California Department of Education

Charter Schools Division

Revised 1/2020

oab-csd-jul20item09

Attachment 1

# CHARTER SCHOOL PETITION REVIEW FORM: John Henry High

## KEY INFORMATION REGARDING JOHN HENRY HIGH

### Proposed Grade Span and Build-Out Plan

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

K–Kindergarten

NA–Not Applicable. Grade levels not served.

| Grade | 2020–21 | 2021–22 | 2022–23 | 2023–24 | 2024–25 |
| --- | --- | --- | --- | --- | --- |
| K | NA | NA | NA | NA | NA |
| 1 | NA | NA | NA | NA | NA |
| 2 | NA | NA | NA | NA | NA |
| 3 | NA | NA | NA | NA | NA |
| 4 | NA | NA | NA | NA | NA |
| 5 | NA | NA | NA | NA | NA |
| 6 | NA | NA | NA | NA | NA |
| 7 | NA | NA | NA | NA | NA |
| 8 | NA | NA | NA | NA | NA |
| 9 | 90 | 110 | 110 | 110 | 110 |
| 10 | 90 | 110 | 110 | 110 | 110 |
| 11 | 85 | 85 | 110 | 110 | 110 |
| 12 | 85 | 85 | 85 | 110 | 110 |
| Total | 350 | 390 | 415 | 440 | 440 |

### Proposed Location

John Henry High (JHH) currently serves 320 pupils in grade nine through grade twelve at a private leased facility located at 1402 Marina Way S, Richmond, California.

### Brief History

On December 18, 2020, West Contra Costa Unified School District (WCCUSD) voted to deny the JHH petition by a vote of four to one. On January 17, 2020, the petitioner submitted the JHH petition to the Contra Costa County Office of Education (CCCOE). On March 11, 2020, the Contra Costa County Board of Education did not take action on the JHH petition based on an insufficient amount of time to complete an evaluation of the issues stated in the WCCUSD staff report.

The petitioner submitted the JHH petition on appeal to the State Board of Education (SBE) on March 25, 2020.

### Lead Petitioner

Nicolas C. Vaca, Chief Executive Officer

## 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]) | NA |
| Affirmation of Specified Conditions (*EC* sections 47605[b][4] and [d]) | Yes |
| Exclusive Public School Employer (*EC* Section 47605[b][6]) | Yes |
| 1. Description of Educational Program (*EC* Section 47605[b][5][A]) | Yes |
| 1. Measurable Pupil Outcomes (*EC* Section 47605[b][5][B]) | Yes |
| 1. Method for Measuring Pupil Progress (*EC* Section 47605[b][5][C]) | Yes |
| 1. Governance Structure (*EC* Section 47605[b][5][D]) | No |
| 1. Employee Qualifications (*EC* Section 47605[b][5][E]) | No |
| 1. Health and Safety Procedures (*EC* Section 47605[b][5][F]) | Yes |
| 1. Racial and Ethnic Balance (*EC* Section 47605[b][5][G]) | No |
| 1. Admission Requirements (*EC* Section 47605[b][5][H]) | No |
| 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]) | No |
| 1. Public School Attendance Alternatives (*EC* Section 47605[b][5][L]) | Yes |
| 1. Post-employment Rights of Employees (*EC* Section 47605[b][5][M]) | Yes |
| 1. Dispute Resolution Procedures (*EC* Section 47605[b][5][N]) | No |
| 1. Closure Procedures (*EC* Section 47605[b][5][O]) | Yes |
| Standards, Assessments, and Parent Consultation (*EC* sections 47605[c][1] and [2]) | Yes |
| Effect on Authorizer and Financial Projections (*EC* Section 47605[g]) | Yes |
| Teacher Credentialing (*EC* Section 47605[l]) | Yes |
| Transmission of Audit Report (*EC* Section 47605[m]) | Yes |
| Goals to Address the Eight State Priorities (*EC* Section 47605[b][5][A][ii]) | Yes |
| Transferability of Secondary Courses (*EC* 47605 [b][5][A][iii]) | Yes |

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

### Sound Educational Practice

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

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

#### Evaluation Criteria

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

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

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

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

#### Comments

The JHH petition is consistent with sound educational practice. JHH pupils do perform at least equal to its comparable district schools where the majority of JHH pupils would otherwise attend. The California Department of Education (CDE) has concerns regarding the significant decline in the academic progress of English learners (ELs) in English language arts (ELA) and mathematics (math), which is reflected on the 2019 California School Dashboard, as well as has concerns regarding an enrollment process that prohibits JHH from reaching demographics reflective of WCCUSD.

##### Academic Criteria

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

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

The California Department of Education (CDE) has determined that JHH does perform, overall, at least equal to its comparable district schools where the majority of JHH pupils would otherwise attend.

###### CDE’s Review of Academic Criteria Under EC Section 47607

The CDE has reviewed the information presented by WCCUSD and CCCOE. WCCUSD concluded that the findings and issues raised in the staff report and the cumulative effect of those concerns outweigh any academic increases made by JHH, and, overall, result in the recommendation of non-renewal of the JHH petition (Attachment 6, p. 13). The CCCOE did not take action on the JHH petition (Attachment 7, pp. 1–2).

The CDE has determined that JHH has met the applicable academic criteria pursuant to *EC* Section 47607(b). However, the CDE has concerns regarding the decline in the academic progress of EL pupils in ELA and math reflected on the 2019 California School Dashboard, as well as has concerns regarding an enrollment process that prohibits JHH from reaching demographics reflective of WCCUSD. The CDE selected five schools, serving pupils in grade nine through grade twelve, where pupils would otherwise attend and that are comparable in that they have similar enrollment for similar significant subgroups.

