California Department of Education

Charter Schools Division

Revised 1/2020

oab-csd-mar21item02

Attachment 1

# CHARTER SCHOOL PETITION REVIEW FORM: Ross Valley Charter

## KEY INFORMATION OF SCHOOL

### Proposed Grade Span and Build-Out Plan

**Table 1: 2021–26 Proposed Enrollment**

TK/K–Transitional Kindergarten/Kindergarten

NA–Not Applicable; grade levels not served.

| **Grade** | **2021–22** | **2022–23** | **2023–24** | **2024–25** | **2025–26** |
| --- | --- | --- | --- | --- | --- |
| TK/K | 40 | 40 | 40 | 40 | 40 |
| 1 | 34 | 34 | 34 | 34 | 34 |
| 2 | 36 | 36 | 36 | 36 | 36 |
| 3 | 34 | 34 | 34 | 34 | 34 |
| 4 | 39 | 39 | 39 | 39 | 39 |
| 5 | 39 | 39 | 39 | 39 | 39 |
| Total | 222 | 222 | 222 | 222 | 222 |

### Proposed Location

Ross Valley Charter (RVC) currently serves 195 pupils in TK through grade five at a private leased facility located at 102 Marinda Drive, Fairfax, California.

### Brief History

On November 10, 2020, the Ross Valley Elementary School District (RVESD) voted to deny the RVC petition by a vote of five to zero.

The petitioner submitted the RVC petition on appeal to the State Board of Education (SBE) on November 30, 2020.

### Lead Petitioner

Luke Duchene, School Director

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

*EC*—California *Education Code*  
\*Only applicable to an appeal for the establishment of a charter school

| Charter Elements | *EC* Section(s) | Meets Requirements (Yes/No) |
| --- | --- | --- |
| Sound Educational Practice | 47605(c) and (c)(1) | Yes |
| Ability to Successfully Implement | 47605(c)(2) | Yes |
| Required Number of Signatures | 47605(c)(3) | NA |
| Affirmation of Specified Conditions | 47605(c)(4) and (e) | Yes |
| Exclusive Public School Employer | 47605(c)(6) | Yes |
| \*Interests of the Entire Community | 47605(c)(7) | NA |
| \*Fiscal Impact | 47605(c)(8) | NA |
| 1. Description of Educational Program | 47605(c)(5)(A) | Yes |
| 1. Measurable Pupil Outcomes | 47605(c)(5)(B) | Yes |
| 1. Method for Measuring Pupil Progress | 47605(c)(5)(C) | Yes |
| 1. Governance Structure | 47605(c)(5)(D) | Yes |
| 1. Employee Qualifications | 47605(c)(5)(E) | Yes |
| 1. Health and Safety Procedures | 47605(c)(5)(F) | Yes |
| 1. Racial and Ethnic Balance | 47605(c)(5)(G) | Yes |
| 1. Admission Requirements | 47605(c)(5)(H) | Yes |
| 1. Annual Independent Financial Audits | 47605(c)(5)(I) | Yes |
| 1. Suspension and Expulsion Procedures | 47605(c)(5)(J) | Yes |
| 1. Retirement Coverage | 47605(c)(5)(K) | Yes |
| 1. Public School Attendance Alternatives | 47605(c)(5)(L) | Yes |
| 1. Post-Employment Rights of Employees | 47605(b)(5)(M) | Yes |
| 1. Dispute Resolution Procedures | 47605(c)(5)(N) | Yes |
| 1. Closure Procedures | 47605(c)(5)(O) | Yes |
| Standards, Assessments, and Parent Consultation | 47605(d)(1) and (2) | Yes |
| Effect on Authorizer and Financial Projections | 47605(h) | Yes |
| Teacher Credentialing | 47605(l) | Yes |
| Transmission of Audit Report | 47605(m) | Yes |
| Goals to Address the Eight State Priorities | 47605(c)(5)(A)(ii) | Yes |
| Transferability of Secondary Courses | 47605 (c)(5)(A)(iii) | NA |

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

### Sound EducationalPractice

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

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

#### Evaluation Criteria

For purposes of *EC* Section 47605(c), 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(c)(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 RVC petition is consistent with sound educational practice. RVC pupils do perform comparable to equivalent district schools where the majority of RVC pupils would otherwise attend.

##### Renewal Criteria

Under Assembly Bill 1505, two criteria are used to determine the performance category (i.e., high, middle, or low) of a charter school. The California School Dashboard measures performance for state indicators through a combination of current performance (Status) and improvement over time (Change), which both provide equal weight. A performance level (color) is assigned based on the Status and Change performance. Performance level (color) may be identified as Red, Orange, Yellow, Green, or Blue, with Blue representing highest performance and Red representing lowest performance.

The modifications made to the charter school renewal process by AB 1505 include a presumption for renewal for high performing charters, a presumption for nonrenewal for low performing charters, and a standard for those charters who fall in between. Two criteria determine the performance category of a charter school (detailed information of the high, middle, and low performance criteria are presented in the California Department of Education [CDE] flyer, “Determining Charter School Performance Category,” which is posted at <https://www.cde.ca.gov/ta/aC/cm/documents/determinecharterperf.pdf>):

* Criterion 1 is based on the colors received by the school for all state indicators on the California School Dashboard.
* Criterion 2 is based on the status for all academic indicators with a color for the two previous California School Dashboard years.

Based on the aforementioned criteria, the CDE has designated RVC as middle performing (<https://www.cde.ca.gov/sp/ch/documents/ab1505results2020.xlsx>). A middle performing charter school qualifies for a five-year renewal term.

