# CHARTER SCHOOL PETITION REVIEW FORM: Magnolia Science Academy-Santa Ana

CALIFORNIA DEPARTMENT OF EDUCATION

## Key Information Regarding Magnolia Science Academy-Santa Ana

### Proposed Grade Span and Build-out Plan

**Table 1: 2019–2024 Proposed Enrollment**

TK–Transitional Kindergarten

K–Kindergarten

| Grade | 2019–2020 | 2020–21 | 2021–22 | 2022–23 | 2023–24 |
| --- | --- | --- | --- | --- | --- |
| TK | 25 | 25 | 25 | 25 | 25 |
| K | 60 | 60 | 60 | 60 | 60 |
| 1 | 78 | 78 | 78 | 78 | 60 |
| 2 | 78 | 78 | 78 | 78 | 78 |
| 3 | 60 | 78 | 78 | 78 | 78 |
| 4 | 60 | 60 | 78 | 78 | 78 |
| 5 | 60 | 60 | 60 | 78 | 78 |
| 6 | 60 | 60 | 60 | 60 | 78 |
| 7 | 60 | 60 | 60 | 60 | 60 |
| 8 | 60 | 60 | 60 | 60 | 60 |
| 9 | 60 | 60 | 60 | 60 | 60 |
| 10 | 60 | 60 | 60 | 60 | 60 |
| 11 | 38 | 60 | 60 | 60 | 60 |
| 12 | 37 | 38 | 60 | 60 | 60 |
| Total | 796 | 837 | 877 | 895 | 895 |

### Proposed Location

Magnolia Science Academy-Santa Ana (MSA-SA) is currently located in a private facility at 2840 West 1st St., Santa Ana, within the Santa Ana Unified School District (SAUSD).

### Brief History

MSA-SA is a State Board of Education (SBE)-authorized charter school designed to serve pupils in TKthrough grade twelve.

In 2014, the SBE approved the MSA-SA to operate under the oversight of the SBE for a five-year charter term for kindergarten through grade twelve beginning in fall 2014.

Pursuant to California *Education Code* (*EC*)Section 47605(k)(3),on August 2, 2018, the petitioner submitted the MSA-SA petition to SAUSD. On October 9, 2018, SAUSD voted to deny the MSA-SA petition by a vote of four to one.

### Lead Petitioner(s)

Alfredo Rubalcava, Chief Executive Officer (CEO) & Superintendent, Magnolia Public Schools

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

NA–Not Applicable

| **Charter Requirements Pursuant to California**  ***Education Code* Section 47605(b)** | **Meets Requirements** |
| --- | --- |
| Sound Educational Practice (California *Education Code* [*EC*] sections 47605[b] and [b][1]) | Yes |
| Ability to Successfully Implement the Intended Program  (*EC* Section 47605[b][2]) | Yes |
| Required Number of Signatures (*EC* Section 47605[b][3]) | NA |
| Affirmation of Specified Conditions (*EC* sections 47605[b][4] and [d]) | Yes |
| Exclusive Public School Employer (*EC* Section 47605[b][6]) | Yes |
| 1. Description of Educational Program (*EC* Section 47605[b][5][A]) | Yes |
| 1. Measurable Pupil Outcomes (*EC* Section 47605[b][5][B]) | Yes |
| 1. Method for Measuring Pupil Progress (*EC* Section 47605[b][5][C]) | Yes |
| 1. Governance Structure (*EC* Section 47605[b][5][D]) | Yes |
| 1. Employee Qualifications (*EC* Section 47605[b][5][E]) | Yes |
| 1. Health and Safety Procedures (*EC* Section 47605[b][5][F]) | Yes |
| 1. Racial and Ethnic Balance (*EC* Section 47605[b][5][G]) | Yes |
| 1. Admission Requirements (*EC* Section 47605[b][5][H]) | Yes |
| 1. Annual Independent Financial Audits (*EC* Section 47605[b][5][I]) | Yes |
| 1. Suspension and Expulsion Procedures (*EC* Section 47605[b][5][J]) | Yes |
| 1. Retirement Coverage (*EC* Section 47605[b][5][K]) | Yes |
| 1. Public School Attendance Alternatives (*EC* Section 47605[b][5][L]) | Yes |
| 1. Post-employment Rights of Employees (*EC* Section 47605[b][5][M]) | Yes |
| 1. Dispute Resolution Procedures (*EC* Section 47605[b][5][N]) | Yes |
| 1. Closure Procedures (*EC* Section 47605[b][5][O]) | Yes |
| Standards, Assessments, and Parent Consultation  (*EC* sections 47605[c][1] and [2]) | Yes |
| Effect on Authorizer and Financial Projections (*EC* Section 47605[g]) | Yes |
| Teacher Credentialing (*EC* Section 47605[l]) | Yes |
| Transmission of Audit Report (*EC* Section 47605[m]) | Yes |
| Goals to Address the Eight State Priorities (*EC* Section 47605[b][5][A][ii]) | Yes |
| Transferability of Secondary Courses (*EC* 47605 [b][5][A][iii]) | Yes |

