California Department of Education

Charter Schools Division

Revised 5/2018

eab-csd-mar20item03

Attachment 1

# CHARTER SCHOOL PETITION REVIEW FORM: Academia Avance Charter

CALIFORNIA DEPARTMENT OF EDUCATION

## Key Information Regarding Academia Avance Charter

### Proposed Grade Span and Build-out Plan

#### Table 1: 2020–25 Proposed Enrollment

K–kindergarten

NA–Not Applicable. Grade levels not served.

| Grade | 2020–21 | 2021–22 | 2022–23 | 2023–24 | 2024–25 |
| --- | --- | --- | --- | --- | --- |
| K | NA | NA | NA | NA | NA |
| 1 | NA | NA | NA | NA | NA |
| 2 | NA | NA | NA | NA | NA |
| 3 | NA | NA | NA | NA | NA |
| 4 | NA | NA | NA | NA | NA |
| 5 | NA | NA | NA | NA | NA |
| 6 | 25 | 25 | 25 | 25 | 25 |
| 7 | 55 | 55 | 55 | 55 | 55 |
| 8 | 55 | 55 | 55 | 55 | 55 |
| 9 | 55 | 55 | 55 | 55 | 55 |
| 10 | 55 | 55 | 55 | 55 | 55 |
| 11 | 55 | 55 | 55 | 55 | 55 |
| 12 | 50 | 50 | 50 | 50 | 50 |
| Total | 350 | 350 | 350 | 350 | 350 |

### Proposed Location

Academia Avance Charter (AAC) currently serves 326 pupils in grade six through grade twelve on two facilities located at 115 North Avenue 53 and 161 South Avenue 49 in Los Angeles, California.

### Brief History

AAC is a State Board of Education (SBE)-authorized charter school serving pupils in grade six through grade twelve. AAC was approved by the SBE on September 2, 2015, for a five-year term, which expires on June 30, 2020. AAC was originally authorized on May 24, 2005, by the Los Angeles Unified School District (LAUSD) Board of Education for three years. On May 18, 2010, the LAUSD Board of Education denied the renewal of AAC. The Los Angeles County Board of Education (LACBOE) approved the AAC petition on appeal for a five-year term from July 1, 2010, through June 30, 2015. On May 12, 2015, LACBOE denied the renewal of AAC. The SBE approved the AAC petition on appeal for a five-year term from July 1, 2015, through June 30, 2020.

On September 19, 2019, the petitioner submitted the AAC petition to LAUSD. On October 15, 2019, the LAUSD Board of Education denied the AAC petition by a vote of six to one.

The AAC petitioner submitted a petition on appeal to the California Department of Education (CDE) on December 2, 2019.

### Lead Petitioner

Ricardo Mireles, 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]) | No |
| Ability to Successfully Implement the Intended Program  (*EC* Section 47605[b][2]) | No |
| Required Number of Signatures (*EC* Section 47605[b][3]) | NA |
| Affirmation of Specified Conditions (*EC* sections 47605[b][4] and [d]) | Yes |
| Exclusive Public School Employer (*EC* Section 47605[b][6]) | Yes |
| 1. Description of Educational Program (*EC* Section 47605[b][5][A]) | 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]) | No |
| 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]) | No |
| 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 not “consistent with sound educational practice.”**

### Comments

The AAC petition is not consistent with sound educational practice. AAC’s pupils do not perform at least equal to its comparable district schools where the majority of AAC pupils would otherwise attend.

#### Renewal Criteria

*EC* Section 47607 requires the chartering authority to consider the following when reviewing a charter renewal petition:

1. The authority that granted the charter shall consider increases in pupil academic achievement for all groups of pupils served by the charter school as the most important factor in determining whether to grant a charter renewal.
2. The entity that granted the charter determines that the academic performance of the charter school is at least equal to the academic performance of the public schools that the charter school pupils would otherwise have been required to attend, as well as the academic performance of the schools in the school district in which the charter school is located, taking into account the composition of the pupil population that is served at the charter school.

AAC does not perform, overall, at least equal to its comparable district schools where the majority of AAC pupils would otherwise attend.

**CDE’s Review of Renewal Criteria Under *EC* Section 47607**

The CDE selected four schools, two middle schools and two high schools, where pupils would otherwise attend and that are comparable in that they have similar enrollment for similar significant subgroups.

The following table shows the percentage of pupils that met/exceeded standards on the 2015–16, 2016–17, 2017–18, and 2018–19 California Assessment of Student Performance and Progress (CAASPP) assessment for English language arts (ELA) and mathematics for AAC, and the CDE-chosen comparable schools that pupils would otherwise attend. The 2015–16 through 2018–19 CAASPP data show that AAC does not perform, overall, at least equal to comparable district schools. Although, the AAC results show slight increases from 2015–16 through 2017–18, AAC does not perform at least equal to or greater than the CDE-chosen comparable schools.

