California Department of Education

Charter Schools Division

Revised 1/2020

oab-csd-jul20item06

Attachment 1

# CHARTER SCHOOL PETITION REVIEW FORM: T.I.M.E. Community School

CALIFORNIA DEPARTMENT OF EDUCATION

## Key Information Regarding T.I.M.E. Community School

### Proposed Grade Span and Build-Out Plan

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

TK–transitional kindergarten/K–kindergarten

NA–Not Applicable. Grade levels not served.

| Grade | 2020–2021 | 2021–22 | 2022–23 | 2023–24 | 2024–25 |
| --- | --- | --- | --- | --- | --- |
| TK/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 | NA | NA | NA | NA | NA |
| 7 | NA | NA | NA | NA | NA |
| 8 | NA | NA | NA | NA | NA |
| 9 | 110 | 150 | 150 | 150 | 150 |
| 10 | NA | 110 | 150 | 150 | 150 |
| 11 | NA | NA | 110 | 150 | 150 |
| 12 | NA | NA | NA | 110 | 150 |
| Total | 110 | 260 | 410 | 560 | 600 |

### Proposed Location

T.I.M.E. (Teamwork, Individualization, Mastery, and Extension) Community School (TCS) proposes to locate in the neighborhoods of the Montebello Unified School District (MUSD) on a private leased facility.

### Brief History

On August 26, 2019, the petitioner submitted the TCS petition to MUSD. On   
October 23, 2019, MUSD voted to deny the TCS petition by a vote of four to zero. On November 12, 2019, the petitioner submitted the TCS petition to the Los Angeles County Office of Education. On January 14, 2020, the Los Angeles County Board of Education (LACBOE) voted to amend the motion to approve the Superintendent’s recommendation to deny the TCS petition. The California Department of Education (CDE) notes that LACBOE only adopted Finding 2, Indicator 2 (Budget Plan[s] Deficiencies) of the staff report (Attachment 7). LACBOE denied the TCS petition by a vote of five to one.

The petitioner submitted the TCS petition to the State Board of Education (SBE) on March 6, 2020.

### Lead Petitioner

Dr. Gabriel Ramirez, Founding Leader

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

| **Charter Requirements Pursuant to California**  ***Education Code* Section 47605(b)** | **Meets Requirements** |
| --- | --- |
| Sound Educational Practice (California *Education Code* [*EC*] sections 47605[b] and [b][1]) | Yes |
| Ability to Successfully Implement the Intended Program (*EC* Section 47605[b][2]) | No |
| Required Number of Signatures (*EC* Section 47605[b][3]) | Yes |
| Affirmation of Specified Conditions (*EC* sections 47605[b][4] and [d]) | Yes |
| Exclusive Public-School Employer (*EC* Section 47605[b][6]) | Yes |
| 1. Description of Educational Program (*EC* Section 47605[b][5][A]) | Yes |
| 1. Measurable Pupil Outcomes (*EC* Section 47605[b][5][B]) | No |
| 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]) | No |
| 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]) | No |
| 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* (5 *CCR*) sections 11967.5.1(a) and (b)

#### Evaluation Criteria

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

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

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

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

#### Comments

TCS intends to open in the 2020–21 school year with 110 pupils in grade nine and add one grade level per year to serve 600 pupils in grade nine through grade twelve in 2024–25. TCS intends to locate within the boundaries of MUSD.

The TCS mission is to provide a college preparatory program to pupils in grade nine through grade twelve, and to develop the academic, social, and political skillsets necessary for lifelong learning, critical thinking, and positive contributions to the communities in which pupils live. One goal of TCS is to have graduates return to Montebello after college to support the revitalization of Montebello and become future leaders. The TCS petition states that the TCS’s college preparatory program consists of the following (Attachment 3, pp. 8–12):

* University of California approved A-G courses
* Preparation for all pupils to be first-generation college goers upon graduation
* Thoughtful research-based family involvement efforts
* Cultural diversity celebration
* A cadre of support structures and interventions