The following table shows the percentage of pupils that met/exceeded standards on the 2016–17, 2017–18, and 2018–19 California Assessment of Student Performance and Progress (CAASPP) for ELA and math for JHH and the CDE-chosen comparable WCCUSD schools that pupils would otherwise attend. The 2016–17 through 2018–19 CAASPP data show that JHH does perform, overall, at least equal to comparable WCCUSD schools.

**CAASPP Results for CDE-Chosen Comparable Schools and WCCUSD (Percent Meets/Exceeds Standards)**

| School | 2016–17  ELA | 2016–17  Math | 2017–18  ELA | 2017–18  Math | 2018–19  ELA | 2018–19  Math |
| --- | --- | --- | --- | --- | --- | --- |
| JHH | 52 | 41 | 62 | 41 | 68 | 21 |
| De Anza High | 35 | 11 | 46 | 14 | 45 | 12 |
| EL Cerrito High | 42 | 26 | 41 | 29 | 49 | 31 |
| Kennedy High | 14 | 3 | 20 | 1 | 14 | 2 |
| Pinole Valley High | 51 | 24 | 42 | 19 | 50 | 21 |
| Richmond High | 30 | 9 | 34 | 10 | 40 | 16 |
| WCCUSD | 34 | 24 | 34 | 23 | 35 | 24 |

The following tables show the percentage of pupils that met/exceeded standards on the 2016–17 through 2018–19 CAASPP for ELA and math for JHH, the CDE-chosen comparable WCCUSD schools that pupils would otherwise attend, and WCCUSD. The significant subgroup population served by JHH are as follows: 95 percent Hispanic/Latino and 91 percent SED. The 2016–17 through 2018–19 CAASPP data for the significant subgroups served by JHH shows that JHH does perform, overall, at least equal to comparable WCCUSD schools.

An asterisk (\*) indicates that less than 10 pupils were assessed. The data have been suppressed in order to protect pupils’ privacy.

**CAASPP Results by pupil subgroups for African-American pupils (Percent Meets/Exceeds Standards)**

| School | 2016–17  ELA | 2016–17  Math | 2017–18  ELA | 2017–18  Math | 2018–19  ELA | 2018–19  Math |
| --- | --- | --- | --- | --- | --- | --- |
| JHHS | NA | NA | NA | NA | \* | \* |
| De Anza High | 21 | 0 | 31 | 6 | 40 | 7 |
| El Cerrito High | 15 | 5 | 9 | 4 | 16 | 8 |
| Kennedy High | 15 | 0 | 22 | 0 | 12 | 4 |
| Pinole Valley High | 47 | 10 | 16 | 2 | 38 | 9 |
| Richmond High | 33 | 6 | 27 | 7 | 18 | 7 |
| WCCUSD | 21 | 12 | 20 | 11 | 21 | 10 |

**CAASPP Results by pupil subgroups for Latino/Hispanic pupils (Percent Meets/Exceeds Standards)**

| School | 2016–17  ELA | 2016–17  Math | 2017–18  ELA | 2017–18  Math | 2018–19  ELA | 2018–19  Math |
| --- | --- | --- | --- | --- | --- | --- |
| JHHS | 52 | 41 | 61 | 39 | 68 | 22 |
| De Anza High | 28 | 4 | 40 | 11 | 44 | 9 |
| El Cerrito High | 30 | 15 | 28 | 13 | 34 | 16 |
| Kennedy High | 15 | 3 | 16 | 1 | 12 | 2 |
| Pinole Valley High | 44 | 13 | 39 | 8 | 46 | 15 |
| Richmond High | 28 | 8 | 34 | 10 | 40 | 16 |
| WCCUSD | 25 | 15 | 25 | 14 | 27 | 15 |

**CAASPP Results by pupil subgroups for Special Education pupils (Percent Meets/Exceeds Standards)**

| School | 2016–17  ELA | 2016–17  Math | 2017–18  ELA | 2017–18  Math | 2018–19  ELA | 2018–19  Math |
| --- | --- | --- | --- | --- | --- | --- |
| JHHS | \* | \* | \* | \* | \* | \* |
| De Anza High | 3 | 0 | 11 | 0 | 13 | 0 |
| El Cerrito High | 8 | 5 | 19 | 8 | 27 | 11 |
| Kennedy High | 7 | 3 | 6 | 0 | 0 | 0 |
| Pinole Valley High | 10 | 0 | 6 | 13 | 19 | 7 |
| Richmond High | 7 | 4 | 5 | 5 | 12 | 3 |
| WCCUSD | 7 | 5 | 8 | 7 | 9 | 7 |

**CAASPP Results by pupil subgroups for English Learner pupils (Percent Meets/Exceeds Standards)**

| School | 2016–17  ELA | 2016–17  Math | 2017–18  ELA | 2017–18  Math | 2018–19  ELA | 2018–19  Math |
| --- | --- | --- | --- | --- | --- | --- |
| JHHS | \* | \* | \* | \* | \* | \* |
| De Anza High | 7 | 5 | 11 | 5 | 4 | 0 |
| El Cerrito High | 5 | 7 | 3 | 6 | 0 | 0 |
| Kennedy High | 0 | 0 | 0 | 0 | 0 | 0 |
| Pinole Valley High | 7 | 0 | 5 | 3 | 19 | 3 |
| Richmond High | 2 | 1 | 3 | 1 | 4 | 1 |
| WCCUSD | 4 | 4 | 3 | 4 | 5 | 5 |

**CAASPP Results by pupil subgroups for Socioeconomically Disadvantaged pupils (Percent Meets/Exceeds Standards)**

| School | 2016–17  ELA | 2016–17  Math | 2017–18  ELA | 2017–18  Math | 2018–19  ELA | 2018–19  Math |
| --- | --- | --- | --- | --- | --- | --- |
| JHHS | 48 | 41 | 60 | 37 | 68 | 19 |
| De Anza High | 34 | 8 | 42 | 9 | 42 | 7 |
| El Cerrito High | 27 | 10 | 31 | 19 | 29 | 13 |
| Kennedy High | 14 | 4 | 20 | 1 | 15 | 2 |
| Pinole Valley High | 48 | 20 | 39 | 15 | 46 | 17 |
| Richmond High | 30 | 9 | 34 | 9 | 41 | 16 |
| WCCUSD | 25 | 15 | 26 | 15 | 25 | 15 |

###### JHH’s Review of Academic Criteria Under EC Section 47607

The petitioner completed CAASPP data comparison analyses for JHH and WCCUSD comparable schools for pupils schoolwide.