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

## Sound Educational Practice

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

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

### Evaluation Criteria

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

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

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

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

### Comments

The MSA-SA petition is consistent with sound educational practice. MSA-SA serves pupils in a classroom-based TK through grade twelve setting within the physical boundaries of SAUSD (Attachment 3, p. 36). The MSA-SA earned a full six-year Western Association of Schools and Colleges accreditation, without conditions, expiring in 2024 (Attachment 3, p. 13).

The MSA-SA petition included Smarter Balanced Assessment Consortium (SBAC) scores in English language arts (ELA) and mathematics. In addition to the SBAC scores, the MSA-SA petition also included alternative measures such as English Learner (EL) Reclassification Rates, Graduation Rates, A-G Completion rates, Advanced Placement Exam Scores, Average Daily Attendance Percentages, Suspension and Expulsion Rates, and the California Charter School Association Accountability Framework.

After review and analysis of the pupil achievement data MSA-SA submitted to SAUSD, pursuant to *EC* Section 47607(a)(3)(A), 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 charter renewal; and *EC* Section 47607(b)(4)(A) and (B) the determination made shall be based upon all of the following: documented and clear and convincing data; pupil achievement data from assessments for demographically similar pupil populations in the comparison schools; and information submitted by the charter school.

### Renewal Criteria

*EC* Section 47607 sets forth grounds for denying a 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 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.

MSA-SA does perform, overall, at least equal to its comparable district schools where the majority of MSA-SA pupils would otherwise attend.

#### California Department of Education’s Review of Renewal Criteria Under *EC* Section 47607

The California Department of Education (CDE) has determined that the California Assessment of Student Performance and Progress (CAASPP) data demonstrates that MSA-SA does perform at least equal to the schools where the pupils would otherwise be required to attend for all pupils schoolwide and among significant subgroups (Hispanic/Latino, socioeconomically disadvantaged, special education, EL’s, and pupils with disabilities) pursuant to *EC* Section 47607.

The following table reflects the CAASPP data from 2015–16, 2016–17, and 2017–18 in ELA and mathematics for MSA-SA. Although the results decreased from 2015–16 to 2016–17 due to the school adding grades TK–5, MSA-SA results increased in comparison to the surrounding schools where the pupils would otherwise attend. MSA-SA scores remain comparable to the surrounding schools.

**CAASPP Results for CDE-chosen Comparable Schools (Percent Meets/Exceeds Standards)**

| School | 2015–16 ELA | 2015–16 Math | 2016–17 ELA | 2016–17 Math | 2017–18 ELA | 2017–18 Math |
| --- | --- | --- | --- | --- | --- | --- |
| **MSA-SA** | 73 | 46 | 47.14 | 32.5 | 41.78 | 26.4 |
| **Abraham Lincoln Elementary** | 19 | 22 | 16.41 | 22.17 | 22.35 | 21.66 |
| **El Sol Santa Ana Science and Arts Academy** | 52 | 44 | 56.03 | 48.4 | 55.5 | 48.29 |
| **Lorin Griset Academy** | 1 | 0 | 2.27 | 0 | 3.19 | .63 |
| **Nova Academy** | 78 | 30 | 73.42 | 21.52 | 70 | 28 |
| **Spurgeon Intermediate** | 17 | 9 | 14.52 | 5.83 | 14.61 | 7.52 |
| **SAUSD** | 28 | 23 | 27.8 | 22.41 | 29.84 | 23.97 |

#### MSA-SA’s Review of Renewal Criteria Under *EC* Section 47607

**2016–17 CAASPP Results for MSA-SA-chosen Comparable Schools (Percent Meets/Exceeds Standards)**

MSA-SA has determined that in ELA, 39 percent of elementary pupils Met/Exceeded standards and MSA-SA outperformed 18 out of 20 comparison schools. MSA-SA also determined that in math, 29 percent of elementary pupils Met/Exceeded standards and MSA-SA outperformed 16 out of 20 comparison schools.