TCS will implement the T.I.M.E. Learning Model to develop, nurture, strengthen, and better serve all pupils. The TCS petition states that teamwork is a tenet of the T.I.M.E. Learning Model that is premised on the idea that two heads are better than one and that the pupil is the primary focus of instruction who will benefit in the following ways in collaborative learning (Attachment 3, p. 18):

* Development of higher-level thinking, oral communication, self-management, and leadership skills
* Promotion of pupil-faculty interaction
* Increase in student retention, self-esteem, and responsibility
* Exposure to and an increase in understanding of diverse perspectives
* Preparation for real life social and employment situations

To maximize the effectiveness of the T.I.M.E. Learning Model, TCS will build time into the learning process for pupils to think critically, work in teams, and create products that reflect their best work (Attachment 3, p. 18).

##### Professional Development

The TCS petition states that TCS is committed to building the capacity of all of its faculty and staff by providing high-quality professional development, along with the opportunity to belong to a professional learning community. The following principles will guide all professional development opportunities (Attachment 3, p. 75):

* Instructional change is a long multistage process
* Shared expertise is the driver of instructional change
* A focus on system-wide and classroom-specific improvement
* Clear expectations and responsibility for achieving
* Environment of collegiality that results in learning for all
* Respect and care for the pupils and the adults working to meet their needs
* Focus on content and instruction

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

#### Comments

##### California State Budget Impact

The COVID-19 pandemic has had a tremendous impact on the state budget and the funding that will be provided to local educational agencies (LEAs) in the 2020–21 school year and future school years. The pandemic has led to a large variation between the Governor’s proposed January budget and the proposed May revision, which was discussed at the ACCS meeting on June 9, 2020. On June 23, the Governor; Senate President pro tempore, Toni Atkins; and Speaker of the Assembly, Anthony Rendon announced an agreement on the budget. This agreement has not yet been finalized at the time of the posting of the July SBE meeting agenda, but it is anticipated it will be finalized by the July SBE meeting.

The proposed agreement includes $11 billion of Local Control Funding Formula (LCFF) apportionment deferrals in 2020–21, which will allow LCFF to remain at the 2019–20 level and does not include the 10 percent cut to LCFF proposed at May revision. With deferrals, charter schools and other LEAs will have the burden of fronting cash, maintaining cash flow in the months where monthly apportionments will be deferred, and potential borrowing costs. Deferrals could be especially problematic for new charter schools or existing charter schools that do not have the ability to draw down reserves to access cash.

##### Fiscal Analysis

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

* 110 grade nine in 2020–21
* 260 grades nine and ten in 2021–22
* 410 grades nine through eleven in 2022–23
* 560 grades nine through twelve in 2023–24
* 600 grades nine through twelve in 2024–25

##### Revenue

The TCS multi-year projected budget, as submitted on March 6, 2020, was calculated using an older version of the Fiscal Crisis and Management Assistance Team (FCMAT) LCFF calculator. Therefore, the CDE used the January 14, 2020, FCMAT LCFF calculator to recalculate the TCS LCFF revenue. The CDE finds that TCS has overstated the LCFF revenue by $8,356; $25,190; and $60,098 for fiscal year (FY) 2020–21 through 2022–23, respectively. The CDE has adjusted the LCFF revenue for FY 2020–21 through 2022–23 in the budget analysis accordingly.

The TCS multi-year projected budget includes Federal Special Education Entitlement funds for FY 2020–21 through 2022–23. The CDE finds that the Federal Special Education Entitlement funds appear to be overstated by $64,595 and $176,725 for FY 2021–22 and 2022–23, respectively. The CDE has adjusted the entitlement for FY 2021–22 and 2022–23 in the budget analysis accordingly.

The TCS multi-year projected budget includes lottery funds for FY 2020–21 through 2022–23. The lottery funds are based on prior year Second Principal Apportionment enrollment, which is overstated by $21,404 and $7,783 for FY 2020–21 and 2021–22, respectively. The CDE has adjusted the lottery funds for FY 2020–21 and 2021–21 in the budget analysis accordingly.