Pursuant to *EC* Section 47607.2(b)(2), the chartering authority shall provide greater weight to performance on measurements of academic performance in determining whether to grant a charter renewal of a charter school designated as middle performing. Measurements of academic performance include the test-based indicators for English language arts (ELA) and mathematics, the English Language Progress Indicator (ELPI), and the College and Career Indicator (CCI).

A chartering authority may deny renewal of a charter school in the middle tier only upon making a specific written finding that the school has failed to make sufficient progress toward meeting standards that provide a benefit to the school’s students, that closure of the school is in the students’ best interests, and that the decision provided greater weight to performance on measurements of academic performance—the test-based indicators in ELA and mathematics, ELPI, and CCI [*EC* Section 47607.2(b)(3)].

###### Performance Criteria

CDE’s Review of Performance Criteria

The CDE has determined that RVC has met the applicable academic renewal criteria pursuant to *EC* Section 47607(c). The CDE selected four schools, serving pupils in kindergarten through grade five, where pupils would otherwise attend and are comparable in that they have similar enrollment for similar significant subgroups.

The following table shows the percentage of pupils that met or exceeded standards on the 2017–18, and 2018–19 California Assessment of Student Performance and Progress (CAASPP) for ELA and mathematics for RVC and the CDE-chosen comparable RVESD schools. Due to a delay in opening the school in 2016, RVC only has CAASPP data for school years (SY) 2017–18 and 2018–19. The 2017–18 through 2018–19 CAASPP data show that RVC does perform, overall, comparable to equivalent RVESD schools.

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

| School | 2017–18  ELA | 2017–18  Math | 2018–19  ELA | 2018–19  Math |
| --- | --- | --- | --- | --- |
| RVC | 70 | 64 | 83 | 73 |
| Manor Elementary | 66 | 53 | 74 | 58 |
| Wade Thomas Elementary | 87 | 85 | 83 | 81 |
| Brookside Elementary | 88 | 82 | 79 | 73 |
| Hidden Valley Elementary | 72 | 73 | 76 | 81 |
| RVESD | 78 | 70 | 78 | 69 |

The following tables show the percentage of pupils that met or exceeded standards on the 2017–18 through 2018–19 CAASPPs for ELA and mathematics for RVC, the CDE-chosen comparable RVESD schools that pupils would otherwise attend, and the RVESD.

Overall, RVC’s ELA and mathematics scores grew between SY 2017–18 and 2018–19. ELA scores grew approximately 13 percentage points and mathematics scores grew by approximately 9 percentage points.

The significant subgroup populations served by RVC are as follows: 26.7 percent Hispanic/Latino and 29.8 percent socioeconomically disadvantaged. Growth was seen by all subgroups that were reported. In cases where less than 10 pupils were assessed, the data have been suppressed in order to protect pupil privacy. The CDE notes that RVC assessed less than 10 African American pupils in SY 2017–18 and 2018–19; as such, a table of CAASPP results for this pupil subgroup is not provided.

An asterisk (\*) indicates that less than 10 pupils were assessed.

**CAASPP Results by Pupil Subgroups for Latino/Hispanic Pupils (Percent Meets or Exceeds Standards)**

| School | 2017–18  ELA | 2017–18  Math | 2018–19  ELA | 2018–19  Math |
| --- | --- | --- | --- | --- |
| RVC | 19 | 25 | 48 | 48 |
| Manor Elementary | 57 | 36 | 57 | 50 |
| Wade Thomas Elementary | 79 | 84 | 88 | 64 |
| Brookside Elementary | \* | \* | 55 | 73 |
| Hidden Valley Elementary | 46 | 57 | 52 | 70 |
| RVESD | 60 | 53 | 60 | 54 |

At RVC, Latino/Hispanic pupils’ scores increased significantly from SY 2017–18 to 2018–19, specifically, almost a 30-point increase in ELA and a 23-point increase in mathematics.

**CAASPP Results by Pupil Subgroups for Special Education Pupils (Percent Meets or Exceeds Standards)**

| School | 2017–18  ELA | 2017–18  Math | 2018–19  ELA | 2018–19  Math |
| --- | --- | --- | --- | --- |
| RVC | \* | \* | \* | \* |
| Manor Elementary | 46 | 17 | 32 | 5 |
| Wade Thomas Elementary | 67 | 58 | 73 | 55 |
| Brookside Elementary | 36 | 29 | 22 | 33 |
| Hidden Valley Elementary | 20 | 24 | 26 | 35 |
| RVESD | 34 | 24 | 38 | 25 |

**CAASPP Results by Pupil Subgroups for English Learner Pupils (Percent Meets or Exceeds Standards)**

| School | 2017–18  ELA | 2017–18  Math | 2018–19  ELA | 2018–19  Math |
| --- | --- | --- | --- | --- |
| RVC | 0 | 9 | 33 | 25 |
| Manor Elementary | \* | \* | \* | \* |
| Wade Thomas Elementary | \* | \* | \* | \* |
| Brookside Elementary | \* | \* | \* | \* |
| Hidden Valley Elementary | \* | \* | \* | \* |
| RVESD | 21 | 25 | 10 | 15 |

At RVC, English learner pupils’ scores increased from SY 2017–18 to 2018–19, specifically, a 33-point increase in ELA and a 16-point increase in mathematics.

