Conflict of Interest Rules (commencing with *GC* Section 1090); and
4. The Political Reform Act (commencing with *GC* Section 81000)

If approved by the SBE, as a condition for approval, the BPA-SD petitioner will be required to revise the petition in order to reflect the current status of Frank Ogwaro’s status at BPA-SD as well as provide assurances that BPA-SD will comply with *EC* Section 47604.1 effective January 2020.

## 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 BPA-SD petition presents a reasonably comprehensive description of employee qualifications. The BPA-SD petition states that BPA-SD is an equal employment opportunity employer. Discrimination or harassment based on race, color, religion, sex, gender identity, pregnancy, national origin, ancestry, citizenship, age, marital status, physical disability, mental disability, medical condition, sexual orientation, genetic information, or any other characteristic protected by state or federal law is strictly prohibited (Attachment 3, p. 82).

The BPA-SD petition identifies key positions, such as Executive Director, Site Coordinator, Director of Education, Director of Special Education, teachers, and other certificated and non-certificated personnel, including qualifications expected of individuals assigned to these positions. The BPA-SD petition states that BPA-SD will assure that teacher credentials will be equal to those required by law for core and college preparatory courses. BPA-SD will comply with all applicable state and federal laws regarding background checks and clearance of all personnel. BPA-SD will comply with all state and federal laws concerning the maintenance and disclosure of employee records. BPA-SD will comply with all state and federal mandates and legal guidelines relative to the Every Student Succeeds Act (Attachment 3, pp. 82–95).

## 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 BPA-SD petition presents a reasonably comprehensive description of health and safety procedures. The petition states that BPA-SD’s procedures to ensure the health and safety of pupils and staff meet the requirements specified in *EC* Section 47605(b)(5)(F). The petition states that BPA-SD shall have a comprehensive School Safety Plan that will be periodically reviewed and updated as well as ensure that all staff members receive annual training on the plan (Attachment 3, pp. 96–100).

## 7. Racial and Ethnic Balance

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

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

### Evaluation Criteria

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

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

### Comments

The petition states that BPA-SD actively seeks to match the racial and ethnic backgrounds of pupils enrolled in the San Marcos Unified School District (SMUSD). This is accomplished through an open enrollment policy and active recruitment of underrepresented minorities. These recruitment activities are evaluated on an annual basis and adjustments are made accordingly (Attachment 3, pp. 101–102).

## 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 BPA-SD preferences:

1. Pupils currently attending BPA-SD.
2. Pupils who reside in the District.

Pursuant to *EC* Section 47614.5(c)(2) the CSFA 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 or more of the pupil enrollment at the charter school site is eligible for free or reduced-priced meals.

Currently BPA-SD does not meet the 55 percent free or reduced-priced meals threshold at the charter school site for the Senate Bill 740 grant; therefore, BPA-SD 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 BPA-SD is located. BPA-SD’s permanent facility 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.

Based on the information noted above, the CDE has determined that the BPA-SD petition presents a reasonably comprehensive description of admission requirements. The petition states that BPA-SD is an open enrollment, tuition-free public school with no specific requirements for admission. The petition states that lottery exemption includes all pupils currently attending BPA-SD and that all general applicants will be entered into a lottery drawing based on the following preferences (Attachment 3, p. 104):

1. Siblings of currently attending BPA-SD pupils.
2. Pupils who are currently enrolled in or who reside in the elementary school attendance area of the public elementary school(s) in which BPA-SD is located (for purposes of the CSFGP).
3. Pupils who reside in the District.
4. Pupils who are wards of BPA-SD employees, limited to 10 percent of BPA-SD’s total enrollment.

Additionally, the petition states that TK pupils turning five years old between September 2 through December 2 will be given priority during enrollment. Depending on enrollment numbers, pupils will be enrolled into a TK class on the pupil’s fifth birthday and if a space is not available for each of the pupils, then enrollment will be granted to pupils in order of application date (Attachment 3, p. 103). This does not conform with *EC* Section 47605(d)(2).