##### Expenditures

The TCS multi-year projected budget includes expenditures for health and welfare benefits for FY 2020–21 through 2022–23. The CDE finds expenditures for health and welfare benefits to be understated by $9,625 and $15,924 for FY 2021–22 and 2022–23, respectively. The CDE has adjusted the expenditure for FY 2021–22 and 2022–23 in the budget analysis accordingly.

TCS did not project startup funds. In order to maintain cash flow, TCS will factor either receivables or borrow funds from the Charter School Revolving Loan Fund, a common practice among charter schools within the first three years of operation. The factoring will be $350,000; $600,000; and $1,000,000 for FY 2020–21 through 2022–23, respectively. Although the interest rate was not provided, the total factoring fee is estimated at $22,400; $45,000; and $57,400 for FY 2020–21 through 2022–23, respectively. In addition, TCS will be applying for the Charter School Revolving Loan Fund for an amount of $150,000 in FY 2020–21.

The CDE concludes that the TCS projected budget is viable with the projected enrollment of 110, 260, and 410 and positive ending fund balances of $49,548; $395,906; and $984,320 with reserves of 3.2, 10.8, and 16.5 percent for FY 2020–21 through 2022–23, respectively.

The petitioners included a fiscal policy manual adopted by the TCS Governing Board, to ensure that funds are budgeted, accounted for, expensed, and maintained appropriately (Attachment 9).

##### Instructional Calendar

Moving away from a traditional school calendar, the TCS instructional calendar will include 185 days with teachers spending an additional 15 days on professional development activities. The TCS instructional calendar is comprised of two semesters, which consist of 18 weeks each. Each semester will consist of two nine-week quarters with a two week break between each quarter. The TCS instructional calendar is designed to allow for reflection and rest after intensive learning periods, while at the same time maintaining momentum for learning and engagement in school (Attachment 3, p. 49).

The TCS petition outlines a proposed instructional calendar with professional development for teachers beginning in June and instruction beginning the week of   
June 29, 2020. The CDE notes that the appeal of the TCS petition to the SBE will not be considered until the July 8–9, 2020, SBE meeting. Therefore, if approved by the SBE, as a condition for approval, the petitioner will be required to revise the instructional calendar to align with the timeline of approval by the SBE (Attachment 3, pp. 49–50).

### Required Number of Signatures

*EC* Section 47605(b)(3)

5 *CCR* Section 11967.5.1(d)

#### Evaluation Criteria

For purposes of *EC* section 47605(b)(3), a charter petition that “does not contain the number of signatures required by [law]” …, shall be a petition that did not contain the requisite number of signatures at the time of its submission …

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

#### Comments

The TCS petition does contain the required number of teacher signatures at the time of its submission (Attachment 9).

### 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 pupil’s subject to compulsory full-time education pursuant to *EC* Section 48200. | Yes |

**The petition does contain the required affirmations.**

#### Comments

The TCS petition does contain the required affirmations (Attachment 3, pp. 4–6).

### 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 TCS petition does include the necessary declaration (Attachment 3, p. 4).

## 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 pupils with disabilities, English learners, pupils 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 pupils 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 TCS petition does, overall, present a reasonably comprehensive description of the educational program. However, the TCS petition contradicts the number of years that Reclassified Fluent English Proficient (RFEP) pupils must be monitored.

If approved by the SBE, as a condition for approval, the petitioner will be required to revise the TCS petition to include the necessary language for Element 1–Description of Educational Program that RFEP pupils will be monitored for a period of four years after reclassification.

##### Educational Program

The mission of TCS is to provide a college preparatory program to pupils in grade nine through grade twelve, and to develop the academic, social and political skill sets necessary for lifelong learning, critical thinking, and positive contributions to the community in which pupils live (Attachment 3, p. 7).