**CAASPP Results by Pupil Subgroups for Socioeconomically Disadvantaged Pupils (Percent Meets or Exceeds Standards)**

| School | 2017–18  ELA | 2017–18  Math | 2018–19  ELA | 2018–19  Math |
| --- | --- | --- | --- | --- |
| RVC | 18 | 29 | 47 | 37 |
| Manor Elementary | 38 | 48 | 63 | 38 |
| Wade Thomas Elementary | \* | \* | 62 | 57 |
| Brookside Elementary | 69 | 69 | 79 | 73 |
| Hidden Valley Elementary | 50 | 41 | 31 | 50 |
| RVESD | 52 | 42 | 49 | 36 |

At RVC, socioeconomically disadvantaged pupils’ scores increased from SY 2017–18 to 2018–19, specifically, a 29-point increase in ELA and an 8-point increase in mathematics.

RVC’s Review of Performance Criteria

The petitioner completed CAASPP data comparison analyses for RVC and RVESD comparable schools for pupils schoolwide.

The following table shows the percentage of pupils that met or exceeded standards on the SY 2017–18 and 2018–19 CAASPPs for ELA and mathematics for all pupils schoolwide at RVC.

**CAASPP Results for RVC (Percent Meets or Exceeds Standards)**

| 2017–18 ELA | 2017–18 Math | 2018–19 ELA | 2018–19 Math |
| --- | --- | --- | --- |
| 70 | 64 | 83 | 73 |

The following table shows the percentage of pupils that met or exceeded standards on the SY 2017–18 and 2018–19 CAASPPs for ELA and mathematics for RVC, RVESD, and the State of California.

**CAASPP Results for RVC, RVESD, and California (Percent Meets or Exceeds Standards)**

| Entity | 2018–19 ELA | 2018–19 Math |
| --- | --- | --- |
| RVC | 83 | 73 |
| RVESD | 78 | 69 |
| California | 51 | 40 |

The following table shows the percentage of pupils that met or exceeded standards on the 2018–19 CAASPP for ELA and mathematics for RVC and for comparable schools that pupils would otherwise attend.

**CAASPP Results for RVC-Chosen Comparable Schools (Percent Meets or Exceeds Standards)**

| School | 2017–18 ELA | 2017–18  Math | 2018–19  ELA | 2018–19  Math |
| --- | --- | --- | --- | --- |
| RVC | 70 | 64 | 83 | 73 |
| Manor | 66 | 53 | 74 | 58 |
| Wade Thomas | 87 | 85 | 83 | 81 |
| Brookside | 87 | 82 | 79 | 73 |
| Hidden Valley | 72 | 73 | 76 | 81 |

RVESD’s Review of Performance Criteria

The RVESD’s independent analysis of RVC’s academic performance data does demonstrate one year of improved scores from SY 2017–18 to 2018–19 for three of the seven grades served. RVC delayed opening from 2016 to 2017; therefore, RVC only has CAASPP data for grades three through five for SY 2017–18 and 2018–19 for comparison.

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

| 2017–18 ELA | 2017–18 Math | 2018–19 ELA | 2018–19 Math |
| --- | --- | --- | --- |
| 70 | 64 | 83 | 73 |

###### Verified Data

In addition to identifying standards of performance for charter schools, AB 1505 requires authorizers to consider verified data for renewals of charter schools that fall within the low-performing and middle-performing categories.

Pursuant to *EC* Section 47607.2, verified data is defined as follows:

Assessment data from nationally-recognized, valid, peer-reviewed, and reliable sources that are externally produced. It also includes postsecondary outcomes which is defined as college enrollment, persistence, and completion rates equal to similar peers.

CDE’s Consideration of Verified Data

The CDE reviewed the following verifiable data that the petitioner included as criteria for charter renewal:

* 2019 California School Dashboard data for RVC for ELA, mathematics, Chronic Absenteeism, and Suspension Rates.

The 2019 California School Dashboard reflects RVC’s performance under California’s Accountability System as follows: ELA (Blue); mathematics (Blue); suspension rate of 0.6 percent (Yellow), and chronic absenteeism rate of 14.9 percent (Yellow).

**Sus****pension Rates for 2018 and 2019**

| Entity | 2018 Suspension Rate | 2019 Suspension Rate |
| --- | --- | --- |
| RVC | No color, 0 percent | Yellow, 0.6 percent |
| RVESD | Orange, 2.3 percent | Green, 1.7 percent |
| California | Yellow, 3.5 percent | Yellow, 3.4 percent |

**Chronic Absenteeism Rates for 2018 and 2019**

| Entity | 2018 Chronic Absenteeism | 2019 Chronic Absenteeism |
| --- | --- | --- |
| RVC | No color, 16.1 percent | Yellow, 14.9 percent |
| RVESD | Orange, 9 percent | Green, 7.7 percent |
| California | Yellow, 9 percent | Orange, 10.1 percent |

RVESD’s Consideration of Verified Data

The RVESD reviewed verifiable 2019 California School Dashboard data for RVC for ELA, mathematics, Chronic Absenteeism, and Suspension Rate.

### Ability to Successfully Implement the Intended Program

*EC* Section 47605(c)(2)

5 *CCR* Section 11967.5.1(c)

#### Evaluation Criteria

For purposes of *EC* Section 47605(c)(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), and the history is one that the SBE regards as unsuccessful, e.g., the petitioners have been associated with a charter school of which the charter has been revoked or a private school that has ceased operation for reasons within the petitioners’ control
2. The petitioners are unfamiliar, in the SBE’s judgment, with the content of the petition or the requirements of law that would apply to the proposed charter school
3. The petitioners have presented an unrealistic financial and operational plan for the proposed charter school (as specified)
4. The petitioners personally lack the necessary background in the following areas critical to the charter school’s success, and the petitioners do not have a plan to secure the services of individuals who have the necessary background in curriculum, instruction, assessment, and finance and business management.