| Elementary School | 2016–17 ELA | 2016–17 Math |
| --- | --- | --- |
| MSA-SA - Elementary | 39 | 29 |
| Abraham Lincoln Elementary | 16 | 22 |
| Andrew Jackson Elementary | 24 | 24 |
| Carl Harvey Elementary | 24 | 26 |
| Diamond Elementary | 29 | 28 |
| Edward Russell Elementary | 21 | 15 |
| Fremont Elementary | 14 | 14 |
| Greenville Fundamental Elementary | 45 | 44 |
| Heroes Elementary | 22 | 15 |
| Jefferson Elementary | 29 | 33 |
| Jim Thorpe Fundamental | 62 | 53 |
| Jose Sepulveda Elementary | 21 | 16 |
| Lowell Elementary | 20 | 19 |
| Manuel Esqueda Elementary - Elementary | 18 | 24 |
| Martin Luther King Jr. Elementary | 18 | 18 |
| Martin R. Heninger Elementary - Elementary | 24 | 25 |
| Monte Vista Elementary | 15 | 11 |
| Pico Pico Elementary | 29 | 29 |
| Santiago Elementary - Elementary | 35 | 28 |
| Wallace R. Davis Elementary | 17 | 19 |
| Wilson Elementary | 24 | 25 |

MSA-SA has determined that at the middle grade levels, MSA-SA pupil performance is even higher, with 57 percent of MSA-SA’s grade 6–8 pupils who Met/Exceeded standards in ELA and 37 percent in math; these rates are both higher than eight out of nine comparison schools.

| Middle School | 2016–17 ELA | 2016–17 Math |
| --- | --- | --- |
| MSA-SA - Middle | 57 | 37 |
| Manuel Esqueda Elementary - Middle | 21 | 12 |
| Martin R. Heninger Elementary - Middle | 24 | 21 |
| Orange County School of the Arts - Middle | 91 | 84 |
| Santa Ana High School | 29 | 9 |
| Santiago Elementary - Middle | 40 | 24 |
| Spurgeon Intermediate | 15 | 6 |
| Theodore Roosevelt Elementary - Middle | 13 | 17 |
| Vista Heritage Charter Middle | 20 | 11 |
| Willard Intermediate | 18 | 7 |

MSA-SA has determined that in math, 45 percent of MSA-SA grade eleven pupils Met/Exceeded standards, above all the comparison schools, except two with academically selective admissions.

The CDE notes that the 2016–17 MSA-SA grade eleven data for ELA was not published due to only 10 students having complete test results.

| High School | 2016–17 Math |
| --- | --- |
| MSA-SA - High | 45 |
| Cesar E. Chavez High | 1 |
| Hector G. Godinez | 38 |
| Lorin Griset Academy | 1 |
| Middle College High School | 54 |
| Orange County School of the Arts - High | 67 |
| Santa Ana High School - High | 9 |
| Segerstrom High | 29 |
| Valley High | 11 |

#### SAUSD’s Review of Renewal Criteria and Analysis

SAUSD cited examples of disparities in MSA-SA’s state achievement data for elementary and middle school pupils and ELs in ELA and mathematics; however, the SAUSD staff report did not include comparable school data for the last four years that MSA-SA has been in operation. The SAUSD staff report concluded that the MSA-SA petition presents an unsound educational program pursuant to *EC* section 47605(b)(1). The CDE has determined that SAUSD did not consider whether the overall academic performance of the MSA-SA pupils in grades three through grade eight and grade eleven is at least equal to the academic performance of the public schools that pupils would have otherwise been required to attend and SAUSD comparable schools as required under *EC* section 47607.

SAUSD’s review and analysis noted that the MSA-SA petition is not consistent with sound educational practice based on the following findings: unsound educational program, demonstrably unlikely to successfully implement the program, and the petition does not contain reasonably comprehensive descriptions of all of the required elements, which outweigh any increases in pupil academic achievement for all groups of pupils served by MSA-SA, even considering such increases as the most important factor (Attachment 6, p. 3).

After reviewing the information presented by SAUSD, the CDE has determined that SAUSD’s review and analysis of the pupil achievement data pursuant to *EC* sections 47607(b) and 52052(f) was not comprehensive, and that SAUSD did not consider increases in pupil academic achievement for all groups of pupils served by MSA-SA as the most important factor in determining whether to grant MSA-SA’s renewal request.

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

The CDE also considered *EC* Section 52052 in its review of MSA-SA’s petition. The Academic Performance Index has not been calculated as of the 2013–14 school year. In such a case, *EC* Section 52052(f), provides for the following in determining whether a charter is meeting legislative and/or programmatic requirements:

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

Because MSA-SA met the renewal criteria pursuant to *EC* Section 47607, an analysis of alternative measures pursuant to *EC* Section 52052 is unnecessary. Nevertheless, the CDE reviewed the alternative measures information provided by MSA-SA. The alternative measures proposed by MSA-SA (EL Reclassification Rates, Graduation Rates, A-G Completion rates, Advanced Placement Exam Scores, Average Daily Attendance Percentages, Suspension and Expulsion Rates, and the California Charter School Association Accountability Framework) reflect increases in pupil academic achievement for all groups of pupils schoolwide and among significant subgroups pursuant to *EC* Section 52052(f). However, the data presented by MSA-SA relies on assessments 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 petitioner is able to successfully implement the intended program.**