The following table shows the percentage of pupils that met/exceeded standards on the 2016–17, 2017–18, and 2018–19 CAASPP assessment for ELA and mathematics for all pupils schoolwide at JHH (Attachment 3, p. 16).

**CAASPP Results for JHH (Percent Meets/Exceeds Standards)**

| 2016–17  ELA | 2016–17  Math | 2017–18 ELA | 2017–18 Math | 2018–19  ELA | 2018–19  Math |
| --- | --- | --- | --- | --- | --- |
| 52 | 41 | 62 | 41 | 68 | 21 |

The following table shows the percentage of pupils that met/exceeded standards on the 2016–17, 2017–18, and 2018–19 CAASPP assessment for ELA and math for JHH, WCCUSD, and California (Attachment 3, p. 17).

**CAASPP Results for JHH, WCCUSD, and California (Percent Meets/Exceeds Standards)**

| Entity | 2018–19 ELA | 2018–19 Math |
| --- | --- | --- |
| JHH | 68 | 21 |
| WCCUSD | 35 | 24 |
| California | 51 | 40 |

The following table shows the percentage of pupils that met/exceeded standards on the 2018–19 CAASPP assessment for ELA and math for JHH and for comparable schools that pupils would otherwise attend (Attachment 3, pp. 18–19).

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

| School | 2016–17  ELA | 2016–17  Math | 2017–18 ELA | 2017–18 Math | 2018–19  ELA | 2018–19  Math |
| --- | --- | --- | --- | --- | --- | --- |
| JHH | 52 | 41 | 62 | 41 | 68 | 21 |
| De Anza High | 35 | 11 | 46 | 14 | 45 | 12 |
| Kennedy High | 14 | 3 | 20 | 1 | 14 | 2 |
| Richmond High | 30 | 9 | 34 | 10 | 40 | 16 |

###### WCCUSD’s Review of Academic Criteria Under EC Section 47607

WCCUSD reviewed the 2016–17 through 2018–19 CAASPP data for JHH for all pupils schoolwide, which show a decline in math from 41.38 to 20.90 percent (Attachment 6, p. 12).

**CAASPP Results for JHH (Percent Meets/Exceeds Standards)**

| 2016–17  ELA | 2016–17  Math | 2017–18 ELA | 2017–18 Math | 2018–19  ELA | 2018–19  Math |
| --- | --- | --- | --- | --- | --- |
| 51.72 | 41.38 | 62.02 | 40.50 | 68.12 | 20.90 |

###### CCCOE’s Review of Academic Criteria Under EC Section 47607

CCCOE did not take action on the JHH petition on appeal (Attachment 7, pp. 1–2).

###### WCCUSD’s Review of Academic Criteria Under EC Section 52052–Alternative Measures

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

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

WCCUSD reviewed the 2019 California School Dashboard for JHH for ELA, math, and College and Career Readiness that show increases for the Hispanic/Latino subgroup, but no data for multiple subgroups. Additionally, data for English learners (ELs) show a decline of 25.3 percent in ELA and a decline of 123.7 percent in math. The WCCUSD findings show that for College and Career Readiness, 35.4 percent of all pupils are prepared, which indicates a decline of 16.4 percent from the previous SY. Additionally, for EL pupils, 12.8 are prepared, which indicates a decline of 5.4 percent from the previous SY (Attachment 6, p. 11).

The CDE reviewed what was considered by WCCUSD, which was verifiable 2019 California School Dashboard data for JHH for ELA, math, and College and Career Readiness. The CDE has concerns regarding the significant decline in the academic progress of EL pupils in ELA and math that is reflected on the 2019 California School Dashboard.

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

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

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

The CDE reviewed the following alternative measures that the petitioner included as the criteria for charter renewal (Attachment 3, p. 19):

* 2015–16 through 2019–20 advanced placement (AP) courses offered at JHH increased from no offerings in the 2015–16 school year to five offerings by the 2018–19 academic year.

The petitioner states that JHH did not offer any AP courses in 2015–16 and 2016–17; however, AP offerings increased to five by the 2018–19 academic year.

### 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 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 JHSS multi-year projected budget includes the following projected pupil enrollment (Attachment 4):

* 350 Grade nine through twelve in 2020–21
* 390 Grade nine through twelve in 2021–22
* 415 Grade nine through twelve in 2022–23
* 440 Grade nine through twelve in 2023–24
* 440 Grade nine through twelve in 2024–25

The CDE reviewed audited financial data from the 2018–19 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.

##### Revenue

The JHH multi-year projected budget, as submitted on March 25, 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 JHH LCFF revenue. The CDE finds that JHH has overstated the LCFF revenue by $773; $5,046; and $22,791 for fiscal year (FY) 2020–21 through 2022–23, respectively. Accordingly, the CDE adjusted the LCFF revenue for FY 2020–21 and 2022–23 in the budget analysis.