**CAASPP Results for CDE-Chosen Comparable Schools (Percentage Meets/Exceeds Standards)**

| School | 2015–16 ELA | 2015–16 Math | 2016–17 ELA | 2016–17 Math | 2017–18 ELA | 2017–18 Math | 2018–19  ELA | 2018–19  Math |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| AAC | 27 | 12 | 27.96 | 14.76 | 32.4 | 20.18 | 30.69 | 17.46 |
| Benjamin Franklin Senior High | 63 | 39 | 61.74 | 40.52 | 49.69 | 31.45 | 55.98 | 44.9 |
| Eagle Rock High | 64 | 48 | 59.8 | 40.67 | 60.09 | 39.18 | 57.61 | 39.44 |
| Luther Burbank Middle | 42 | 34 | 41.98 | 35.87 | 42.93 | 36.64 | 44.57 | 40.31 |
| Washington Irving Middle School Math, Music and Engineering Magnet | 45 | 33 | 45.67 | 39.29 | 44.97 | 46.06 | 46.83 | 54.28 |

**AAC’s Review of Renewal Criteria Under *EC* Section 47607**

The AAC petitioner completed CAASPP data comparison analyses for AAC and LAUSD-resident schools for pupils schoolwide for grade eleven and by subgroup.

The following table shows the percentage of pupils that met/exceeded standards on the 2015–16, 2016–17, and 2017–18 CAASPP assessment for ELA and mathematics for AAC, and the LAUSD-resident schools that pupils would otherwise attend. The petitioner states that between 2015–16 and 2017–18, AAC experienced a yearly increase in the cumulative percentage of pupils tested of 0.96 percent from 2015–16 to 2016–17 and 4.44 percent from 2016–17 to 2017–18 in ELA. In mathematics, the rate of increase for overall pupils from 2015–16 to 2016–17 was 2.76 percent and 5.42 from 2016–17 to 2017–18 (Attachment 3, pp. 19–25).

The CDE notes that the 2018–19 CAASPP data was not available at the time AAC submitted the renewal petition.

**CAASPP Results for AAC and LAUSD-Resident Schools (Percentage Meets/Exceeds Standards)**

| School | 2015–16 ELA | 2015–16 Math | 2016–17 ELA | 2016–17 Math | 2017–18 ELA | 2017–18 Math |
| --- | --- | --- | --- | --- | --- | --- |
| AAC (grades six–eight and eleven) | 27 | 12 | 27.96 | 14.76 | 32.40 | 20.18 |
| AAC (grade eleven) | 56 | 15 | 56.27 | 22.92 | 41.27 | 15.63 |
| Abraham Lincoln Senior High | 60 | 33 | 52.51 | 17.76 | 52.50 | 26 |
| Benjamin Franklin Senior High | 63 | 39 | 61.74 | 40.52 | 49.49 | 31.45 |
| Florence Nightingale Middle | 22 | 22 | 32.86 | 28.99 | 38.07 | 28.66 |
| Luther Burbank Middle | 42 | 34 | 41.98 | 35.88 | 42.93 | 36.64 |
| Woodrow Wilson Senior High | 52 | 18 | 47.67 | 18.87 | 42.96 | 15.85 |
| LAUSD-Resident Schools Median | 52 | 33 | 47.67 | 28.99 | 42.96 | 28.66 |
| LAUSD (grades six–eight and eleven) | 39.99 | 26.05 | 41.47 | 26.97 | 42.42 | 28.02 |
| LAUSD (grade eleven) | 54 | 25 | 54.56 | 23.92 | 50.99 | 23.28 |
| California (grades six–eight and eleven) | 50.65 | 35.02 | 51.12 | 35.49 | 50.69 | 35.82 |
| California (grade 11) | 59 | 33 | 59.76 | 32.1 | 55.96 | 31.37 |

The following table shows the percentage of AAC, by pupil subgroup, that met/exceeded standards on the 2015–16, 2016–17, and 2017–18 CAASPP assessment for ELA and mathematics. The petition states that the performance of all pupils at AAC largely reflect the Hispanic/Latino and socioeconomically disadvantaged (SED) subgroups, and that increases in all pupils also represent increases within these two numerically significant subgroups. Additionally, the results for English learners (ELs), who constituted 21.1, 21.9, 18.5, and 18.8 percent of pupils in 2015–16 through 2018–19, respectively, showed a growth of 5.08 percent in ELA in 2016–17 (Attachment 6, p. 26).