**The petitioner is able to successfully implement the intended program.**

#### Comments

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

* 222 TK through grade five in 2021–22
* 222 TK through grade five in 2022–23
* 222 TK through grade five in 2023–24
* 222 TK through grade five in 2024–25
* 222 TK through grade five in 2025–26

RVC has a good financial record under the SBE’s authorization. RVC’s fiscal year (FY) 2020–21 first interim report dated December 13, 2020, indicates that RVC is projecting a positive ending fund balance of $495,845 and reserves of 22 percent, which is above the recommended 5 percent in reserves outlined in the Memorandum of Understanding (MOU) between RVC and the SBE. The CDE reviewed audited financial data from the FY 2019–20 audit report that reflected an unqualified status with an ending fund balance of $248,997 and a reserve designated for economic uncertainty of 11.61 percent.

##### Revenue

The RVC multi-year projected budget includes fundraising of $208,240 each year for FYs 2021–22 through 2025–26. Over the last three years, RVC has raised approximately $496,000 in donations. The CDE determined RVC’s projected fundraising for each year is reasonable.

In addition, RVC’s cash flow statement reflects a Pacific Charter School Development loan of $355,000 and Revenue Anticipation Notes of $480,000. The RVC has projected a positive ending cash balance for FYs 2020–21 through 2025–26.

The projected financial plan for RVC is fiscally sustainable. The CDE concludes that the RVC’s multi-year financial plan does provide for projected operating surpluses, increasing positive fund balances, and adequate reserves.

##### Expenditures

RVC has a good financial record under the SBE’s authorization. RVC’s FY 2020–21 updated budget report dated September 23, 2020, indicates that RVC is projecting a positive ending fund balance of $363,555 and reserves of 16.43 percent, which is above the recommended 5 percent in reserves outlined in the MOU between RVC and the SBE.

The CDE reviewed audited financial data from the FY 2019–20 audit report that reflected an unqualified status with an ending fund balance of $248,997 and a reserve designated for economic uncertainty of 11.61 percent.

### Required Number of Signatures

*EC* Section 47605(c)(3)

5 *CCR* Section 11967.5.1(d)

#### Evaluation Criteria

For purposes of *EC* Section 47605(c)(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 required for a charter renewal.

### Affirmation of Specified Conditions

*EC* sections 47605(c)(4) and (e)

5 *CCR* Section 11967.5.1(e)

#### Evaluation Criteria

For purposes of *EC* Section 47605(c)(4), a charter petition that "does not contain an affirmation of each of the conditions described in (*EC* Section 47605[e])" …, 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(e).

| 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 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 RVC petition contains the required affirmations (Attachment 3, pp. 10–12).

### Exclusive Public School Employer

*EC* Section 47605(c)(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 (EERA) (Chapter 10.7 [commencing with Section 3540] of Division 4 of Title 1 of the California *Government Code*), as required by *EC* Section 47605(c)(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 EERA.

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

#### Comments

The RVC petition does include the necessary declaration (Attachment 3, p. 10).

### Interests of the Entire Community\*

*EC* Section 47605(c)(7)

\*This finding applies to appeals for the *establishment* of a charter school only.

For the purposes of *EC* Section 47605(c)(7), the charter school is demonstrably unlikely to serve the interests of the entire community in which the school is proposing to locate. Analysis of this finding shall include consideration of the fiscal impact of the proposed charter school. A written factual finding under this paragraph shall detail specific facts and circumstances that analyze and consider the following factors:

1. The extent to which the proposed charter school would substantially undermine existing services, academic offerings, or programmatic offerings.
2. Whether the proposed charter school would duplicate a program currently offered within the school district and the existing program has sufficient capacity for the pupils proposed to be served within reasonable proximity to where the charter school intends to locate.

**This requirement is not applicable.**

#### Comments

This finding is not required as the RVC petition is a renewal appeal.

### Fiscal Impact\*

*EC* Section 47605(c)(8)

\*This finding applies to appeals for the *establishment* of a charter school only.

For the purposes of *EC* Section 47605(c)(8), the school district is not positioned to absorb the fiscal impact of the proposed charter school. A school district satisfies this paragraph if it has met one of the following criteria:

1. Has a qualified interim certification pursuant to *EC* Section 42131 and the county superintendent of schools, in consultation with the County Office Fiscal Crisis and Management Assistance Team, certifies that approving the charter school would result in the school district having a negative interim certification pursuant to *EC* Section 42131;
2. Has a negative interim certification pursuant to *EC* Section 42131; or
3. Is under state receivership. Charter schools proposed in a school district satisfying one of these conditions shall be subject to a rebuttable presumption of denial.