The petition states that TCS believes that the right environment cultivates a passion for learning. In order to develop this passion, TCS will provide a learning environment that is adaptable to every pupil in regards to learning style, interest, and ability. TCS offers an instructional design that incorporates Science, Technology, Engineering, Art, and Mathematics (STEAM); Career Technical Education; project-based learning; individualized instruction; a laboratory school environment; partnerships with the local colleges and courses that are UC Curriculum Integration approved. TCS’ flexible facility design aims to develop pupils that are self-driven, collaborative, inquisitive, and solutions oriented. TCS pupils will be able to take abstract concepts and apply those concepts to STEAM fields such as architecture, coding, and film production. Pupils will work on projects that require them to develop and present tangibles within STEAM fields. (Attachment 3, p. 14).

##### Plan for Low-Achieving Pupils

The TCS petition states that pupils performing substantially below grade level, as determined by state standardized test results and internal assessments, will receive extra interventions and supports. Targeted support and interventions will be designed to help pupils master the subject(s) content and develop learning strategies and skills. TCS will utilize a three-tiered approach as a response to intervention for low-achieving pupils, which will focus on academic strategies for success (Attachment 3, pp. 62–64).

Pupils identified as “at risk” through universal screenings and/or results on tests will receive supplemental instruction. Classroom teachers will closely monitor student work and upon identification of a struggling pupil will convene a Student Study Team (SST). The SST consists of the school counselor, teacher(s), a school administrator, the pupil’s parent/guardian, and others. The TCS SST will oversee the development of plans to meet the needs of the pupil.

Using a data tracking system, the following groups of pupils will be monitored by teachers and the school administration in order to ensure satisfactory academic progress and to provide timely and targeted intervention when necessary (Attachment 3, p. 64):

* Pupils identified as achieving below grade level
* Pupils identified as being at risk for school failure due to environmental factors
* Socioeconomically disadvantaged pupils

In the event that struggling pupils fail to make satisfactory academic progress despite targeted interventions implemented by the classroom teacher, the teacher may decide to refer the pupil to the SST.

##### Plan for High-Achieving Pupils

The TCS petition states that pupils will be considered high-achieving based on the following criteria:

* Pupils who exceed the standard on Smarter Balanced Assessment Consortium testing
* Pupils who consistently receive grades of A on internal assessments or demonstrate other behaviors consistent with high academic achievement

TCS will implement additional strategies to ensure that the needs of high-achieving pupils are met. The strategies will vary for each pupil depending on their specific needs and will include, but are not limited to, the following (Attachment 3, pp. 61–62):

* Providing alternative and/or extension activities for pupils who have already mastered the content being taught
* Allowing gifted and high-achieving pupils to work at an accelerated pace
* Providing opportunities for pupils to work in flexible groups with other intellectual peers
* Creating graduated task rubrics and product criteria negotiated jointly by the pupil and teacher
* Asking open-ended questions, both in the classroom and on homework assignments, that stimulate critical thinking
* Incorporating a variety of the levels of thinking described in Bloom’s taxonomy, including the higher levels of analysis, evaluation, and synthesis, into lesson content and pupils’ work products
* Meeting the needs of advanced learners within the regular classroom program

Additionally, TCS intends to provide Advanced Placement courses as discussed in the course descriptions.

##### Plan for English Learners

The TCS petition states that TCS will comply with all federal and state laws, including meeting all applicable legal requirements for English learners (ELs) pertaining to annual notifications to parents; pupil identification; placement; program options; EL and core content instruction; teacher qualifications and training; reclassification to fluent English proficient status; monitoring and evaluating program effectiveness; and standardized testing requirements. The TCS petition states that all classroom teachers will be trained in the following strategies (Attachment 3, pp. 56–61):

* Project Guided Language Acquisition Design, a model for literacy and language acquisition across content areas that raises the level of thinking and discourse in the classroom and uses a range of instructional strategies that are effective for ELs
* Specially Designed Academic Instruction in English strategies and techniques to promote English acquisition in a context of high-level learning

Additionally, classroom teachers will employ the following (Attachment 3, pp. 56–61):