The JHH 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 $5,105 and $1,513 for FY 2020–21 and 2021–22, respectively, and understated by $2,981 for FY 2022–23. Accordingly, the CDE adjusted the lottery funds for FY 2020–21 through 2022–23 in the budget analysis.

The JHH multi-year projected budget includes a mandated block grant for FY 2020–21 through 2022–23. The mandated block grant is based on prior year Second Principal Apportionment enrollment, which is overstated by $587, $928, and $1,621 for FY 2020–21 through 2022–23, respectively. Accordingly, the CDE adjusted the mandated block grant for FY 2020–21 through 2022–23 in the budget analysis.

The JHH multi-year projected budget includes other local revenues of $104,489 each year for FY 2020–21 through 2022–23. The JHH petition does not provide a detailed budget narrative or assumption that the CDE excludes from the budget analysis.

##### Expenditures

The JHH multi-year projected budget appears to understate the expenditures in Old-Age, Survivors, and Disability Insurance Program Medicare in the amounts of $8,901 and $12,028 for FY 2021–22 and 2022–23, respectively. The CDE included these increased expenditures in its budget analysis.

The CDE concludes that the JHH projected budget is fiscally viable with the projected enrollment of 350, 390, and 415 and positive ending fund balances of $317,488; $600,062; and $1,125,325 with reserves of 6.3, 11, and 19.6 percent for FY 2020–21 through 2022–23, respectively.

### Required Number of Signatures

*EC* Section 47605(b)(3)

5 *CCR* Section 11967.5.1(d)

#### Evaluation Criteria

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

**This requirement is not applicable.**

#### Comments

Signatures are not applicable for a charter renewal.

### Affirmation of Specified Conditions

*EC* sections 47605(b)(4) and (d)

5 *CCR* Section 11967.5.1(e)

#### Evaluation Criteria

For purposes of *EC* Section 47605(b)(4), a charter petition that "does not contain an affirmation of each of the conditions described in (*EC* Section 47605[d])" …, shall be a petition that fails to include a clear, unequivocal affirmation of each such condition. Neither the charter nor any of the supporting documents shall include any evidence that the charter will fail to comply with the conditions described in *EC* Section 47605(d).

| Criteria | Criteria Met |
| --- | --- |
| 1. [A] charter school shall be nonsectarian in its programs, admission policies, employment practices, and all other operations, shall not charge tuition, and shall not discriminate against a pupil on the basis of disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or any other characteristic that is contained in the definition of hate crimes set forth in Section 422.55 of the California *Penal Code*. Except as provided in paragraph (2), admission to a charter school shall not be determined according to the place of residence of the pupil, or of his or her parent or guardian, within this state, except that any existing public school converting partially or entirely to a charter school under this part shall adopt and maintain a policy giving admission preference to pupils who reside within the former attendance area of that public school. | Yes |
| 1. (A) A charter school shall admit all pupils who wish to attend the school. 2. If the number of pupils who wish to attend the charter school exceeds the charter school’s capacity, attendance, except for existing pupils of the charter school, shall be determined by a public random drawing. Preference shall be extended to pupils currently attending the charter school and pupils who reside in the school district except as provided for in Section 47614.5. Preferences, including, but not limited to, siblings of pupils admitted or attending the charter school and children of the charter school’s teachers, staff, and founders identified in the initial charter, may also be permitted by the chartering authority on an individual charter school basis. 3. In the event of a drawing, the chartering authority shall make reasonable efforts to accommodate the growth of the charter school and, in no event, shall take any action to impede the charter school from expanding enrollment to meet pupil demand. | Yes |
| 1. If a pupil is expelled or leaves the charter school without graduating or completing the school year for any reason, the charter school shall notify the superintendent of the school district of the pupil’s last known address within 30 days, and shall, upon request, provide that school district with a copy of the cumulative record of the pupil, including a transcript of grades or report card, and health information. This paragraph applies only to pupils subject to compulsory full-time education pursuant to *EC* Section 48200. | Yes |

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

#### Comments

The JHH petition contains the required affirmations (Attachment 3, pp. 6–7); however, the Affirmations and Assurances pages of the JHH petition are not signed by the petitioner.

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

### Exclusive Public School Employer

*EC* Section 47605(b)(6)

5 *CCR* Section 11967.5.1(f)(15)

#### Evaluation Criteria

The declaration of whether or not the district shall be deemed the exclusive public school employer of the employees of the charter school for the purposes of the Educational Employment Relations Act (Chapter 10.7 [commencing with Section 3540] of Division 4 of Title 1 of the California *Government Code*), as required by *EC* Section 47605(b)(6), recognizes that the SBE is not an exclusive public school employer and that, therefore, the charter school must be the exclusive public school employer of the employees of the charter school for the purposes of the Educational Employment Relations Act (EERA).

**The petition does include the necessary declaration.**

#### Comments

The JHH petition does include the necessary declaration (Attachment 3, p. 6).

## 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 JHH petition does, overall, present a reasonably comprehensive description of the plan for EL pupils.

The CDE notes that the JHH petition states that JHH will monitor the academic progress of reclassified fluent English proficient (RFEP) pupils for two years rather than the four years, which is necessary by law after reclassification (Attachment 3, p. 61). Additionally, the JHH petition does not indicate when during the school day EL pupils will receive integrated or designated English language development (ELD) instruction.

If approved by the SBE, as a condition for approval, the petitioner will be required to revise the JHH petition to include the necessary language for Element 1–Description of Educational Program by indicating when during the school day EL pupils will receive integrated or designated ELD instruction, and state that RFEP pupils will be monitored for four years after reclassification.