**This requirement is not applicable.**

#### Comments

This finding is not required as the RVC petition is a renewal appeal

## THE 15 CHARTER ELEMENTS

### A. Description of Educational Program

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

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

#### Evaluation Criteria

The description of the educational program …, as required by *EC* Section 47605(c)(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 (EL), 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 petition describes some of the successful practices that are emphasized at RVC:

* **Multi-age Classes:** Two grade levels learn together in one class, allowing teachers and children to enjoy a two-year relationship, and giving students the opportunity to alternate being the younger and older student in their class.
* **Inquiry-Based Curriculum:** Curriculum relies heavily on inquiry-based learning, long-term units of study integrating many curricular areas, and examining a topic from many angles, and is driven by student curiosity, which increases engagement and interest.
* **Educating the Whole Child:** The focus is not just on student academic growth but also physical and social-emotional development.
* **Connected Community:** Students, teachers, staff, and parents are all considered integral parts of the school community. Teachers focus on developing a strong community within the classroom, as well as within the whole program, and encourage students to see their role as a member of the larger community as well.
* **Authentic Assessment:** Students’ ongoing classwork and projects are assessed to show academic growth and progress toward Common Core State Standards, which reflect the importance of twenty-first century skills such as problem solving, collaboration, and communication.
* **Collaboration and Collective Responsibility:** Students have many opportunities to work with a partner or small group. Teachers spend time working together weekly to plan curriculum and events. Parents and teachers work together on the school’s Community Council for the benefit of the school community.
* **Differentiation:** With two grade levels in one classroom, teachers focus on individual learning progress, customizing instruction and guidance to accommodate individual students’ needs.
* **Cultural Competency:** Students learn about people from different cultures and backgrounds throughout history and contemporary society. Teachers and students model appreciation for differences and inclusion of all members of the school community.
* **Service Learning:** Each class does at least one service learning project per year that the students help to identify, plan, and carry out.

The CDE notes some concerns regarding the English Language Development (ELD) program that is described in the RVC petition. If approved by the SBE, as a condition of approval, the petitioner will be required to revise the petition to include necessary language for Element A—Description of Educational Program by updating the following:

* The Home Language Survey (HLS) is completed when a student first enrolls in a California public school, not the first time they enroll in any school.
* The RVC petition states that to redesignate a pupil as English proficient, a score of a four or five on theEnglish Language Proficiency Assessments for California (ELPAC) is required. The RVC petition will need to state that the requirement for proficiency is a score of a four on the ELPAC as there is no score of five.
* The RVC petition will need to be updated to include descriptions of the integrated and designated ELD instruction, as well as identify that integrated ELD and pupil monitoring is to occur across all subject matters.

##### Educational Program

RVC educates TK through grade five pupils who reside in the RVESD (San Anselmo and Fairfax, California) and pupils who reside outside the RVESD, as space allows.

The petition states that RVC intends to enroll approximately 222 pupils in nine classes to meet the continued demand for progressive, multi-age education in their community. RVC currently has 195 students enrolled for the SY 2020–21.

The petition states that RVC intends to enroll approximately 222 pupils in nine classes to meet the continued demand for progressive, multi-age education in their community.

The RVC mission is to provide a public school option that leverages a progressive education model emphasizing deep inquiry and exploration; hands-on, immersion-based experiences; and active learning-by-doing approaches to prepare pupils to collaborate effectively in teams, think critically, seek information to solve problems, and be lifelong learners and culturally competent members of the diverse global community (Attachment 3, pp. 16 and 33–35).

RVC is rooted in the tradition of progressive education. Progressive education programs emphasize learning by doing; curriculum focused on thematic units, problem solving, group work, and development of social skills; collaborative and cooperative learning projects; integration of service learning projects; de-emphasis on textbooks in favor of varied learning resources; assessment by evaluation of children’s projects and productions; a more flexible curriculum influenced by student interest; and intrinsic motivation. RVC’s educational program embraces all of these aspects of progressive education.

##### Plan for Low-Achieving Pupils

The RVC petition does present a reasonably comprehensive description of the plan for low-achieving pupils. The RVC petition states that teachers assess each student’s abilities at the beginning and throughout each school year. Based on this assessment and information from the previous year and/or teacher, pupils are identified at the beginning of each year that need extra support (Attachment 3, p. 92).

Pupils are considered academically low achieving under the following circumstances:

* Score “standard nearly met” or “standard not met” on the CAASPP ELA and/or mathematic assessments
* Read at least two levels below grade level on reading assessments
* Are significantly below their grade level peers in writing and/or mathematic assessments

Specific practices that support low-achieving pupils include the following:

* Hands-on, integrated curriculum and inquiry-based learning
* Differentiated instruction practices
* Individualized reading support
* Close reading
* Individualized and small group instruction
* Parent volunteers and learning centers
* Teacher collaboration
* Targeted writing support
* Intervention teacher
* Monitoring progress

##### Plan for High-Achieving Pupils

The RVC petition does present a reasonably comprehensive description of the plan for high-achieving pupils. The RVC petition states that the identification of pupils who excel academically, are measured by a variety of assessment tools: Teachers College Reading and Writing Project leveled reading assessment, writing samples, mathematic assessments, CAASPP test data, as well as through qualitative measures such as checklists, observations, and project rubrics (Attachment 3, p. 95).

Pupils are considered academically high-achieving under the following circumstances:

* Score “standard exceeded” on the CAASPP ELA and/or mathematic assessments
* Consistently perform significantly above their grade level peers on classroom work and assessments

Teachers implement additional strategies to ensure that the needs of high-achieving pupils are met. These supports include the following:

* Extra opportunities for enrichment in the core content areas
* Opportunities to learn at a faster pace
* Encouragement to independently pursue an area of interest
* Extra opportunities for leadership and the development of mentoring skills with other pupils
* Individual and small group projects
* Alternative ways to show their learning
* Development of critical thinking skills
* Student ownership of their learning

##### Plan for English Learners

The RVC petition does present a reasonably descriptive plan for English learner (EL) pupils. The RVC petition states that RVC adheres to all applicable state and federal laws and regulations with respect to serving pupils who are ELs, including long-term ELs or ELs at risk of becoming long-term ELs. This includes annual notifications to parents, student identification, placement, program options, EL and core content instruction, teacher qualifications and training, re-classification to fluent English proficient status, monitoring and evaluating program effectiveness, and standardized testing requirement. RVC also implements policies to ensure proper placement, evaluation, and communication regarding ELs and the rights of pupils and parents.