### Comments

#### Fiscal Analysis

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

* 796 TK through grade twelve in 2019–2020
* 837 TK through grade twelve in 2020–21
* 877 TK through grade twelve in 2021–22
* 895 TK through grade twelve in 2022–23
* 895 TK through grade twelve in 2023–24

MSA-SA has maintained a good financial standing under SBE authorization throughout its four years. The MSA-SA fiscal year (FY) 2018–19 first interim report indicates that MSA-SA is projecting a positive ending fund balance of $7,504,794 and reserves of 85.21 percent, which is above the recommended 5 percent in reserves outlined in the Memorandum of Understanding (MOU) between MSA-SA and the SBE.

The CDE reviewed audited financial data from the 2017–18 audit report that reflected an unqualified status and unqualified audit opinion with no significant audit findings noted. An unqualified opinion means that the auditor has opined that the charter school’s financial statements are fairly presented, are free of material misstatements, and have been prepared in accordance with generally accepted accounting principles.

The CDE concluded that the MSA-SA projected budget is viable due to the positive ending fund balances of $7,649,683; $7,653,640; and $7,784,456, with reserves of 76.5, 71.2, and 67.6 percent for FYs 2019–2020 through 2021–22, respectively.

#### History of Operating other Charter Schools

MSA-SA is operated by Magnolia Public Schools (MPS), a California non-profit public benefit corporation, pursuant to California law. MPS has served pupils for over twenty years and currently operates 10 schools, including MSA-SA, with almost 4,000 pupils in grades TK through twelve.

* Magnolia Science Academy, Reseda, CA
* Magnolia Science Academy 2, Van Nuys, CA
* Magnolia Science Academy 3, Carson, CA
* Magnolia Science Academy 4, Los Angeles, CA
* Magnolia Science Academy 5, Reseda, CA
* Magnolia Science Academy 6, Los Angeles, CA
* Magnolia Science Academy 7, Northridge, CA
* Magnolia Science Academy Bell, Bell, CA
* Magnolia Science Academy San Diego, San Diego, CA
* Magnolia Science Academy Santa Ana, Santa Ana, CA

The mission and vision of MPS is to provide a college preparatory educational program emphasizing science, technology, engineering, art, and math (STEAM) in a safe environment that cultivates respect for self and others by offering a comprehensive learning experience through site-based instruction, hands-on learning, and foundation skills that are relevant and inspiring (Attachment 3, p. 11).

The MSA-SA petition states that MPS has successfully provided science, technology, engineering, and math (STEM) programs in the Los Angeles area since August 1997 and went on to successfully replicate the educational program and philosophy at 10 charter schools in California. MPS strives to graduate pupils who come from historically underserved neighborhoods as scientific thinkers that contribute to the global community as socially responsible and educated members of society (Attachment 3,   
p. 11).

Upon SBE approval in 2014, MSA-SA operated in a temporary facility serving 170 pupils in grade six through grade twelve. In 2016–17 MSA-SA built a private facility within the SAUSD to serve 1,100 pupils in TK through grade twelve. This action resulted in tripling the enrollment of MSA-SA within one year.

MSA-SA has a record of educational, financial, and governance success over its five years in operation. CDE finds that MSA-SA implements the program as described in the current charter petition and the school leadership provides regular updates to CDE staff, both formally and informally. MSA-SA is in compliance with the MSA-SA petition and the MOU between the charter and the SBE. MSA-SA has appropriately responded to all letters of concern from CDE and corrected any needed actions as recommended.

## 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

The signature requirement set forth in *EC* Section 47605(b)(3) is not applicable to a petition for 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 MSA-SA petition contains the required affirmations. However, the assurances did not include a signature from the lead petitioner (Attachment 3, pp. 7–9 and 181).

If approved by the SBE, MSA-SA will be required to provide CDE with signed assurances.

## 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 MSA-SA petition does include the necessary declaration (Attachment 3, p. 7).