**CAASPP Results for AAC by Subgroup (Percentage Meets/Exceeds Standards)**

| School | 2015–16 ELA | 2015–16 Math | 2016–17 ELA | 2016–17 Math | 2017–18 ELA | 2017–18 Math |
| --- | --- | --- | --- | --- | --- | --- |
| All Pupils | 27.0 | 12.0 | 27.96 | 17.76 | 32.40 | 20.18 |
| Hispanic/Latino | 27.0 | 12.0 | 26.90 | 15.30 | 31.86 | 20.49 |
| SED | 28.0 | 11.0 | 26.50 | 15.08 | 32.35 | 20.0 |
| ELs | 0.0 | 3.39 | 5.08 | 3.39 | 0.0 | 0.0 |
| Pupils with Disabilities | 4.0 | 0.0 | 10.71 | 7.14 | 4.35 | 0.0 |

**LAUSD’s Review of Renewal Criteria Under *EC* Section 47607**

LAUSD reviewed 2016–17, 2017–18, and 2018–19 CAASPP data for AAC and LAUSD-chosen resident schools. This review showed levels of academic performance that are below the resident schools median in both ELA and mathematics for three consecutive years. Additionally, the record of academic performance indicates that all AAC’s numerically significant subgroups (i.e., Latino, SED, and ELs) have not consistently achieved growth in academic performance, and their performance levels are below resident school subgroup medians. The data support a finding that AAC performance is not at least equal to the LAUSD schools that AAC pupils would otherwise attend (Attachment 6, pp. 23–24).

The following table shows the percentage of pupils that met/exceeded standards on the 2016–17, 2017–18, and 2018–19 CAASPP assessment for ELA and mathematics for AAC and the LAUSD-chosen resident schools that pupils would otherwise attend.

**CAASPP Results for LAUSD-Chosen Resident Schools (Percentage Meets/Exceeds Standards)**

| School | 2016–17 ELA | 2016–17 Math | 2017–18 ELA | 2017–18 Math | 2018–19 ELA | 2018–19 Math |
| --- | --- | --- | --- | --- | --- | --- |
| AAC | 27.96 | 17.76 | 32.4 | 20.18 | 30.69 | 17.46 |
| Abraham Lincoln Senior High | 52.52 | 26.55 | 52.5 | 26 | 46.37 | 27.9 |
| Benjamin Franklin Senior High | 61.74 | 40.52 | 49.69 | 31.45 | 55.98 | 44.9 |
| Florence Nightingale Middle | 32.87 | 28.98 | 38.07 | 28.66 | 43.47 | 33.88 |
| Luther Burbank Middle | 41.98 | 35.87 | 42.93 | 36.64 | 44.57 | 40.31 |
| Woodrow Wilson Senior High | 47.67 | 18.87 | 42.96 | 15.85 | 49.07 | 19.7 |

The CDE reviewed the information provided by LAUSD and has determined that LAUSD’s review and analysis of the pupil achievement data pursuant to *EC* Section 47607 was comprehensive. Further, the CDE has determined that LAUSD considered increases in pupil academic achievement for all groups of pupils served by AAC as the most important factor in determining whether to grant AAC’s renewal request.

**LAUSD’s Review of Renewal Criteria Under *EC* Section 52052–Alternative Measures**

Academic Performance Index (API) has not been calculated as of the 2013–14 school year (SY). In such a case, *EC* Section 52052(f) provides for the following in determining whether a charter school has met the requirements for the renewal of its charter:

* Alternative measures that show increases in pupil academic achievement for all groups of pupils schoolwide and among significant pupil subgroups shall be used.

LAUSD reviewed the following alternative measures that AAC proposed in its renewal petition:

* 2017–18 Graduation Rate (Attachment 6, p. 26)
* 2017–18 Suspension Rate (Attachment 6, p. 26)

**CDE’s Review of Renewal Criteria Under *EC* Section 52052–Alternative Measures**

The CDE also considered *EC* Section 52052(f) in its review of AAC’s renewal petition. As referenced above, API has not been calculated as of the 2013–14 SY. In such a case, *EC* Section 52052(f) provides for the following in determining whether a charter school has met the requirements for the renewal of its charter:

* Alternative measures that show increases in pupil academic achievement for all groups of pupils schoolwide and among significant pupil subgroups shall be used.

The CDE reviewed the following alternative measures as criteria for charter renewal (Attachment 3, pp. 14–34):

* Graduation Rate
* English Language Proficiency Assessment for California (ELPAC) Performance
* Reclassification Rate
* Suspension Rate
* College Going Rate
* AAC’s Internal Tracking System of CAASPP Data
* Northwest Evaluation Association (NWEA) Measurement of Academic Progress (MAP)
* Scholastic Aptitude Test (SAT) Score Distribution

The CDE reviewed the alternative measures information provided by AAC pursuant to *EC* Section 52052(f). The data from the AAC alternative measures reflect some increases in AAC’s ELPAC results, graduation rate, reclassification rate, and college going rate, and a decline in suspension rate. However, the data presented via AAC’s internal tracking system rely on calculations of CAASPP data, NWEA MAP data, and SAT Score Distribution data for which the CDE lacks independent confirmation of their reliability, validity, fairness, and alignment.