* Ensure alignment between instructional materials for ELs and curriculum frameworks and standards
* Provide daily oral language practice embedded in core classroom time and independent work in language acquisition, with a core academic model that emphasizes communication
* Monitor the progress of EL pupils in meeting English language development (ELD) standards
* Monitor all reclassified EL pupils for a period of four years by meeting regularly with teachers and reviewing benchmark assessments and standardized testing results to ensure that EL pupils are able to keep up with their peers

The TCS petition states that ELs will receive designated ELD instruction during the school day when teachers use the ELD standards to allow student to develop critical language needed for content learning in English. For designated ELD instruction, ELs may be clustered within one or more classrooms at each grade level based on their level of language development. Each cluster will be taught by a teacher with EL authorization for a period of not less than 120 minutes weekly. Both integrated and designated instructional activities are focused on developing EL pupils’ abilities to make meaning when reading, listening, speaking, and writing.

##### Plan for Special Education

The TCS petition states that TCS 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 United States Department of Education Office for Civil Rights. The TCS petition identifies a plan for special education pupils, including identification; assessment referrals; implementation of the Individualized Education Program; staffing; reporting; and due process (Attachment 3, pp. 65–74).

### 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 pupils and for groups of pupils. | No |
| 1. Include the school’s API growth target, if applicable. | Not Applicable |

**The petition does not present a reasonably comprehensive description of measurable pupil outcomes.**

#### Comments

The TCS petition does not present a reasonably comprehensive description of measurable pupil outcomes.

TCS plans to reside within MUSD, which is comprised of 25,409 pupils with 85 percent identifying as socioeconomically disadvantaged, 33 percent identifying as ELs, and 0.8 percent identifying as foster youth. The TCS petition includes a statement that outlines the annual goals, actions, measurable outcomes, and method of measurement aligned to each of the eight state priorities and states that TCS shall meet all statewide standards and conduct the student assessments required, pursuant to *EC* Section 60605, and any other statewide standards authorized in statue, or student assessments applicable to pupils in non-charter public schools (Attachment 3, pp. 77–82); however, the TCS petition does not outline measurable pupil outcomes that address increases in pupil academic achievement both schoolwide and for pupil groups.

If approved by the SBE, as a condition for approval, the petitioners will be required to revise the TCS petition in order to reflect the SBE as the authorizer and include the necessary language for Element 2–Measurable Pupil Outcomes by including measurable pupil outcomes that address increases in pupil academic achievement both schoolwide and for all groups of pupils.

### 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 TCS petition does present a reasonably comprehensive description of the method for measuring pupil progress. The TCS petition states that TCS will deploy a cyclical assessment program that reinforces the principles of continuous improvement. Pupil academic progress will be measured through a variety of diagnostic, formative, benchmark, and summative assessments. In addition, TCS will embrace a comprehensive data analysis process recognized by the American Society of Quality in an international competition. The school principal, in collaboration with the school community will review available data on a weekly basis (Attachment 3, pp. 77–82).

The TCS petition includes a table outlining the type, description, score significance, purpose, format, and frequency of assessments. The TCS petition states that all stakeholders will be actively involved in the analysis and reporting of data, and that data will be reviewed at the individual pupil level, by classroom cohorts, and schoolwide to monitor specific groups of pupils and the effectiveness of various programs and interventions. TCS pupil performance data will be sent to parents/guardians in the form of progress reports, report cards, standardized test scores, and EL progress towards English proficiency. The TCS petition states that the TCS Board of Directors, administrators, teachers, pupils, and parents will use data to establish, evaluate, and improve the educational program and school policies (Attachment 3, pp. 79–82).

### 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 TCS petition does present a reasonably comprehensive description of the TCS’s governance structure. The TCS petition states that the TCS Board of Directors will have a minimum of 5 and no more than 11 members consisting of directors with expertise in education, business, non-profit management, ELs, finance, facilities, fundraising, law, and community partnerships and services. The Parent Advisory Committee, School Site Council, and English Learner Advisory Committee will support the principal in developing, reviewing, or approving various school improvement plans and budgets. The TCS petition states that TCS will comply with the Ralph M. Brown Act and the Charter Schools Act, including *EC* Section 47604.1, as added by Senate Bill 126 (2019) and effective January 1, 2020, concerning the location of meetings of the TCS governing board. The CDE notes that TCS will also comply with the Public Records Act, Political Reform Act, and *Government Code* Section 1090 pursuant to *EC* Section 47604.1 (Attachment 3, pp. 85–91).