If approved by the SBE, as a condition for approval, the BPA-SD petitioners will be required to revise the petition to include the necessary language for Element 9–Admission Requirements by including that if space is not available for pupils in the   
TK program, then applicants will be entered into a lottery based on the preferences listed above which are used for K through grade eight, rather than be granted to pupils in order of application date.

The SBE has the discretion to approve the preferences in the BPA-SD 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 BPA-SD petition presents a reasonably comprehensive description of annual independent financial audits. The petitions states that an annual independent fiscal audit of the books and records of BPA-SD is conducted, as required under *EC* sections 47605(b)(5)(I) and 47605(m). The books and records of BPA-SD are kept in accordance with generally accepted accounting principles and, as required by applicable law, the audit employs generally accepted accounting procedures and the selected auditor has experience in education finance. The petition states that BPA-SD anticipates that the annual audit will be completed within four months of the close of the fiscal year, and that a copy of the complete audit report, including any of the auditor's findings, will be forwarded to the SMUSD, the County Superintendent of Schools, the State Controller, and the CDE by December 15 of each year (Attachment 3, p. 108). The petition states that the Executive Director, along with the audit committee, reviews any audit exceptions or deficiencies, and reports to BPA-SD’s Governing Board with recommendations on how to resolve them. The Board submits a report to the SBE describing how the exceptions and deficiencies have been, or will be, resolved to the satisfaction of the SBE, along with an anticipated timeline for the same (Attachment 3, p. 107).

## 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 BPA-SD petition presents a reasonably comprehensive description of suspension and expulsion procedures.

Addressing evaluation criteria A, B, and D above, the BPA-SD petition states that BPA-SD’s formal discipline policy describes, at a minimum, the progressive disciplinary measures, grounds for suspension and expulsion from BPA-SD, maximum number of consecutive days of suspension, and contents and procedures for any notice to parents of suspension or recommendation for expulsion, including, but not necessarily limited to, the specific reasons for suspension or a recommendation for expulsion. In addition, the notice to the parents includes the length of suspension and provisions for the pupil’s education while suspended. The petition states that policies are reviewed and modified as needed (Attachment 3, pp. 110–131). The BPA-SD petition states that the Governing Board may adopt a board policy authorizing teachers to require the parent or guardian of a pupil who has been suspended by a teacher for committing an obscene act or engaging in habitual profanity or vulgarity or disrupting school activities or otherwise willfully defying the valid authority of supervisors, teachers, administrators, school officials, or other school personnel engaged in the performance of their duties, subject to the grade limitations specified above, to attend a portion of a school day in the classroom of his or her child or ward (Attachment 3, p. 116).

Addressing evaluation criteria C and E above, the BPA-SD petition states that the parent of a pupil with a disability who disagrees with any decision regarding placement, or the manifestation determination, or BPA-SD believes that maintaining the current placement of the pupil is substantially likely to result in injury to the pupils or to others, may request a hearing. A hearing officer shall make a determination regarding an appeal requested under 20 United States Code (U.S.C.) 1415(k)(3)(A). The hearing officer may order a change in placement of the pupil and either return the pupil to the placement from which the child was removed, or order a change in placement of a pupil with a disability to an appropriate interim alternative educational setting for not more than 45 school days if the hearing officer determines that maintaining the current placement of such pupil is substantially likely to result in injury to the pupil or to others. When an appeal has been requested by either the parent or BPA-SD, the child shall remain in the interim alternative educational setting pending the decision of the hearing officer or until the expiration of the time period provided for in 20 U.S.C. 1415(k)(1)(C), whichever occurs first, unless the parent and the State or local education agency agree otherwise, and the State or BPA-SD shall arrange for an expedited hearing, which shall occur within 20 school days of the date the hearing is requested and shall result in a determination within 10 school days after the hearing. In effect, this would allow for a maximum placement in an interim alternative educational setting pending a decision for no more than 30 school days (Attachment 3, p. 129).