Pupils are monitored in conjunction with the ELPAC. RVC maintains a record of all pupils who participate in each administration of the ELPAC test as specified in *EC* Section 11512. ELPAC testing is used to fulfill the requirements for annual English proficiency testing and complies with the accountability requirements under Every Student Succeeds Act, if applicable to RVC. RVC adheres to all legal requirements regarding oversight and administration of the ELPAC.

The RVC petition states that RVC will administer the HLS upon a pupil’s initial enrollment. RVC uses the critical principles outlined in the ELD Standards. The personalized learning design of the curriculum ensures that each child has a yearly plan that addresses the student’s initial diagnostic data, assessments (ELPAC or standards aligned ELA assessments), and information from parents about their child (Attachment 3, pp. 97–98).

In addition to classroom teachers addressing the integrated and designated ELD instruction needs of EL pupils during the language arts block in the classroom, RVC employs a part-time credentialed ELD teacher. The ELD teacher collaborates weekly with classroom teachers to determine how best to give additional support to EL students.

##### Plan for Special Education

The RVC petition does present a reasonably comprehensive description for pupils with disabilities. The RVC petition states that RVC 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 RVC petition states that RVC is a member of the El Dorado County Charter Special Education Local Plan Area (SELPA).

The 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; and special education strategies for instruction and services, staffing, and reporting (Attachment 3, pp. 106–117).

The CDE notes that the RVC 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. RVC works in cooperation with its SELPA to ensure that a free and appropriate education is provided to all pupils with exceptional needs. RVC complies with all applicable state and federal laws in serving pupils with disabilities, including, but not limited to the following: 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 enforced by the U.S. Department of Education Office for Civil Rights. Furthermore, RVC complies with AB 602, SELPA guidelines, and all California laws pertaining to special education students.

### B. Measurable Pupil Outcomes

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

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

#### Evaluation Criteria

Measurable pupil outcomes, as required by *EC* Section 47605(c)(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. | Yes |
| 1. Include the school’s Academic Performance Index growth target, if applicable. | N/A |

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

#### Comments

The RVC petition does present a reasonably comprehensive description of measurable pupil outcomes (MPOs). The RVC 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. 120–163).

### C. Method for Measuring Pupil Progress

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

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

#### Evaluation Criteria

The method for measuring pupil progress, as required by *EC* Section 47605(c)(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 California Assessment of Student Performance and Progress. | Yes |
| 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 RVC petition does present a reasonably comprehensive description of the method for measuring pupil progress. The RVC petition includes a table that provides an overview of the assessment tools, frequency, and MPOs (Attachment 3, pp. 120–163).

The RVC petition states that RVC teachers and administrators engage in on-going student data analysis through the weekly Wednesday afternoon Professional Learning Communities (PLCs) (Attachment 3, pp. 45, 89, and 129).

### D. Governance Structure

*EC* Section 47605(c)(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(c)(5)(D), at a minimum:

| Criteria | Criteria Met |
| --- | --- |
| 1. Includes evidence of the charter school’s incorporation as a nonprofit 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 RVC petition does present a reasonably comprehensive description of the school’s governance structure.

RVC is a directly funded independent charter school and is operated as a California nonprofit public benefit corporation, pursuant to California law. RVC receives tax-exempt status under *Internal Revenue Code* Section 501(c)(3).

The RVC Board meets regularly, at least every month while school is in session, and in full compliance with the Ralph M. Brown Act (Brown Act) and *EC* Section 47604.1(c), namely that all matters within the jurisdiction of the Board must be heard, discussed, deliberated, and acted upon by a majority of the Board, and be held in open, public meetings, with limited exceptions allowed for closed session. All Board members attend Brown Act training, and Board meetings are held at RVC or, when needed, in another place suitable for community attendance and participation.

The Board is responsible for certain operational and fiscal affairs of RVC, including, but not limited to the following (Attachment 3, pp. 171–172):

* Approve personnel actions for RVC’s School Director;
* Approve hiring of all employees of RVC after considering recommendations by the School Director and/or Community Council;
* Approve termination of employees of RVC after considering recommendations by the School Director;
* Approve and monitor the implementation of general policies of RVC. These include, but are not limited to, effective personnel policies for career growth and compensation of employees;
* Act as a fiscal agent. This includes the receipt of funds for the operation of RVC in accordance with RVC Board Bylaws and the receipt of grants and donations consistent with the mission of RVC;
* Contract an external auditor to produce an annual financial audit according to generally accepted accounting practices;
* Monitor progress of student learning and overall staff performance in achieving annual goals;
* Approve plans to mitigate shortfalls in achieving goals;
* Approve RVC strategic plans, annual goals, and annual calendars;
* Approve RVC policies, procedures, and handbooks;
* Approve charter amendments and material revisions (which must also be approved by the authorizer);
* Appoint an administrative panel to act as a hearing body and/or take action on recommended student expulsions, if necessary;
* Approve and monitor annual budget, and fiscal and performance audits;
* Communicate, negotiate, and collaborate with the authorizing entity;
* Initiate and oversee long-term strategic planning;
* Approve bylaws, resolutions, and policies and procedures of RVC operation;
* Select individuals to serve on the Board, taking into account recommendations from the Community Council;
* Decide on matters of policy after consultation with the Community Council; and
* Review all contracts over $10,000.