### 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 TCS petition does present a reasonably comprehensive description of employee qualifications. TCS considers the following to be key positions; individuals in these positions will meet specified additional qualifications as required: Executive Director/Principal, Principal, Assistant Principal, Teachers, Special Education Teachers, School Counselors, Special Education Resource Assistant, General Education Instructional Assistant, Office Manager, Facilities Manager, and Information Technology Support (Attachment 3, pp. 97–103).

The SBE requires all SBE-authorized charter school to comply with *EC* Section 47605.6(l) (effective July 1, 2020), which requires teachers in charter schools to hold a Commission on Teacher Credentialing certificate, permit, or other document required for the teacher’s certificated assignment.

### 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 TCS petition does present a reasonably comprehensive description of health and safety procedures. The TCS petition states that in order to provide safety for all pupils and staff, TCS will adopt and implement full health and safety policies and procedures and risk management policies at its school site in consultation with its insurance carriers and risk management experts. Employees and contractors of TCS will be required to submit to a criminal background check and to furnish a criminal summary as required by *EC* sections 44237 and 45125.1. Volunteers will be required to be fingerprinted and receive background clearance prior to volunteering without the direct supervision of a credentialed employee. All enrolled pupils will be required to provide records documenting immunizations as required at publics schools pursuant to *Health and Safety Code* sections 120325 through 120375, and *California Code of Regulations*,Title 17 sections 6000 through 6075. Additionally, pupils will be screened for vision, hearing, and scoliosis to the same extent as would be required if the pupils attended a non-charter public school. The TCS petition states that TCS shall adhere to *EC* Section 49450 as applicable to the grade levels served by the school (Attachment 3, pp. 104–108).

### 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 TCS petition does present a reasonably comprehensive description of the means for achieving racial and ethnic balance. The TCS petition states that TCS will strive to reflect the current community demographics as described in Element 1–Description of Educational Program and to achieve racial and ethnic balance among its pupils that is reflective of the general population of MUSD. TCS will review its overall efforts annually and direct staff to broaden outreach efforts as needed (Attachment 3, pp. 109–110).

### 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 TCS petition does present a reasonably comprehensive description of admission requirements. TCS has identified the school’s target audience to be underserved Latino pupils. The TCS petition states that if the number of pupils who wish to attend TCS exceeds its capacity and attendance, TCS will hold a public random drawing to determine admission for each impacted grade level with the exception of existing pupils, who are guaranteed admission in the following year. In accordance with *EC* Section 47605(d)(2), TCS shall offer admission preferences in the following order:

1. Siblings of currently enrolled students, and siblings of pupils whose names are drawn in the lottery process
2. Pupils residing in the attendance area of MUSD
3. Children of board members, teachers and staff currently employed at TCS (not to exceed 10 percent of enrollment)
4. All other eligible applicants to the extent there is capacity

The TCS petition states that no test or assessment shall be administered to pupils prior to acceptance and enrollment. Additionally, admission, except in the case of a public random drawing, shall not be determined by the place of residence of the pupil or parent or legal guardian within the state of California (Attachment 3, pp. 111–113).

The SBE has the discretion to approve the proposed admission preferences in the TCS 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 TCS petition does present a reasonably comprehensive description of annual independent financial audits as the TCS petition specifies who is responsible for contracting and overseeing the independent audit, as well as the level of auditor experience and timelines (Attachment 3, p. 114).