Additionally, the BPA-SD petition states that no pupil shall be involuntarily removed by BPA-SD for any reason unless the parent or guardian of the pupil has been provided written notice in person and/or by mail of intent to remove the pupil no less than five school days before the effective date of the action (Attachment 3, p. 130).

## 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 BPA-SD petition does present a reasonably comprehensive description of retirement coverage. The petition states that BPA-SD’s Board of Directors shall determine which school-sponsored retirement plans are available to various types of staff. BPA-SD’s Board of Directors retains the option for BPA-SD to participate in the CalSTRS, or a 403b retirement plan that may offer rates competitive within the existing marketplace, or to implement any other retirement plan at its discretion. BPA-SD coordinates such participation, as appropriate, with the Social Security system or other reciprocal system, so that at a minimum, all staff are covered by CalSTRS and/or CalPERS, or alternatively, by federal social security, pursuant to *EC* Section 47605(b)(5)(K). All employees who are not members of CalSTRS or CalPERS must contribute to the federal social security system. If the Board of Directors determines to participate in CalSTRS for certificated employees who are eligible, and CalSTRS is no longer available for Charter Schools, BPA-SD may offer a matching rate on the 403b plan that would be competitive within the existing marketplace. BPA-SD does not currently intend to participate in CalPERS. BPA-SD is responsible for contracting retirement plan services with an experienced provider selected by the Board (Attachment 3, pp. 132–133).

## 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 BPA-SD petition does present a reasonably comprehensive description of public school attendance alternatives. The petition states that no pupil shall be required to attend BPA-SD. Pupils who reside within the SMUSD who choose not to attend BPA-SD may attend a school within the SMUSD according to SMUSD policy, or at another school district or school within the SMUSD through the SMUSD’s intra- and inter-district policies. Parents and guardians of each pupil enrolled in BPA-SD are informed on admissions forms that the pupils have no right to admission in a particular school of any local educational agency (LEA) as a consequence of enrollment in BPA-SD, except to the extent that such a right is extended by the LEA (Attachment 3, p. 134).

## 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 BPA-SD petition does present a reasonably comprehensive description of post-employment rights of employees. The petition states that employees of the SMUSD who choose to leave the employment of the SMUSD to work at BPA-SD have no automatic rights of return to the SMUSD after employment by BPA-SD, unless specifically granted by the SMUSD through a leave of absence or other agreement, in accordance with the Board policies and collective bargaining agreements of the SMUSD (Attachment 3, p. 135).

## 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 BPA-SD petition presents a reasonably comprehensive description of dispute resolution procedures specific to the SBE (Attachment 3, p. 136).

## 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 BPA-SD petition does include a reasonably comprehensive description of closure procedures. The petition describes the documentation of closure action with regard to notifications to receiving districts, financial close out, and dissolution of assets. Additionally, the petition states that BPA-SD shall maintain all records until the charter is dissolved and shall determine a suitable location for storage of the same (Attachment 3, pp. 137–140).

**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 BPA-SD petition does provide evidence addressing the requirements regarding standards, assessments, and parent consultation (Attachment 3, pp. 71–74, and 81).

## 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 BPA-SD petition does provide the required information and financial projections (Attachment 3, pp. 107–109 and Attachment 4).

## 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 BPA-SD petition does meet this requirement. The petition states that BPA-SD shall ensure that teachers hold a Commission on Teacher Credentialing certificate, permit, or other document equivalent to that which a teacher in other public schools is required to hold (Attachment 3, pp. 4, 82, and 93–94).

## 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 BPA-SD petition does address this requirement. The petition states that BPA-SD will provide an interim financial report for the current fiscal year reflecting changes through October 31 by December 15 (Attachment 3, p. 108).

## 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 BPA-SD petition does address this requirement. The petition presents a comprehensive description of measurable pupil outcomes (MPOs) and includes a table of BPA-SD MPOs aligned to the state priorities, and the goals and actions needed to achieve those priorities schoolwide and for pupil subgroups (Attachment 3, pp. 57–70).

## 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

BPA-SD does not plan to serve secondary pupils.