**THE 15 CHARTER ELEMENTS**

## 1. Description of Educational Program

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

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

### Evaluation Criteria

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

| **Criteria** | **Criteria Met** |
| --- | --- |
| 1. Indicates the proposed charter school’s target student population, including, at a minimum, grade levels, approximate numbers of pupils, and specific educational interests, backgrounds, or challenges. | Yes |
| 1. Specifies a clear, concise school mission statement with which all elements and programs of the school are in alignment and which conveys the petitioners' definition of an "educated person” in the twenty-first century, belief of how learning best occurs, and goals consistent with enabling pupils to become or remain self-motivated, competent, and lifelong learners. | Yes |
| 1. Includes a framework for instructional design that is aligned with the needs of the pupils that the charter school has identified as its target student population. | Yes |
| 1. Indicates the basic learning environment or environments (e.g., site-based matriculation, independent study, community-based education, technology-based education). | Yes |
| 1. Indicates the instructional approach or approaches the charter school will utilize, including, but not limited to, the curriculum and teaching methods (or a process for developing the curriculum and teaching methods) that will enable the school’s pupils to master the content standards for the four core curriculum areas adopted by the SBE pursuant to *EC* Section 60605 and to achieve the objectives specified in the charter. | Yes |
| 1. Indicates how the charter school will identify and respond to the needs of pupils who are not achieving at or above expected levels. | Yes |
| 1. Indicates how the charter school will meet the needs of students with disabilities, English learners, students achieving substantially above or below grade level expectations, and other special student populations. | Yes |
| 1. Specifies the charter school’s special education plan, including, but not limited to, the means by which the charter school will comply with the provisions of *EC* Section 47641, the process to be used to identify students who qualify for special education programs and services, how the school will provide or access special education programs and services, the school’s understanding of its responsibilities under law for special education pupils, and how the school intends to meet those responsibilities. | Yes |

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

### Comments

The MSA-SA petition does overall present a reasonably comprehensive description of the educational program.

#### Educational Program

MSA-SA intends to renew its charter petition to serve 895 pupils in TK through grade twelve through the 2023–2024 academic year. The mission and vision of MPS is to provide a college preparatory educational program emphasizing STEAM in a safe environment that cultivates respect for self and others by offering a comprehensive learning experience through site-based instruction, hands-on learning, and foundation skills that are relevant and inspiring. The petition describes an instructional design that is based on three pillars: Academic Excellence, Innovation, and Connection. MSA-SA will work with pupils continuously from TK through grade twelve serving pupils in a classroom-based school setting. The MSA-SA petition states that all curricula is based on the California state standards, including the Common Core State Standards (CCSS), and the Next Generation Science Standards. Teachers use the state-published Frameworks for Instructional Design in developing curriculum pacing and lesson plans (Attachment 3, pp. 57–94).

#### Plan for Low-Achieving Pupils

The MSA-SA petition states that MSA-SA has the ability to quickly identify low-achieving pupils through frequent benchmark assessments and review of individual pupil data. Pupils who are achieving substantially below grade level are recognized through multiple measure assessments including in-class assessments, Northwest Evaluation Association Measures of Academic Progress (NWEA-MAP) assessments and other program data through Assessment and Learning in Knowledge Spaces (ALEKS), Khan Academy, myON and StudySync. MSA-SA is migrating from a Response to Intervention to Multi-Tiered System of Supports as a systemic, continuous improvement framework. Support and intervention begins with high-quality instruction, progress monitoring, differentiated learning, group intervention, and classroom accommodations. Targeted interventions are then utilized followed by intensive interventions and evaluation (Attachment 3, pp. 105–109).

#### Plan for High-Achieving Pupils

The MSA-SA petition states that high-achieving pupils will be identified through multiple types of evidence, such as assessments and recommendations that are equitable, comprehensive, and on-going. MSA-SA will support high-achieving pupils by making adjustments of content through depth, complexity, and pacing as appropriate to the needs of each learner with an emphasis on innovation, critical thinking, and logical reasoning. Pupils are provided the opportunity to collaborate with a team of teachers and peers of similar ability within a rigorous, interdisciplinary learning environment designed to engage and challenge learners to investigate, use problem-based learning, and research (Attachment 3, pp. 125–126).

#### Plan for English Learners

The petition states that MSA-SA will comply with all federal and state mandates regarding EL education and re-designation of EL pupils. MSA-SA will ensure EL pupils have equal access to instructional materials and supports in order to achieve grade-level CCSS mastery and English language proficiency (ELP). The MSA-SA petitioners included an EL master plan with the following components: identification, assessment, parent notification, placement, newcomers and long-term ELs, monitoring progress, reclassification, staff professional development, and program effectiveness evaluation (Attachment 8, pp. 89–105). Initial identification will consist of a Home Language Survey, review of the cumulative file and California Longitudinal Pupil Achievement Data System records, and an ELP assessment. The MSA-SA petition states that all pupils participate in structured English immersion that consists of integrated and designated English Language Development, as well as supplemental services for newcomers and long-term ELs. Reclassified pupils are monitored for at least four years to ensure satisfactory progress on benchmark scores, NWEA-MAP, SBAC scores, and ELA grades. Additionally, the MSA-SA petition outlines staff qualifications and a professional development plan as well as an evaluation of program effectiveness (Attachment 3, pp. 110–124).