### 10. Suspension and Expulsion Procedures

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

5 *CCR* Section 11967.5.1(f)(10)

#### Evaluation Criteria

The procedures by which pupils can be suspended or expelled, as required by *EC* Section 47605(b)(5)(J), at a minimum:

| Criteria | Criteria Met |
| --- | --- |
| 1. Identify a preliminary list, subject to later revision pursuant to subparagraph (E), of the offenses for which pupils in the charter school must (where non-discretionary) and may (where discretionary) be suspended and, separately, the offenses for which pupils in the charter school must (where non-discretionary) or may (where discretionary) be expelled, providing evidence that the petitioners’ reviewed the offenses for which pupils 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. | No |
| 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 pupils attending non-charter public schools, and provide evidence that the charter petitioners believe their proposed lists of offenses and procedures provide adequate safety for pupils , 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 pupils are subject to suspension or expulsion. | No |

**The petition does not present a reasonably comprehensive description of suspension and expulsion procedures.**

#### Comments

The TCS petition does not present a reasonably comprehensive description of suspension and expulsion procedures for criteria C and E. The language in the petition regarding automatic placement of a pupil in an interim alternative educational setting is contrary to 20 *United States Code* (*USC*)Section 1415(k)(3), which states that 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 in 20 *USC* Section 1415(k)(1)(C), whichever occurs first, unless the parent or guardian and TCS agree otherwise.

Addressing evaluation criteria A, B, and D, the TCS 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 TCS. The TCS petition lists discretionary and non-discretionary offenses and procedures for suspension and expulsion (Attachment 3, pp. 116–131). The TCS petition states that no pupil shall be involuntarily removed by TCS 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. 128). Additionally, the TCS petition states that a pupil may be expelled by the neutral and impartial Administrative Panel, to be assigned by the TCS Board of Directors (Board), following a hearing before it or by the Board upon an appeal. The Administrative Panel will not include any of the administrators involved in the pupil’s initial discipline and shall consist of at least three members who are certificated and neither a teacher of the pupil nor a Board member (Attachment 3, p. 128).

Addressing evaluation criteria C and E, the TCS 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 guardian or TCS, the pupil will remain in the interim alternative educational setting pending the decision of the hearing officer in accordance with state and federal law, including 20 *USC* Section 1415(k), for not more than the 45-day time period provided for in an interim alternative educational setting, unless the parent or guardian and TCS agree otherwise. However, the automatic placement of a pupil in an interim alternative educational setting until the expiration of the 45-day time period is contrary to 20 *USC* Section 1415(k)(3), which only gives a hearing officer the authority to order such a placement.

In accordance with 20 *USC* Section 1415(k)(3), if a parent or guardian disagrees with any decision regarding placement or the manifestation determination, or if TCS 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 TCS may request a hearing. In such an appeal, a hearing officer may carry out the following: (1) return the pupil with a disability to the placement from which the pupil was removed; or (2) order a change of placement of the 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 pupil is substantially likely to result in injury to the pupil or to others (Attachment 3, p. 130).

If approved by the SBE, as a condition for approval, the petitioner will be required to revise the TCS petition in order to reflect the SBE as the authorizer and include the necessary language in Element 10–Suspension and Expulsion Procedures that when an appeal relating to the placement of pupils or the manifestation determination has been requested by either the parent or guardian, or TCS, 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 in 20 *USC* Section 1415(k)(1)(C), whichever occurs first, unless the parent or guardian and TCS agree otherwise.

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

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

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

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

#### Evaluation Criteria

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

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

#### Comments

The TCS petition does present a reasonably comprehensive description of CalSTRS, CalPERS, and social security coverage. The TCS petition states that TCS plans to provide all employees with a 403(b)-retirement plan. All employees shall participate in federal social security. Additionally, TCS reserves the right to offer other retirement plans to employees, pursuant to policies that may be adopted by the Board. The Executive Director will be responsible for ensuring that such retirement coverage is arranged for all employees (Attachment 3, p. 132).

### 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 TCS petition does present a reasonably comprehensive description of public-school attendance alternatives (Attachment 3, p. 133).

### 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 TCS petition does present a reasonably comprehensive description of post-employment rights of employees (Attachment 3, p. 134).