The RVC petition states that, as required by *EC* Section 47605, RVC will use a range of methods to consult with and receive parental and family input. The RVC petition states that the day-to-day guidance of RVC will be jointly overseen by the School Director and the Community Council (“Council”).

Council meetings usually occur monthly and are composed of eight voting members that work to identify matters that are pertinent to the families and local charter school community. The council makes recommendations to the governing board regarding programming, educational activities, supplemental activities, and expenditures for programs at RVC (Attachment 3, pp. 173–175).

### E. Employee Qualifications

*EC* Section 47605(c)(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(c) (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, noninstructional 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 RVC petition does present a reasonably comprehensive description of employee qualifications.

The CDE notes that the job descriptions for all positions are provided in the supporting documents submitted by the petitioner (Attachment 7, pp. 465–506). Minimum position qualifications are included in the RVC petition.

### F. Health and Safety Procedures

*EC* Section 47605(c)(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(c)(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 RVC petition does present a reasonably comprehensive description of health and safety procedures (Attachment 3, pp. 189-192).

### G. Racial and Ethnic Balance

*EC* Section 47605(c)(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(e), 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(c)(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 RVC petition does present a reasonably comprehensive description of means for achieving racial and ethnic balance. The following table shows the 2019–20 demographic data for RVC and RVESD. The data show that the racial and ethnic balance served by RVC is reflective of RVESD.

**2017–18 Demographic Data for RVC and RVESD (Percent of Pupils Enrolled)**

| School | English Learners | Special Education | Socio-economically Disadvantaged | African American | Hispanic/ Latino | White |
| --- | --- | --- | --- | --- | --- | --- |
| **RVC** | 11 | 7 | 28 | 2 | 21 | 65 |
| **RVESD** | 2 | 10 | 10 | 1 | 10 | 79 |

**2018–19 Demographic Data for RVC and RVESD (Percent of Pupils Enrolled)**

| School | English Learners | Special Education | Socio-economically Disadvantaged | African American | Hispanic/ Latino | White |
| --- | --- | --- | --- | --- | --- | --- |
| **RVC** | 12 | 11 | 30 | 3 | 27 | 60 |
| **RVESD** | 3 | 9 | 10 | 1 | 11 | 78 |

**2019–20 Demographic Data for RVC and RVESD (Percent of Pupils Enrolled)**

| School | English Learners | Special Education | Socio-economically Disadvantaged | African American | Hispanic/ Latino | White |
| --- | --- | --- | --- | --- | --- | --- |
| **RVC** | 20 | 11 | 29 | 3 | 28 | 54 |
| **RVESD** | 4 | 9 | 10 | 1 | 11 | 76 |

The RVC petition includes a list of recruitment strategies that RVC will implement that 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 the RVESD. In addition, RVC is proposing to provide a preference for ELs and pupils eligible to receive free or reduced-price lunch (Attachment 3, pp. 193–197).

### H. Admission Requirements, If Applicable

*EC* Section 47605(c)(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(c)(5)(H), the requirements shall be in compliance with the requirements of *EC* Section 47605(e) and any other applicable provision of law.

**The petition does present a reasonably comprehensive description of admission requirements.**

#### Comments

The RVC petition does present a reasonably comprehensive description of admission requirements. The 2019–20 demographic data show that the racial and ethnic balance served by RVC is reflective of that of RVESD.

The RVC petition states that in accordance with *EC* Section 47605(e)(2)(B), admission preferences in the case of a lottery shall be given to the following pupils in the following order:

1. Siblings of pupils admitted to or attending RVC
2. Children of RVC’s teachers and staff
3. Pupils who reside within the RVESD boundaries who are ELs or who are eligible to receive free or reduced-price meals
4. Pupils who reside within the RVESD boundaries
5. Pupils who reside outside of the RVESD boundaries who are ELs or who are eligible to receive free or reduced-price meals
6. Pupils who reside outside of the RVESD boundaries

RVC agrees to adhere to the requirements related to admission preferences as set forth in *EC* Section 47605(e)(2)(B)(i)–(iv).

The SBE has the discretion to approve the proposed preferences in the RVC petition at a public meeting.

### I. Annual Independent Financial Audits

*EC* Section 47605(c)(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(c)(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 RVC petition does present a reasonably comprehensive description of annual independent financial audits (Attachment 3, p. 202).

### J. Suspension and Expulsion Procedures

*EC* Section 47605(c)(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(c)(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 nondiscretionary) and may (where discretionary) be suspended and, separately, the offenses for which pupils in the charter school must (where nondiscretionary) 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 noncharter 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 pupils attending noncharter 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 pupils are subject to suspension or expulsion. | Yes |

**The petition does present a reasonably comprehensive description of suspension and expulsion procedures.**

#### Comments

The RVC petition does present a reasonably comprehensive description of suspension and expulsion procedures for criteria (E).

Addressing evaluation criteria (E), the RVC petition states that when an appeal relating to the placement of the student or the manifestation determination has been requested by either the parent or the charter school, the student 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 the charter school agree otherwise (Attachment 3, p. 221).

The RVC petition further states that in such an appeal, a hearing officer may do one of the following: (1) return a child with a disability to the placement from which the child was removed; or (2) order a change in placement of a child with a disability to an appropriate interim alternative educational setting for not more than 45 school days if the hearing officer determines that maintaining the current placement of such child is substantially likely to result in injury to the child or to others (Attachment 3, pp. 221–222).