#### Plan for Special Education

MSA-SA is an independent local educational agency member in the El Dorado County Charter Special Education Local Plan Area. The petition states that MSA-SA will comply with all applicable state and federal laws in serving pupils with disabilities, including, but not limited to the Individuals with Disabilities Education Improvement Act of 2004, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act, and any other civil rights law enforced by the U.S. Department of Education Office for Civil Rights. The petition identifies a plan for pupils with disabilities that includes assessment, development and implementation of the Individualized Education Program (IEP), IEP review, strategies for instruction and services, interim and initial placements, staffing, professional development, reporting, and due process (Attachment 3, pp. 127–136).

## 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 overall present a reasonably comprehensive description of measurable pupil outcomes.**

### Comments

The MSA-SA petition does present a reasonably comprehensive description of measurable pupil outcomes. The MSA-SA petition includes a table with goals, actions, measurable outcomes, and measurements aligned with the eight state priorities for all pupils schoolwide and among significant subgroups in Element 1–Educational Program (Attachment 3, pp. 42–55). Additionally, in Element 2–Measurable Pupil Outcomes, the petition provides assurances, defines position accountability, and outlines overarching school goals (Attachment 3, pp. 140–141).

## 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 MSA-SA petition does present a reasonably comprehensive description of the method for measuring pupil progress. The petition includes a table outlining the assessment, purpose/performance expectation, grade, and timeline. The petition additionally outlines that measurements include Smarter Balanced Summative Assessments, Interim Comprehensive Assessments, Interim Assessment Blocks, NWEA-MAP testing, Curriculum Associates’ Ready Common Core program, and ALEKS Math. The petition states that MSA-SA staff, led by the Deans of Academics, department chairs, and intervention/enrichment coordinator, collects, analyzes and reviews the results of schoolwide assessments and recommends modifications to the MSA-SA curriculum as appropriate. Additionally, all parents are apprised of their pupil’s progress through quarterly report cards issued for all grade levels and are provided regular online access to grades, attendance, homework, and pupil progress. The petition states that assessments are aligned to the MSA-SA mission, exit outcomes, and curriculum of MSA-SA. Assessments are also used to facilitate continuous improvement of the programs offered at the school site, direction of executive leadership, and short and long-range planning of the Board of Directors (Attachment 3, pp. 142–144).

## 4. Governance Structure

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

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

### Evaluation Criteria

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

| Criteria | Criteria Met |
| --- | --- |
| 1. Includes evidence of the charter school’s incorporation as a non-profit public benefit corporation, if applicable. | Yes |
| 1. Includes evidence that the organizational and technical designs of the governance structure reflect a seriousness of purpose necessary to ensure that:    1. The charter school will become and remain a viable enterprise.    2. There will be active and effective representation of interested parties, including, but not limited to parents (guardians).    3. The educational program will be successful. | Yes |

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

### Comments

The petition does present a reasonably comprehensive description of the MSA-SA governance structure. MSA-SA is operated by MPS, a California non-profit public benefit corporation, pursuant to California law. MSA-SA is governed by the MPS Board of Directors in accordance with the Charter Schools Act, the MPS Bylaws, and the terms of the charter. The MSA-SA petition includes an organization chart and lists the responsibilities of the MPS Board of Directors (Attachment 3, p. 150). MPS shall comply with the Brown Act and the Public Records Act. The petition states that MSA-SA strongly encourages parents to participate in the educational process, local school policies and efforts, and in reviewing parental and community concerns. The petition states that the School Site Council (SSC) will consist of three parents and the English Learner Advisory Committee (ELAC) will consist of parents of at least the same percentage of the pupil EL population. In addition, a Parent Task Force (PTF) at MSA-SA will work in partnership with the administration, teachers, and parents of MSA-SA (Attachment 3, pp. 148–160).

However, MSA-SA states the MPS CEO shall serve as the president of the corporation, but no other MPS employee shall serve as corporate officers (Attachment 3, p. 148). This statement conflicts with Article VII, section 4 of the MPS bylaws and page 151 of the MSA-SA petition, which states no current employees may serve on the Board, and that the CEO is not a member of the Board. The CDE requests clarification from MSA-SA to ascertain which statement is true. If the CEO does serve as the president of the Board, a conflict of interest will exist due to the MPS Board’s responsibility for hiring, supervising, and setting the compensation of the CEO.

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

## 5. Employee Qualifications

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

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

### Evaluation Criteria

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

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

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

### Comments

The MSA-SA petition does present a reasonably comprehensive description of employee qualifications and responsibilities (Attachment 3, pp. 161–173). Specific professional development plans for staff are included in the MSA-SA petition (Attachment 3, pp. 10–139).