##### Educational Program

JHH intends to serve 350 pupils in grade nine through grade twelve in 2020–21 and grow to serve 440 pupils in 2024–25. The JHH petition states that JHH’s mission is to provide a rigorous college preparatory education and character development program that will prepare pupils from underserved communities to succeed in college and beyond. JHH’s vision is that every child deserves a quality education regardless of the circumstances they have faced, and that all children are capable of growing their ability and learning when provided with the right conditions. JHH’s pupil population comes primarily from Richmond and San Pablo, and consists of predominantly low-income and immigrant students from communities that have been traditionally underserved by local public schools. The JHH petition states that individual citizens in the twenty-first century need to be industrious, analytical, practical, and lifelong learners. Learning best occurs through the following instructional design elements (Attachment 3, pp. 27–32):

* Community: parent and family resources; advisories; student-led clubs
* College-going culture: college preparatory coursework and readiness program; college study skills; college orientation; college scholarship application support; Preliminary Scholastic Aptitude Test and Scholastic Aptitude Test tutoring and preparation
* School program design: added time; longer school day/year; rigorous and relevant courses; flexible supports; well-qualified and supported teachers
* Pedagogy: explicit instruction; massed and distributed practice; problem solving; inquiry; flexible supports; diagnostic assessment; distance learning

##### Plan for Low-Achieving Pupils

The JHH petition does present a reasonably comprehensive description of the plan for low-achieving pupils. The JHH petition states that pupils who are struggling academically are identified through the following methods (Attachment 3, p. 45):

* Previous grades (report cards, transcripts)
* Formative assessments
* New pupil placement exams
* Parent requests
* Cumulative record reviews
* Language surveys
* Teacher comments and recommendations

The JHH petition states that Amethod Public Schools (AMPS) uses a Response to Intervention (RTI) approach that has been implemented at the JHH campus and integrates ongoing assessment and intervention within a multi-leveled support system to maximize time and effort. Individual Learning Plans (ILPs) are used to differentiate individualized instruction, promote a team approach, and raise the academic achievement of at-risk pupils. JHH’s RTI approach outlines strategies in the following three phases (Attachment 3, p. 46):

* First phase: teachers attempt small modifications such as preferred seating and cloze notes before the implementation of an ILP
* Second phase: pupil goals are laid out in the initial ILP and reviewed every six to eight weeks; pupils work directly with a tutor on specific skills or are referred to a different class for grade level remediation
* Third phase: after two eight-week cycles, pupils may enter into a more comprehensive assessment process for further diagnostics and recommendations

##### Plan for High-Achieving Pupils

The JHH petition does present a reasonably comprehensive description of the plan for high-achieving pupils. The JHH petition states that for pupils who excel academically, as measured by grade point average, interim assessments, and state test results, JHH will offer a series of more advanced classes through Honors and AP. Additionally, JHH partners with the Contra Costa Community College District to offer pupils the opportunity to enroll in more advanced courses and electives as well as partners with John Hopkins University Center for Talented Youth Program to attend and study at university campuses for a three-week summer residential program (Attachment 3, p. 47).

##### Plan for English Learners

The JHH petition does present a reasonably descriptive plan for ELs. The JHH petition states that JHH will comply with all applicable federal and state legal requirements for ELs and applicable district mandates as they pertain 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 evaluation program effectiveness, and standardized testing requirements. The JHH petition states that JHH will administer the home language survey upon a pupil’s initial enrollment. The JHH petition states that a focus on oral language and comprehension activities, through guided reading and small groups, will allow pupils to receive specific language instruction (Attachment 3, p. 57). The JHH petition also states that JHH will monitor the academic progress of RFEP pupils for two years rather than the four years required by Title 20 United States Codes (Section 6841(a)(4)(5) after reclassification (Attachment 3, p. 61). Additionally, the JHH petition does not indicate when during the school day EL pupils will receive integrated or designated ELD instruction.

##### Plan for Special Education

The JHH petition does present a reasonably comprehensive description for pupils with disabilities. The JHH petition states that JHH shall comply with all applicable state and federal laws in serving pupils with disabilities, including, but not limited to, Section 504 of the Rehabilitation Act, the Americans with Disabilities Act, the Individuals with Disabilities in Education Improvement Act, and any other applicable civil rights enforced by the U.S. Department of Education Office of Civil Rights. The JHH petition states that JHH will operate as is own local educational agency and is a member of the El Dorado County Charter Special Education Local Plan Area. The JHH petition identifies a plan for pupils with disabilities, including identification, referral for assessment, development and implementation of the Individualized Education Program, interim and initial placements, special education strategies for instruction and services, staffing, and reporting (Attachment 3, pp. 47–54).

The CDE notes that the JHH petition states that the school recognizes its responsibility to enroll and support pupils with disabilities who can benefit from its programs and who otherwise qualify for enrollment. This language can be interpreted to mean that JHH will only enroll pupils with disabilities who benefit from their program. JHH will need to clarify that no pupils will be denied admission due to his or her disability.

### 2. Measurable Pupil Outcomes

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

5 *CCR* Section 11967.5.1(f)(2)

#### Evaluation Criteria

Measurable pupil outcomes, as required by *EC* Section 47605(b)(5)(B), at a minimum:

| Criteria | Criteria Met |
| --- | --- |
| 1. Specify skills, knowledge, and attitudes that reflect the school’s educational objectives and can be assessed, at a minimum, by objective means that are frequent and sufficiently detailed enough to determine whether pupils are making satisfactory progress. It is intended that the frequency of objective means of measuring pupil outcomes vary according to such factors as grade level, subject matter, the outcome of previous objective measurements, and information that may be collected from anecdotal sources. To be sufficiently detailed, objective means of measuring pupil outcomes must be capable of being used readily to evaluate the effectiveness of and to modify instruction for individual students and for groups of students. | Yes |
| 1. Include the school’s API growth target, if applicable. | Not Applicable |

**The petition does present a reasonably comprehensive description of measurable pupil outcomes.**

#### Comments

The JHH petition does present a reasonably comprehensive description of measurable pupil outcomes (MPOs). The JHH petition includes a table that outlines the goals, actions, and outcomes aligned to the eight state priorities for all pupils and pupil subgroups (Attachment 3, pp. 65–70).