## 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

#### Current Fiscal Analysis

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

* 350 grade six through grade twelve in 2020–21
* 350 grade six through grade twelve in 2021–22
* 350 grade six through grade twelve in 2022–23

The CDE concludes that the AAC projected budget is viable with the projected enrollment of 350 each year and positive ending fund balances of $363,071; $526,611; and $767,559 with reserves of 6.9, 10, and 14.4 percent for fiscal year (FY) 2020–21 through 2022–23, respectively.

AAC has a fair financial record under SBE authorization. AAC’s FY 2019–20 first interim report indicates that AAC is projecting a positive ending fund balance of $478,781 and reserves of 9.32 percent, which is above the recommended 5 percent in reserves outlined in the Memorandum of Understanding (MOU) between AAC and the SBE. The CDE reviewed the audited financial data from the 2018–19 audit report that reflected an unqualified status. In addition, prior years’ repeated financial statement finding of cash receipts is remediated.

##### Past Fiscal Concerns

Although AAC currently has a fair financial record under SBE authorization and has strengthened its financial viability over the past year, AAC has had a history of recurring audit findings and deficit spending, and ongoing concerns based upon the CDE’s review of AAC’s independent audit reports for FYs 2015–16, 2016–17, 2017–18, and 2018–19.

During FYs 2014–15, 2015–16, and 2016–17, AAC had recurring audit findings of cash receipts. The 2014–15 audit findings were reflected in the 2015–16 audit report. Additionally, during FYs 2015–16, 2016–17, and 2017–18, AAC had recurring audit findings of cash disbursements.

During FY 2017–18, AAC’s ending fund balance declined significantly from $1,527,658 to $6,562 due to losses from AAC’s divestiture of City Terrace, LLC, a real estate development limited liability company.

Additionally, AAC has a history of selling receivables in order to pay its financial obligations. AAC has paid fees to Charter School Capital in amounts of $184,166; $247,959; $217,999; and $224,107 for FY 2015–16 through FY 2018–19. Although AAC’s financial services provider has estimated that AAC’s ending net assets will increase to approximately $247,000 with no unearned revenue sold at the end of the new FY, the CDE is concerned with AAC’s ability to pay its future obligations for the upcoming FYs.

#### Declining Enrollment

The AAC petition approved on September 2, 2015, stated the following enrollment projections:

| Grade | 2015–16 | 2016–17 | 2017–18 | 2018–19 | 2019–20 |
| --- | --- | --- | --- | --- | --- |
| Sixth | 75 | 75 | 75 | 75 | 75 |
| Seventh | 75 | 75 | 75 | 75 | 75 |
| Eighth | 75 | 75 | 75 | 75 | 75 |
| Ninth | 100 | 100 | 100 | 100 | 100 |
| Tenth | 75 | 100 | 100 | 100 | 100 |
| Eleventh | 75 | 75 | 100 | 100 | 100 |
| Twelfth | 60 | 75 | 75 | 100 | 100 |
| Total | 535 | 575 | 600 | 625 | 625 |

AAC’s enrollment has fluctuated since its inception and is significantly under-enrolled compared to the proposed plan in the 2015 approved petition. The school currently serves 326 students in its grade six through grade twelve educational program, raising significant concerns about AAC’s outreach and recruitment strategies.

#### Past History Under State Board of Education Authorization

The CDE finds that AAC implements the program as described in the current charter petition and the school leadership provides regular updates to CDE staff, both formally and informally. However, AAC has been issued two letters of concern from the CDE regarding academic and operational noncompliance including the following:

* February 21, 2018: AAC received a Letter of Academic Concern regarding pupil achievement based on the five by five color grid on the 2017 Dashboard. The CDE requested an implementation plan for improvement outlining goals to improve achievement on the 2018 Dashboard.

The CDE has determined that the AAC response was sufficient.

* March 20, 2018: AAC received a Letter of Operational Concern regarding the posting of Board agendas and meetings; lack of a school site council and English language advisory committee; noncompliance with the petition in regards to Measurable Pupils Outcomes (as referred to in the February 21, 2018, Letter of Academic Concern); and noncompliance with the petition in regards to maintaining enrollment within 25 percent of the stated goal.

The CDE has determined that the AAC response was sufficient.

AAC has been issued five letters of concern from the CDE regarding delinquent oversight payments, audit findings, and negative ending fund balances with no reserves as follows:

* August 3, 2016: AAC received a Letter of Fiscal Concern regarding delinquent payments for 2015–16 oversight fees due to the CDE.

The CDE has determined that the AAC response was sufficient.

* August 8, 2017: AAC received a Letter of Fiscal Concern regarding 2014–15 and 2015–16 Independent Audit Report Financial Statement Findings over its cash receipts and 2015–16 over its cash disbursements. The CDE requested the AAC Board to provide an internal control policy for cash receipts and cash disbursements.

The CDE has determined that the AAC response was sufficient.

* November 1, 2017: AAC received a Letter of Fiscal Concern regarding delinquent payments for 2016–17 oversight fees due to the CDE.

The CDE has determined that the AAC response was sufficient.