## 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 MSA-SA petition does present a reasonably comprehensive description of health and safety procedures. The petition states that MSA-SA has adopted and will continue to implement full health and safety policies and procedures and risk management policies at MSA-SA in consultation with its insurance carriers and risk management experts. The petition states that employees, volunteers, and contractors of MPS are required to submit to a criminal background check and fingerprinting as required by *EC* sections 44237 and 45125.1. Employees and volunteers who have frequent or prolonged contact with pupils will be assessed and examined (if necessary) for tuberculosis prior to commencing employment and working with pupils, and for employees at least once each four years thereafter, as required by *EC* Section 49406. The petition states that entering pupils will be required to provide records documenting immunizations and all rising seventh grade pupils must be immunized with a pertussis vaccine booster. Pupils shall be screened for vision, hearing, and scoliosis (Attachment 3, pp. 174–177).

## 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 MSA-SA petition does present a reasonably comprehensive description of means for achieving racial and ethnic balance. The petition states that MSA-SA will continue to actively recruit a diverse pupil population, pursue strategies to increase the percentage of enrollment for pupil racial and ethnic groups that do not have the same percentage of enrollment as the local district, and will pursue a wide variety of venues for distribution of information about the charter school. The petition states the CEO and Board will review data regarding the efficacy of MSA-SA outreach efforts and any necessary changes to ensure an appropriate racial/ethnic balance of pupils (Attachment 3, pp. 178–180).

## 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 MSA-SA petition does present a reasonably comprehensive description of admission requirements. The petition states that admission priority will be given to existing pupils of the charter school and in the event of a public random drawing priority will go first to pupils who reside within the attendance boundaries of SAUSD, as determined by their guardian’s home or work address, with additional preferences given in the following order:

1. Siblings of pupils admitted to or attending the charter school
2. Children of Board members or employees of MPS, not to exceed 10 percent of pupils admitted through the lottery process
3. Pupils matriculating from other Magnolia Public Schools
4. Foster youth or homeless pupils

The CDE notes that a pupil’s residency cannot be determined by his/her guardian’s work address. Therefore, if approved by the SBE, the petition will need to be revised to omit the work address as an establishment of residency.

In the lottery, all names in the first preference group are drawn by the notary public and listed in order for each grade level. Names from the second and third preferences are drawn in the same way according to preference order if space is available. Once the grade level capacity is met, the remaining pupils’ names will continue to be drawn randomly and placed in the order they are drawn on the waiting list. The pupils who do not apply in the open enrollment period are added to the end of the waiting list in the order they applied (Attachment 3, pp. 181–183).

The SBE has the discretion to approve the proposed preferences stated in the MSA-SA 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 MSA-SA petition does present a reasonably comprehensive description of annual independent financial audits (Attachment 3, pp. 184–185).

## 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 MSA-SA petition does present a reasonably comprehensive description of suspension and expulsion procedures.

Addressing evaluation criteria A, B, and D, the petition states that the pupil suspension and expulsion policy has been established in order to promote learning and protect the safety and well-being of all pupils at MSA-SA. The petition lists discretionary and non-discretionary offenses and procedures for suspension and expulsion (Attachment 3, pp. 189–199). Additionally, the petition states that MSA-SA is committed to annual review and modification of the list of offenses and policies and procedures surrounding suspensions and expulsions (Attachment 3, p. 186). The petition states that no pupil shall be involuntarily removed by MSA-SA for any reason unless the parent or guardian of the pupil has been provided written notice of intent to remove the pupil no less than five school days before the effective date of the action (Attachment 3, p. 187). Additionally, the petition states that a pupil may be expelled by the neutral and impartial Administrative Panel, presided over by a designated neutral hearing chairperson, following a hearing before it. The Administrative Panel will include at least three or more certificated persons, none of whom have been members of the Board or on MSA-SA staff (Attachment 3, p. 198). It is unclear from the MSA-SA’s petition whether a pupil will be notified within 10 school days of an Administrative panel’s decision to expel.

Addressing evaluation criteria C and E, the MSA-SA petition states that in response to a written appeal of the expulsion decision, the CEO of MPS shall call a special meeting of the Board of Directors to hear the appeal. The petition states MSA-SA shall be responsible for the appropriate interim placement of pupils during and pending the completion of the pupil expulsion process. However, a pupil may not be placed in an interim alternative placement until determined by a hearing officer. When an appeal relating to the placement of the pupil or the manifestation determination has been requested by either the parent or MSA-SA, 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 (U.S.C.) Section 1415(k), until the expiration of the 45-day time period provided for in an interim alternative educational setting, unless the parent and MSA-SA agree otherwise. In accordance with 20 U.S.C. Section 1415(k)(3), if a parent or guardian disagrees with any decision regarding placement, or the manifestation determination, or if MSA-SA believes that maintaining the current placement of the pupil is substantially likely to result in injury to the pupil or to others, the parent or guardian or MSA-SA may request a hearing. In such an appeal, a hearing officer may: (1) return a pupil with a disability to the placement from which the pupil was removed; or (2) order a change of placement of a pupil with a disability to an appropriate interim alternative setting for not more than 45 school days if the hearing officer determines that maintaining the current placement of such pupils is substantially likely to result in injury to the pupil or to others (Attachment 3, p. 204).