### 3. Method for Measuring Pupil Progress

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

5 *CCR* Section 11967.5.1(f)(3)

#### Evaluation Criteria

The method for measuring pupil progress, as required by *EC* Section 47605(b)(5)(C), at a minimum:

| Criteria | Criteria Met |
| --- | --- |
| 1. Utilizes a variety of assessment tools that are appropriate to the skills, knowledge, or attitudes being assessed, including, at minimum, tools that employ objective means of assessment consistent with the measurable pupil outcomes. | Yes |
| 1. Includes the annual assessment results from the Standardized Testing and Reporting (STAR) program. | Not Applicable |
| 1. Outlines a plan for collecting, analyzing, and reporting data on pupil achievement to school staff and to pupils’ parents and guardians, and for utilizing the data continuously to monitor and improve the charter school’s educational program. | Yes |

**The petition does present a reasonably comprehensive description of the method for measuring pupil progress.**

#### Comments

The JHH petition does present a reasonably comprehensive description of the method for measuring pupil progress. The JHH petition includes a table that provides an overview of the assessment tools, frequency, and measurable pupil outcomes (Attachment 3, pp. 63–64). The JHH petition states that JHH teachers and administrators engage in on-going analysis cycles and data dives at the conclusion of an interim assessment cycle. Data dive meetings inform and improve teacher practice and pupil practice with the goal of advancing pupil achievement. Additionally, every three weeks, advisory classes send home informal progress reports which are signed and returned to advisors to ensure that parents are aware of pupil standings (Attachment 3, p. 76).

### 4. Governance Structure

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

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

#### Evaluation Criteria

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

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

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

#### Comments

The JHH petition does not present a reasonably comprehensive description of the school’s governance structure. The JHH petition states that regular meetings will be within the boundaries of the state of California; however, given that AMPS manages two or more charter schools that are not located in the same county, the governing board shall meet within the physical boundaries of the county in which the greatest number of pupils are enrolled, pursuant to *EC* Section 46704.1(c)(4). AMPS serves 959 pupils from three schools in CCCOE and 999 pupils from three schools in the Alameda County Office of Education (ACOE); therefore, the governing board meetings should take place within the physical boundaries of ACOE given that the greatest number of pupils are enrolled within ACOE. The 2019–20 AMPS Board Meeting Schedule, which is posted on the JHH website, shows that regular board meetings have taken place within both counties, which violates *EC* Section 46704.1(c)(4).

The JHH petition states that JHH is an independent charter school and is operated and governed by AMPS, a tax-exempt 501(c)(3), non-profit public benefit California corporation. The governing board is responsible for major strategic and policy decisions related to all of the charter schools it operates and is also tasked with ensuring JHH’s financial sustainability. Additionally, the JHH petition states that JHH shall comply with the Brown Act and that JHH has adopted a Conflict of Interest Code, which complies with the Political Reform Act, Corporations Code, and Conflict of Interest rules, and shall be updated with any charter school-specific conflict of interest laws or regulations (Attachment 3, pp. 78–82).

The JHH petition states that, as required by *EC* Section 47605, JHH will use a range of methods to consult with and receive parental and family input. The JHH petition states that the Family Staff Team is composed of staff, community members, and more importantly, parents ready to serve as a team to ensure that academic performance and pupil success through measurable deliverables, remain the top driver in inner-city charter schools. The group will meet regularly to identify matters that are pertinent to the families and local charter school community, and make recommendations to the governing board regarding programming, educational activities, supplemental activities, and expenditures for programs at JHH. The JHH petition also states that parents who fulfill current desired professional expertise, as identified by existing governing board members, may also be recommended to the AMPS Board of Directors (Attachment 3, pp. 82–83).

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

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

If approved by the SBE, as a condition for approval, the petitioner will be required to revise the JHH petition to reflect the SBE as the authorizer and include the necessary language for Element 4–Governance Structure that states that the AMPS governing board will meet within the physical boundaries of the county in which the greatest number of pupils are enrolled, pursuant to *EC* Section 46704.1(c)(4), or ACOE, specifically.

### 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. | No |
| 1. Identify those positions that the charter school regards as key in each category and specify the additional qualifications expected of individuals assigned to those positions. | No |
| 1. Specify that all requirements for employment set forth in applicable provisions of law will be met, including, but not limited to, credentials as necessary. | Yes |

**The petition does not present a reasonably comprehensive description of employee qualifications.**

#### Comments

The JHH petition does not present a reasonably comprehensive description of employee qualifications. The JHH petition describes the selection process for leaders and teachers; however, it does not specifically identify which position JHH regards as key in each category. Additionally, the JHH petition states that the Site Director is supported by two Instructional Deans and a Regional Superintendent; however, the JHH petition does not identify the general qualifications for those positions nor the general qualifications for non-certificated staff members. The CDE notes that the job descriptions for site leaders, deans, and teachers are provided in the supporting documents submitted by the petitioner (Attachment 9, pp. 70–76). However, these descriptions are not included in the JHH petition.

The SBE requires all SBE-authorized charter school to comply with *EC* Section 47605(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.

If approved by the SBE, as a condition for approval, the petitioner will be required to revise the JHH petition to reflect the SBE as the authorizer and include the necessary language for Element 5–Employee Qualifications by identifying which positions JHH regards and adding the general qualifications for site leaders, teachers, deans, and non-certificated staff members.