* March 20, 2018: AAC received a Letter of Fiscal Concern regarding the response to the Letter of Fiscal Concern dated August 8, 2017. The AAC Board had not taken the 2015–16 Audit Findings under consideration nor did AAC respond to the CDE’s request for an internal control policy.

The CDE has determined that the AAC response was sufficient.

* July 2, 2018: AAC received a Letter of Fiscal Concern regarding AAC’s financial condition, which included a negative ending fund balance of $204,262 and no reserves in the FY 2017–18 second interim report, and a negative ending fund balance of $355,848 and no reserves in the April 2018 addendum to the second interim report. In addition, the AAC Board had not taken the 2015–16 Audit Findings under consideration or responded to the CDE’s request for the internal control policy for cash receipts and cash disbursements. The CDE requested a Fiscal Corrective Action Plan with evidence that the AAC Board adopted an internal control policy, provided staff training, and approved an AAC Board meeting agenda and minutes adopting Administrative Regulations developed to ensure the implementation of the fiscal policies.

The CDE has determined that the AAC response was sufficient.

The following outlines AAC’s fiscal standing based on the annual SBE Fiscal Memorandums issued over the last four years:

* August 1, 2019: Fair financial standing, which means that a charter school has shown some signs of fiscal distress and needs to take appropriate action to address the decline in financial condition.
* August 1, 2018: Poor financial standing, which means that a charter school is in danger of jeopardizing their fiscal operations going forward.

As shown on the 2018–19 audit report, AAC remedied this poor condition by demonstrating an ability to operate with a balanced budget and maintaining a positive ending fund balance of $237,102 with approximately 4 percent in reserves. AAC also maintained a low debt level of 0.85 with adequate cash liquidity.

* August 10, 2017: Fair financial condition, which means that a charter school has shown some signs of fiscal distress and needs to take appropriate action to address the decline in financial condition.
* April 1, 2016: Good financial standing, which means that a charter school has demonstrated an ability to operate with a balanced budget; maintain stable enrollment and attendance ratios; manage cash liquidity; maintain a low debt level; maintain a positive fund balance; and has met the recommended reserve level specified in the MOU.

## 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

Signatures are not applicable for a charter renewal.

## 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 AAC petition contains the required affirmations (Attachment 3, pp. 3–4); however, the Affirmations and Declarations pages of the petition are not signed by the petitioner.

If approved by the SBE, as a condition for approval, the AAC petitioner will be required to submit a signed copy of the Affirmations and Declarations 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 AAC 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. | No |
| 1. Specifies the charter school’s special education plan, including, but not limited to, the means by which the charter school will comply with the provisions of *EC* Section 47641, the process to be used to identify students who qualify for special education programs and services, how the school will provide or access special education programs and services, the school’s understanding of its responsibilities under law for special education pupils, and how the school intends to meet those responsibilities. | Yes |

**The petition does overall present a reasonably comprehensive description of the educational program.**

### Comments

The AAC petition does overall present a reasonably comprehensive description of the educational program; however, the petition does not state that reclassified fluent English proficient pupils will be monitored for four years after reclassification.

If approved by the SBE, as a condition for approval, the petitioners will be required to revise the petition in order to reflect the SBE as the authorizer and include the necessary language that reclassified fluent English proficient pupils will be monitored for four years after reclassification.

**Educational Program**

AAC intends to serve 350 pupils in grade six through grade twelve in 2020–21. The petition states that AAC creates a mutually supportive and positive learning environment in which every member develops communication, technological, and leadership skills to foster self-confidence and personal growth. The petition states that AAC is a college preparatory school with the goal to ensure that all pupils complete A­-G requirements; graduate; are equipped to be accepted into colleges and universities; and have opportunities to develop into active citizens characterized by the ideals of a diverse and democratic society. The petition states that AAC is built around the following core values:

* Consciousness
* Reason
* Synergy
* Action

The petition states that AAC believes that educated citizens of the twenty-firstcentury must have global awareness; have a solid foundation in science, math, history, and literature and language arts; continuously strive to develop and improve cognitive, affective, and metacognitive skills and knowledge; and have a love of learning that will enable them to be lifelong independent learners so they can adapt quickly and easily to changes in core knowledge (Attachment 3, pp. 36–46).

#### Plan for Low-Achieving Pupils

The petition states that AAC will identify at-risk pupils in accordance with the California and LAUSD guidelines as follows (Attachment 3, p. 156):

* Pupils scoring standard nearly met or standard not met on the previous year’s Smarter Balanced test in ELA or mathematics.
* Pupils who are at least one year below grade level in areas of reading, writing, mathematics, and oral languages as defined by interim assessments.
* Pupils recommended for academic intervention.