### 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 SB’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 TCS petition does not present a reasonably comprehensive description of dispute resolution procedures. The TCS petition does not directly address policies and procedures specific to the SBE’s dispute resolution requirements as an authorizer, as follows:

* Specific provisions relating to dispute resolution that the SBE determines necessary and appropriate in recognition of the fact that the SBE is not a local educational agency (LEA).
* Recognize that, because it is not an LEA, the SBE may choose to resolve a dispute directly instead of pursuing the dispute resolution process specified in the charter, provided that if the SBE intends to resolve a dispute directly instead of pursuing the dispute resolution process specified in the charter, it must first hold a public hearing to consider arguments for and against the direct resolution of the dispute instead of pursuing the dispute resolution process specified in the charter.
* Recognize that if the substance of a dispute is a matter that could result in the taking of appropriate action, including, but not limited to, revocation of the charter in accordance with *EC* Section 47604.5, the matter will be addressed at the SBE’s discretion in accordance with that provision of law and any regulations pertaining thereto.
* Recognize that the SBE cannot be pre-bound to a contractual obligation to split the costs of mediation or agree to mediation to resolve disputes.

If approved by the SBE, as a condition for approval, the petitioner will be required to revise the TCS petition in order to reflect the SBE as the authorizer and include the necessary language for Element 14–Dispute Resolution Procedures.

### 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 TCS petition does include a reasonably comprehensive description of closure procedures (Attachment 3, pp. 137–138).

## 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 TCS petition does provide evidence addressing the requirements regarding standards, assessments, and parent consultation (Attachment 3, pp. 4–5 and 77–84).

### 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 TCS petition does provide the required information and financial projections (Attachment 3, pp. 139–144).

TCS plans to lease a facility within the geographic boundaries of MUSD.

### 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 TCS petition does meet this requirement (Attachment 3, pp. 5 and 95–97).

### Transmission of Audit Report

*EC* Section 47605(m)

5 *CCR* Section 11967.5.1(f)(9)

#### Evaluation Criteria

A charter school shall transmit a copy of its annual independent financial audit report for the preceding fiscal year … to the chartering entity, the Controller, the county superintendent of schools of the county in which the charter is sited …, and the CDE by December 15 of each year.

**The petition does address this requirement.**

#### Comments

The TCS petition does address this requirement.

The annual audit of TCS shall be completed and forwarded to the authorizer, the County Superintendent of Schools, the State Controller, and the CDE by the fifteenth of December of each year in accordance with *EC* Section 47604.33 (Attachment 3, pp. 114 and 137–138).

### 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 not address this requirement.**

#### Comments

The TCS petition does not present a reasonably comprehensive description of measurable pupil outcomes. TCS plans to reside within MUSD, which is comprised of 25,409 pupils with 85 percent identifying as socioeconomically disadvantaged, 33 percent identifying as ELs, and 0.8 percent identifying as foster youth. The TCS petition includes a statement that outlines the annual goals, actions, measurable outcomes, and method of measurement aligned to each of the eight state priorities and states that TCS shall meet all statewide standards and conduct the student assessments required, pursuant to *EC* Section 60605, and any other statewide standards authorized in statue, or student assessments applicable to pupils in non-charter public schools (Attachment 3, pp. 77–82); however, the TCS petition does not outline measurable pupil outcomes that address increases in pupil academic achievement both schoolwide and for pupil groups.

Additionally, if approved by the SBE, as a condition for approval, the petitioner will be required to revise the TCS petition in order to reflect the measurable pupil outcomes, both schoolwide and for pupil groups, that address increases in pupil academic achievement in accordance to *EC* Section 47605(b)(5)(B).

### 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 TCS petition does address this requirement. The TCS petition states that parents will receive notifications of course transferability in all pupil recruitment and enrollment materials through the Student and Family Handbook, which will be available in English and Spanish, and other home languages as needed. Every exiting pupil will receive a transcript that will provide them with an official record of courses completed and credits earned (Attachment 3, pp. 49 and 74).