If approved by the SBE, as a condition for approval, the MSA-SA petitioner will be required to revise the petition as noted in the CDE comments, in order to include the necessary language for Element 10–Suspension and Expulsion Procedures.

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

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

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

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

### Evaluation Criteria

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

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

### Comments

Although the MSA-SA petition presents a reasonably comprehensive description of CalSTRS, CalPERS, and social security coverage, the MSA-SA petition does not identify a staff member who will be responsible for ensuring that appropriate arrangements for that coverage have been made. The petition states that certificated staff that are eligible will participate in the CalSTRS and full-time classified staff are eligible to participate in CalPERS. MSA-SA employees in CalPERS also qualify for social security. Additionally, the Magnolia Educational & Research Foundation is responsible for monitoring the appropriate administration of benefits and ensuring appropriate arrangements for retirement coverage are made for all employees (Attachment 3, p. 207).

If approved by the SBE, as a condition for approval, the MSA-SA petitioner will be required to revise the petition in order to identify a staff member who will be responsible for ensuring that appropriate arrangements for coverage have been made.

## 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 MSA-SA petition does present a reasonably comprehensive description of public school attendance alternatives (Attachment 3, p. 208).

## 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 MSA-SA petition does present a reasonably comprehensive description of post-employment rights of employees (Attachment 3, p. 209).

## 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 MSA-SA petition does present a reasonably comprehensive description of dispute resolution procedures.

The CDE notes that the MSA-SA petitioner included a letter, dated November 19, 2018, describing the changes to the MSA-SA charter petition necessary for appeal to SBE which includes language for Element 14–Dispute Resolution Procedures (Attachment 5, p. 2).

## 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 MSA-SA petition does include a reasonably comprehensive description of closure procedures. The petition states that any decision to close MSA-SA shall be documented by official action of the MSA-SA Board, and will identify the person or entity responsible for all closure-related activities and actions. MSA-SA will prepare final financial records and have an independent audit completed within six months after closure of MSA-SA. The petition states that assets of MSA-SA, generated by pupils attending MSA-SA exclusively through state and federal apportionment funds, shall be distributed to a California public school or school district. Any assets acquired from the District will be promptly returned to the District. All other remaining assets will remain the sole property of the nonprofit public benefit corporation. Upon dissolution of the nonprofit public benefit corporation, any remaining assets shall be distributed to a 501(c)(3) or state or political subdivision of a state of the United States to be used exclusively for public purposes. MPS shall remain solely responsible for all liabilities arising from the operation of MSA-SA (Attachment 3, pp. 212–215).

**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 MSA-SA petition does provide evidence addressing the requirements regarding standards, assessments, and parent consultation. The petition states that MSA-SA shall meet all statewide standards and conduct the pupil assessments required, pursuant to *EC* Section 60605, and any other statewide standards authorized in statute, or pupil assessments applicable to pupils in non-charter public schools (Attachment 3, p. 7). The petition states that MSA-SA shall, on a regular basis, consult with its parents and teachers regarding the MSA-SA educational programs per *EC* sections 47605(c) (Attachment 3, p. 8). Additionally, the petition states that MSA-SA strongly encourages parents to participate in and share the responsibility for the educational process and educational results of MSA-SA as well as include parent representatives on the Board of Directors, SSC, ELAC, and PTF (Attachment 3, pp. 158–159).

## 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 MSA-SA petition does provide the required information and financial projections (Attachment 3, pp. 216–218 and Attachment 4, pp. 1–14). In the 2015–16 academic year, MSA-SA built a private facility within SAUSD with the capacity to accommodate 1,100 pupils (Attachment 3, p. 216).

## 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 MSA-SA petition does meet this requirement (Attachment 3, pp. 8 and 161).

## 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 MSA-SA petition does address this requirement (Attachment 3, p. 218).

## 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 MSA-SA petition does address this requirement. The MSA-SA petition includes a table that outlines the goals, actions, measurable outcomes and method of measurement schoolwide and by pupil subgroup based on the state priorities detailed in *EC* Section 52060(d) (Attachment 3, pp. 42–55).

## 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 MSA-SA petition does address this requirement (Attachment 3, p. 96).