The petition states that AAC will implement strategies to ensure that the needs of pupils achieving below grade level are met, which include targeted instruction in the following settings (Attachment 3, pp. 156–157):

* Small group instruction
* Teacher collaboration
* Saturday intervention courses

AAC outlines the following strategies to improve at-risk performance (Attachment 3, p. 157):

* Early detection
* Family communication
* Teacher collaboration
* Focused instruction
* Direct intervention
* Ongoing assessment
* A commitment to each pupil

#### Plan for High-Achieving Pupils

The AAC petition states that high-achieving pupils are identified as those who score at least one grade level above on standardized tests or internal metrics for reading, writing, mathematics, and oral language. The petition states that AAC is committed to designing learning experiences that are differentiated in the form of flexible groupings, expeditions, independent research projects, advanced learning opportunities, out-of-grade-level activities, and time adjustments. AAC will monitor high-achieving pupils to make sure that they continue to make gains and implement the following interventions (Attachment 3, pp. 154–156):

* Early detection
* Family communication
* Teacher collaboration
* Focused instruction

#### Plan for English Learners

The AAC petition presents a reasonably descriptive plan for ELs. The petition states that AAC reclassifies ELs in accordance with federal and state requirements and monitors pupils who have been reclassified for the required three years; however, the petition does not state that reclassified fluent English proficient pupils will be monitored for four years after reclassification. The AAC petition states that a home language survey will be distributed to identify pupils who come from homes where a language other than English is spoken. AAC administers the ELPAC annually in accordance with federal and state requirements. AAC implements its own EL plan, which includes, but is not limited to, the following (Attachment 3, pp. 147–154):

* How ELs’ needs will be identified.
* What services will be offered.
* How, where, and by whom the services will be provided.
* How the school will evaluate its EL program each year, and how the results of this evaluation will be used to improve the program, including the provision of EL services.

The petition states that teachers will monitor pupils’ literacy habits and skills, which will allow for the development and implementation of plans to address needs. Teachers will be encouraged to use the Cognitive Academic Language Learning Approach, which is a three-pronged approach that integrates language learning, academic content, and learning strategies. Additionally, AAC has incorporated an English Language Development program that will target pupils who are struggling with the development of their English language skills. The AAC petition also includes a summary of how long-term ELs’ needs will be addressed (Attachment 3, pp. 147–154).

#### Plan for Special Education

The AAC petition states that AAC will comply with all applicable state and federal laws in serving pupils with disabilities to ensure that all pupils with disabilities are provided with a free appropriate public education. AAC is considered its own local educational agency with the Los Angeles county Special Education Local Plan Area. The petition identifies a clear plan for special education pupils, including all search and serves; assessment referrals; development, implementation, evaluation of the Individualized Education Programs; and procedural safeguards. Additionally, the petition states that all teachers will receive professional development regarding effective instructional strategies that can be manifested into the classroom setting to support pupils with disabilities (Attachment 3, pp. 158–162).

#### Plan for Socioeconomically Disadvantaged Pupils

The petition states that AAC will identify at-risk pupils based on the data collected through teacher assessments, standardized test scores, existing records, services provided at their previous schools, interviews with their parents, and those who are operating at least one year below grade level in reading, writing, mathematics, and oral language as measured through interim assessments. AAC will assist SED pupils by providing small group intervention and remedial instruction. Additionally, AAC will enhance SED pupils’ educational experience by providing the necessary learning materials needed to aid this process, travel, school project experiences, afterschool tutoring, and computer and computer-aided tutorials (Attachment 3, p. 158).

## 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 AAC petition does present a reasonably comprehensive description of measurable pupil outcomes. The petition contains a table located in Element 1 that outlines the goals, actions, measurable outcomes, methods of measurement, and applicable pupil groups from 2020–21 through 2024–25 that align with the eight state priorities (Attachment 3, pp. 47–75).

## 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 AAC petition presents a reasonably comprehensive description of the method for measuring pupil progress. AAC describes a variety of assessments utilized to track and measure pupil progress (Attachment 3, pp. 167–180). The petition states that AAC data will be analyzed on an annual basis and compared to previous years’ data to determine pupil progress and effectiveness of the school curriculum. Additionally, progress reports are issued twice a year and all information regarding pupils’ grades are made available to parents and other AAC staff upon request (Attachment 3, p. 184).

## 4. Governance Structure

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

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

### Evaluation Criteria

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

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

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

### Comments

The AAC petition does not present a reasonably comprehensive description of the school’s governance structure. The petition does not comply with *EC* Section 47604.1 (effective January 1, 2020), which requires charter schools or entities managing charter schools to comply with conflict of interest rules (commencing with *Government Code* [*GC*] Section 1090) and the Political Reform Act (commencing with *GC* Section 81000).