### 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 JHH petition does present a reasonably comprehensive description of health and safety procedures. The JHH petition states that JHH shall adopt a comprehensive school safety plan which shall include the topics set forth in *EC* Section 32282(a)(2) and be updated by March 1 every year. The JHH petition states that JHH shall not hire any person, in either a certificated or classified position, who has been convicted of a violent or serious felony except as otherwise provided by law, pursuant to *EC* sections 44830.1 and 45122.1. Additionally, JHH shall comply with the provisions and procedures of *EC* sections 44237 and 45125.1, including the requirement that as a condition of employment, each new employee, contractor, and volunteer must submit two sets of fingerprints to the California Department of Justice for the purpose of obtaining a criminal record summary. The JHH petition states that all enrolled pupils and JHH employees are required to provide records documenting immunizations pursuant to *Health and Safety Code* sections 120325 through 120375, and *California Code of Regulations*, Title 17 sections 6000 through 6075. The JHH petition states that pupil immunizations shall be required as a condition of attendance to the same extent as they are required in local non-charter public schools. Records of pupil immunizations shall be maintained, and faculty and staff shall follow requirements of periodic tuberculosis tests. JHH shall adhere to *EC* Section 49450 et seq. relating to physical examinations, as applicable to the grade levels served by the school (Attachment 3, pp. 89–93).

### 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 not present a reasonably comprehensive description of means for achieving racial and ethnic balance.**

#### Comments

The JHH petition does not present a reasonably comprehensive description of means for achieving racial and ethnic balance. The following table shows the 2019–20 demographic data for JHH and WCCUSD. The data show that the racial and ethnic balance served by JHH is not reflective of WCCUSD.

**2019–20 Demographic Data for JHH and WCCUSD (Percent of Pupils Enrolled)**

| School | English Learners | Special Education | Socio-economically Disadvantaged | African American | Hispanic/ Latino | White |
| --- | --- | --- | --- | --- | --- | --- |
| JHH | 13 | 7 | 91 | 3 | 95 | 0.03 |
| WCCUSD | 32 | 12 | 72 | 15 | 55 | 10 |

The JHH petition includes a list of recruitment strategies that JHH will implement and which focus on achieving and maintaining a racial and ethnic balance among pupils that is reflective of the general population residing within the territorial jurisdiction of WCCUSD (Attachment 3, p. 95); however, the CDE is concerned that the racial and ethnic balance has not been achieved in the five years JHH has been in operation and that the preferences currently written in Element 8–Admission Requirements of the JHH petition will not yield a racial and ethnic balance reflective of WCCUSD.

If approved by the SBE, as a condition for approval, the petitioner will be required to revise the JHH petition as follows: reflect the SBE as the authorizer; include the necessary language for Element 7–Racial and Ethnic Balance to incorporate a recruitment plan in the JHH petition; and revise the preferences in Element 8–Admission Requirements.

### 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 not present a reasonably comprehensive description of admission requirements.**

#### Comments

The JHH petition does not present a reasonably comprehensive description of admission requirements. The 2019–20 demographic data show that the racial and ethnic balance served by JHH is not reflective of that of WCCUSD. The CDE is concerned that the preferences currently written in Element 8–Admission Requirements of the JHH petition will not yield a racial and ethnic balance reflective of WCCUSD. It appears that the current JHH admission requirements set up an enrollment process that prohibits JHH from reaching demographics reflective of WCCUSD.

The JHH petition states that in accordance with *EC* Section 47605(d)(2)(B), preferences shall be given to the following pupils in the following order (Attachment 3, pp. 96–98):

1. Sibling of pupils admitted to or attending JHH
2. Pupils who are enrolled in the immediate prior grade level of another AMPS charter school
3. Pupils of founding families
4. Children of AMPS teachers and staff (not to exceed 10 percent of JHH’s enrollment)
5. Residents of WCCUSD
6. All other pupils in the state

If approved by the SBE, as a condition for approval, the petitioner will be required to revise the JHH petition in order to reflect the SBE as the authorizer and to include the necessary language for Element 8–Admission Requirements to reorder the JHH admission preferences to achieve a racial and ethnic balance that is reflective of WCCUSD.

The SBE has the discretion to approve the proposed preferences in the JHH 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 JHH petition does present a reasonably comprehensive description of annual independent financial audits (Attachment 3, p. 99).

### 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. | No |

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

#### Comments

The JHH petition does not present a reasonably comprehensive description of suspension and expulsion procedures for criteria E.

Addressing evaluation criteria E, the JHH 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 JHH, the pupil shall remain in the interim alternative educational setting pending the decision of the hearing officer in accordance with state and federal law, including 20 *United States Code* (*USC*) Section 1415(k), until the expiration of the 45-day time period provided for in an interim alternative educational setting, unless the parent and JHH agree otherwise. 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 JHH 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 JHH 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 pupil is substantially likely to result in injury to the pupil or to others (Attachment 3, pp. 115–116).

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.

Addressing evaluation criteria A, B, C and D, the JHH 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 JHH. The JHH petition lists discretionary and non-discretionary offenses and procedures for suspension and expulsion (Attachment 3, pp. 101–109). Additionally, the JHH petition states that it is committed to the annual review and modification of the list of offenses, and policies and procedures surrounding suspension and expulsion (Attachment 3, p. 100). The JHH petition states that no pupil shall be involuntarily removed by JHH for any reason unless the parent or guardian of the pupil has been provided written notice of the intent to remove the pupil no less than five school days before the effective date of the action (Attachment 3, p. 101). Additionally, the JHH petition states that a pupil may be expelled either by the neutral and impartial governing board following a hearing before it or by the governing board upon the recommendation of a neutral and impartial administrative panel, which is to be assigned by the governing board as needed. The Administrative Panel shall consist of at least three members who are certificated and neither a teacher of the pupil nor a board member of the governing board (Attachment 3, p. 110).