The petition states that the legal entity that holds the AAC petition is Avance Schools, Inc., a California Public Benefit Corporation, which ultimately has all governing and fiduciary responsibility for any and all action related to AAC. AAC agrees and acknowledges that the Avance Schools, Inc. governing board shall follow any and all laws, standards, and policies regarding ethics and conflicts of interest applicable to its role as sole statutory member of Avance Schools, Inc., and as a nonprofit corporation. AAC is governed pursuant to the articles of incorporation and bylaws adopted by the incorporators of Avance Schools, Inc. Additionally, AAC complies with all laws relating to public agencies as well as all federal laws and regulations, and state codes pertaining to charters. The petitions states that the AAC governance structure is organized to serve the educational vision of AAC by ensuring that decision making is responsive to the school’s needs and that staff are held accountable for pupil outcomes. The governance structure is also designed to accomplish the following:

* Assure input to every member of the staff into the governance of the school.
* Include parents in the process of decision-making.
* Avoid domination by any select individual or group.
* Develop increased organizational capacity and assure the viability of local school control and accountability.

The AAC petition states that parents will be encouraged to serve on the parent advisory council and the school site council and will be consulted and advised regarding AAC’s educational programs and pupil progress through meetings and informational bulletins on an ongoing basis (Attachment 3, p. 204).

The CDE notes that the AAC petition, bylaws, and conflict of interest code and policy use a variety of terms that leave the governance structure of AAC unclear. A Governance and Organizational Structure chart is provided in the petition (Attachment 3, p. 202), and appears to indicate that the Avance Executive Board is the accurate term for the Avance Board. This term should be used throughout the petition to provide clarity. Additionally, the Governance and Organizational Structure should be moved to the beginning of Element 4–Governance Structure.

If approved by the SBE, as a condition for approval, the AAC petitioner will be required to revise the petition to reflect the SBE as the authorizer and to include the necessary language for Element 4–Governance Structure regarding the Avance Executive Board, Governance and Organizational Structure, conflict of interest rules, and Political Reform Act.

## 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 AAC petition does not present a reasonably comprehensive description of employee qualifications. The petition identifies general qualifications for AAC positions of employment (Attachment 3, pp. 209–241); however, the petition does not identify those positions that AAC regards as key in each category nor does it specify the additional qualifications expected of individuals assigned to those positions.

If approved by the SBE, as a condition for approval, the petitioners will be required to revise the petition to reflect the SBE as the authorizer and include the necessary language for Element 5–Employee Qualifications by identifying the positions that AAC regards as key in each category as well as the minimum educational qualifications for the following positions: Executive Director, Principal, Director of Special Education, School Psychologist, Teacher Assistants, and High School Dean.

## 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 AAC petition does present a reasonably comprehensive description of health and safety procedures. The petition states that AAC shall adopt, implement, and maintain at all times, a current, comprehensive, and site-specific Health, Safety, and Emergency Preparedness Plan. The petition states that AAC shall comply with all requirements of *EC* sections 44237 and 45125.1 and that the Chief Operations Officer will serve as the custodian of records. AAC shall require all employees, and any volunteer or vendor contracting entity who may have frequent or prolonged contact with pupils, to undergo a risk assessment and/or be examined and determined to be free of active tuberculosis (TB) within the period of 60 days prior to employment or service, or otherwise meet the requirements of *EC* Section 49406. The petition states that AAC shall comply with all federal and state legal requirements related to immunization, health examination, and health screening, including, but not limited to, screening for vision, hearing, and scoliosis to the same extent as would be required if the pupils were attending a non-charter public school. Additionally, all staff and volunteers will provide records documenting immunizations against appropriate diseases and TB clearance, as required by *EC* Section 49406, and that all pupils enrolled in AAC will provide records documenting immunizations against appropriate diseases as is required at public schools pursuant to *Health and Safety Code* sections 120325 through 120375 and *California Code of Regulations*, Title 17 sections 6000 through 6075 (Attachment 3, pp. 243–249).

The CDE notes that the AAC petition states that during the school day and in physical education class, pupils engage in health education, including nutrition and the importance of physical activity; drug and alcohol abuse awareness; healthy relationships; and sexual health. Counseling services are provided for all pupils in need of additional social and emotional health support; however, it is not clear from the petition whether the references to health education and sexual health refer to AAC’s requirement to provide pupils with sexual health education and human immunodeficiency viruses prevention education, pursuant to *EC* Section 51930.

If approved by the SBE, as a condition for approval, the AAC petitioner will be required to revise the petition to reflect the SBE as the authorizer and to include the necessary language noted above for Element 6–Health and Safety.

## 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 AAC petition does present a reasonably comprehensive description of means for achieving racial and ethnic balance. The petition states that AAC will implement policies and procedures to work towards a racial and ethnic balance among its pupils that is reflective of the general population residing within LAUSD (Attachment 3, p. 250).

## 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 petition states that AAC shall admit all pupils who wish to attend the school. AAC is located in the Highland Park neighborhood specifically to serve the pupils in this population, who are traditionally low-achieving and SED. The petition describes recruitment efforts and the enrollment process. Parents and pupils will be informed of the dates and rules of the public random drawing at the time they fill out a Lottery Inscription Form and that the dates and rules will be published on the AAC school website and at the school site.

If the number of applicants exceeds enrollment capacity at the time of the application deadline as set by the date of the public random drawing, pupils will be admitted to AAC according to the order determined by the public random drawing for each grade. The petition states that AAC will give admissions priority to the following pupils in the following order (Attachment 3, p. 256):

1. Pupils currently attending AAC
2. Pupils who reside in the district

The petition states that all applications received after the date of the public random drawing, will be added to the waitlist according to the date of submission (Attachment 3, pp. 253–256).

The SBE has the discretion to approve the proposed preferences in the AAC 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 AAC petition does present a reasonably comprehensive description of annual independent financial audits (Attachment 3, pp. 257–258). The petition states that AAC will select an independent auditor from the approved list by the State Controller’s Office, and that the Executive Director will be responsible for contracting and overseeing the independent financial audit. The AAC audit will be completed and forwarded to the district, the county superintendent of schools, the State Controller’s Office, and the CDE by December 15 each year. The audit committee of the Avance Executive Board will review any audit exceptions or deficiencies and report to the full Avance Executive Board with recommendations on how to resolve them. The Avance Executive Board will submit a report to the district describing how the exceptions and deficiencies have been or will be resolved to the satisfaction of the district along with an anticipated timeline (Attachment 3, pp. 257–258).

## 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 overall present a reasonably comprehensive description of suspension and expulsion procedures.**

### Comments

The AAC petition does, overall, present a reasonably comprehensive description of suspension and expulsion procedures.

Addressing evaluation criteria A, B, and D, the petition states that AAC will implement and continue to develop a school-wide positive behavior intervention and support that will foster a culture of discipline grounded in positive behavior intervention. The petition lists discretionary and non-discretionary offenses and procedures for suspension and expulsion (Attachment 3, pp. 264–270). Additionally, the petition states that AAC is committed to the annual review and modification of the list of offenses and policies and procedures surrounding suspension and expulsion (Attachment 3, p. 258). The petition states that a pupil may be expelled either by the neutral and impartial AAC Board following a hearing before it or by the AAC Board upon the recommendation of a neutral and impartial Administrative Panel to be assigned by the AAC Board as needed. The Administrative Panel will consist of at least three members who are certificated and who are neither a teacher of the pupil nor a member of the AAC Board (Attachment 3, p. 272).

Addressing evaluation criteria C and E, the AAC 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 AAC, the pupil shall 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* (*USC*) Section 1415(k), until the expiration of the 45-day time period provided for in an interim alternative educational setting, unless the parent and AAC agree otherwise (Attachment 3, p. 278).

If approved by the SBE, as a condition for approval, the AAC petitioner will be required to revise the petition to reflect the SBE as the authorizer and to include the necessary language for Element 10–Suspension and Expulsion as follows:

When an appeal relating to the placement of the pupil or the manifestation determination has been requested by either the parent or AAC, the pupil 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 *USC* Section 1415(k)(l)(c), whichever occurs first, unless the parent and AAC agree otherwise.

## 11. Teachers’ and 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 petition does present a reasonably comprehensive description of the AAC retirement systems. The petition states that all full-time certificated employees of AAC will continue to be members of CalSTRS. Non-certificated staff will participate in the federal social security system and will have access to other school-sponsored retirement plans for the AAC employees. The petition states that the AAC Executive Director will be responsible for ensuring that appropriate arrangements for coverage have been made for each employee (Attachment 3, p. 281).

## 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 AAC petition does present a reasonably comprehensive description of public school attendance alternatives (Attachment 3, p. 282).

## 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 AAC petition does present a reasonably comprehensive description of post-employment rights of employees (Attachment 3, p. 283).

## 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. | No |
| 1. Describe how the costs of the dispute resolution process, if needed, would be funded. | No |
| 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. | No |
| 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. | No |

**The petition does not present a reasonably comprehensive description of dispute resolution procedures.**

### Comments

The AAC petition does not present a reasonably comprehensive description of dispute resolution procedures. The petition does not contain the following statements:

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

If approved by the SBE, as a condition for approval, the AAC petitioners will be required to revise the petition to reflect the SBE as the authorizer and to include the necessary language for Element 14–Dispute Resolution Procedures by including the language noted above.

## 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 AAC petition does include a reasonably comprehensive description of closure procedures (Attachment 3, pp. 288–295).

**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 AAC petition does provide evidence addressing the requirements regarding standards, assessments, and parent consultation (Attachment 3, pp. 3, 167, and 201–204).

## 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 AAC petition does provide the required information and financial projections (Attachment 3, pp. 10 and 293–294 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 AAC petition does meet this requirement (Attachment 3, pp. 208 and 223–224).

## 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 AAC petition does address this requirement (Attachment 3, pp. 257–258).

## 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 AAC petition does address this requirement. The petition contains a table that outlines the goals, actions, measurable outcomes, methods of measurement, and applicable pupil groups from 2020–21 through 2024–25 that align with the eight state priorities (Attachment 3, pp. 47–74).

**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 AAC petition does address this requirement (Attachment 3, p. 128).