The CDE notes that the Family Handbook that is posted on the JHH website states that AMPS has implemented a Student Attendance Review Board (SARB) process designed to meet with parents or guardians of pupils who have exceeded the allowable amount of unexcused absences. The Family Handbook states that the SARB may place the pupil on probation and require an attendance contract to be signed by both the parent and the pupil acknowledging that any further unexcused absences or tardies shall be cause of another hearing in front of the SARB, which may result in dismissal from AMPS. This language could be interpreted as an additional offense for expulsion not listed in the JHH petition. Furthermore, this condition may discourage families from applying to JHH.

If approved by the SBE, as a condition for approval, the petitioner will be required to revise the JHH petition 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 the pupil or the manifestation determination has been requested by either the parent or JHH, 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 and JHH agree otherwise. The petitioner will also be required to revise the JHH petition to include unexcused absences and tardies as an additional offense for expulsion as outlined in its Family Handbook.

### 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 not present a reasonably comprehensive description of CalSTRS, CalPERS, and social security coverage.**

#### Comments

The JHH petition does not present a reasonably comprehensive description of retirement coverage. The JHH petition states that the AMPS organization believes in investing in and retaining staff, and as such has an established a 401(k) retirement program with a matching commitment and vesting schedule for every participating employee; however, the JHH petition does not specify who specifically will be responsible for ensuring that appropriate arrangements for that coverage have been made (Attachment 3, p. 118).

If approved by the SBE, as a condition for approval, the petitioner will be required to revise the JHH petition to reflect the SBE as the authorizer and include the necessary language for Element 11–Retirement Coverage by indicating who will be responsible for ensuring that appropriate arrangements for retirement coverage has 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 JHH petition does present a reasonably comprehensive description of public school attendance alternatives (Attachment 3, p. 119).

### 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 JHH petition does present a reasonably comprehensive description of post-employment rights of employees (Attachment 3, p. 119).

### 14. Dispute Resolution Procedures

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

5 *CCR* Section 11967.5.1(f)(14)

#### Evaluation Criteria

The procedures to be followed by the charter school and the entity granting the charter to resolve disputes relating to the provisions of the charter, as required by *EC* Section 47605(b)(5)(N), at a minimum:

| Criteria | Criteria Met |
| --- | --- |
| 1. Include any specific provisions relating to dispute resolution that the SBE determines necessary and appropriate in recognition of the fact that the SBE is not a LEA. | No |
| 1. Describe how the costs of the dispute resolution process, if needed, would be funded. | No |
| 1. Recognize that, because it is not a LEA, the SBE may choose to resolve a dispute directly instead of pursuing the dispute resolution process specified in the charter, provided that if the SBE intends to resolve a dispute directly instead of pursuing the dispute resolution process specified in the charter, it must first hold a public hearing to consider arguments for and against the direct resolution of the dispute instead of pursuing the dispute resolution process specified in the charter. | No |
| 1. Recognize that if the substance of a dispute is a matter that could result in the taking of appropriate action, including, but not limited to, revocation of the charter in accordance with *EC* Section 47604.5, the matter will be addressed at the SBE’s discretion in accordance with that provision of law and any regulations pertaining thereto. | No |

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

#### Comments

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

The CDE received a letter dated March 24, 2020, regarding the description of the changes to the JHH petition on appeal necessary to reflect the SBE as the authorizing entity; however, the letter does not state the necessary changes for Element 14–Dispute Resolution Procedures.

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

* Recognize the fact that the SBE is not an 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.

### 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 JHH petition does include a reasonably comprehensive description of closure procedures (Attachment 3, pp. 123–124).

## 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 JHH petition does provide evidence addressing the requirements regarding standards, assessments, and parent consultation (Attachment 3, pp. 6, 62, 71, and 82).

### 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 JHH petition does provide the required information and financial projections (Attachment 3, pp. 130–132 and Attachment 4).

### Teacher Credentialing

*EC* Section 47605(l)

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

#### Evaluation Criteria

Teachers in charter schools shall be required to hold a California Commission on Teacher Credentialing certificate, permit, or other document equivalent to that which a teacher in other public schools would be required to hold …It is the intent of the Legislature that charter schools be given flexibility with regard to noncore, non-college preparatory courses.

**The petition does meet this requirement.**

#### Comments

The JHH petition does meet this requirement (Attachment 3, pp. 6 and 87).

### 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 JHH petition does address this requirement (Attachment 3, pp. 99 and 129–130).

### 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 JHH petition does present a reasonably comprehensive description of MPOs. The JHH petition includes a table that outlines the goals, actions, and outcomes aligned to the eight state priorities for all pupils and pupil subgroups (Attachment 3, pp. 65–70).

### Transferability of Secondary Courses

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

#### Evaluation Criteria

If the proposed school will serve high school pupils, a description of the manner in which the charter school will inform parents about the transferability of courses to other public high schools and the eligibility of courses to meet college entrance requirements. Courses offered by the charter school that are accredited by the Western Association of Schools and Colleges may be considered transferable and courses approved by the University of California or the California State University as creditable under the “A” to “G” admissions criteria may be considered to meet college entrance requirements.

**The petition meets this requirement.**

#### Comments

The JHH petition states that through individual counseling meetings with all pupils and parent meetings, parents are kept abreast of college entrance requirements and the process of matriculating to college. Additionally, families are notified of all issues related to the transferability of coursework to colleges and the eligibility of courses to meet college entrance requirements at monthly parent meetings and meetings held for parents of juniors and seniors related to college entry (Attachment 3, p. 34).