While the preceding paragraph provided in the RVC petition follows the requirements set forth in 20 *USC* Section 1415(k)(3), this statement is not consistent with RVC’s prior statement providing for the automatic placement of a pupil in an interim alternative educational setting until the expiration of the 45-day time period. 20 *USC* Section 1415(k)(3) only gives a hearing officer the authority to order such a placement.

If approved by the SBE, as a condition for approval, the RVC petitioner will be required to revise the petition to include the necessary language in Element J—Suspension and Expulsion Procedures, that when an appeal relating to the placement of a pupil or the manifestation determination has been requested by either the parent or RVC, 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 RVC agree otherwise.

Addressing evaluation criteria (A), (B), (C), and (D), the RVC 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 RVC. The RVC petition lists discretionary and nondiscretionary offenses and procedures for suspension and expulsion (Attachment 3, pp. 205–213).

The RVC petition states that no pupil shall be involuntarily removed by RVC 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. 204).

Additionally, the RVC 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 member of the governing board (Attachment 3, p. 215).

The petition states that RVC annually reviews policies and procedures surrounding suspensions and expulsions and, as necessary, modifies the lists of offenses for which pupils are subject to suspension or expulsion (Attachment 3, p. 203).

SB 419 (Statutes of 2019) added *EC* Section 48901.1. This statute states that a charter school shall not suspend a pupil enrolled in kindergarten through grade five, and shall not recommend the expulsion of a pupil enrolled in kindergarten through grade twelve, for disrupting school activities or otherwise willfully defying the valid authority of those school personnel engaged in the performance of their duties. Additionally, from July 1, 2020, until July 1, 2025, *EC* Section 48901.1 would prohibit the suspension of a pupil enrolled in a charter school in any of grades six through eight, inclusive, for those acts.

The RVC petition does not address the requirements under *EC* Section 48901.1. If approved by the SBE, as a condition for approval and for Element J—Suspension and Expulsion Procedures, the RVC petition will be revised to include language of compliance with (the above) *EC* Section 48901.1.

### K. 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(c)(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(c)(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, and social security coverage.**

#### Comments

The RVC petition does present a reasonably comprehensive description of retirement coverage (Attachment 3, p. 224).

### L. Public School Attendance Alternatives

*EC* Section 47605(c)(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(c)(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 RVC petition does present a reasonably comprehensive description of public school attendance alternatives (Attachment 3, p. 225).

### M. Post-Employment Rights of Employees

*EC* Section 47605(c)(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(c)(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 RVC petition does present a reasonably comprehensive description of post-employment rights of employees (Attachment 3, p. 226).

### N. Dispute Resolution Procedures

*EC* Section 47605(c)(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(c)(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 an LEA. | Yes |
| 1. Describe how the costs of the dispute resolution process, if needed, would be funded. | Yes |
| 1. Recognize that, because it is not 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. | Yes |
| 1. Recognize that if the substance of a dispute is a matter that could result in the taking of appropriate action, including, but not limited to, revocation of the charter in accordance with *EC* Section 47604.5, the matter will be addressed at the SBE’s discretion in accordance with that provision of law and any regulations pertaining thereto. | Yes |

**The petition does present a reasonably comprehensive description of dispute resolution procedures.**

#### Comments

The RVC petition does present a reasonably comprehensive description of dispute resolution procedures (Attachment 3, pp. 227–228).

### O. Closure Procedures

*EC* Section 47605(c)(5)(O)

#### Evaluation Criteria

A description of the procedures to be used if the charter school closes, in keeping with *EC* Section 47605(c)(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 RVC petition does include a reasonably comprehensive description of closure procedures (Attachment 3, pp. 229–230).

## ADDITIONAL REQUIREMENTS UNDER CALIFORNIA *EDUCATION CODE* SECTION 47605

### Standards, Assessments, and Parent Consultation

*EC* sections 47605(d)(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 noncharter 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 RVC petition does provide evidence addressing the requirements regarding standards, assessments, and parent consultation (Attachment 3, pp. 119–167).

### Effect on Authorizer and Financial Projections

*EC* Section 47605(h)

5 *CCR*, sections 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 |
| --- | --- |
| 1. 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 |
| 1. The manner in which administrative services of the school are to be provided. | Yes |
| 1. Potential civil liability effects, if any, upon the school and the SBE. | Yes |
| 1. 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 RVC petition does provide the required information and financial projections (Attachment 3, pp. 231–237; Attachment 4).

### Teacher Credentialing

*EC* Section 47605(l)

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

#### Evaluation Criteria

For purposes of *EC* Section 47605(I), teachers in charter schools shall hold the Commission on Teacher Credentialing certificate, permit, or other document required for the teacher’s certificated assignment. These documents shall be maintained on file at the charter school and are subject to periodic inspection by the chartering authority.

By July 1, 2020, all teachers in charter schools shall obtain a certificate of clearance and satisfy the requirements for professional fitness pursuant to *EC* sections 44339, 44340, and 44341.

**The petition does meet this requirement.**

#### Comments

The RVC petition does meet this requirement (Attachment 3, pp. 182–183).

### 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 RVC petition does address this requirement (Attachment 3, p. 202).

### Goals to Address the Eight State Priorities

*EC* Section 47605(c)(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 *EC* Section 52052, to be achieved in the state priorities, as described in subdivision (d) of *EC* 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 RVC petition does present a reasonably comprehensive description of the annual goals for all pupils and for each identified subgroup of pupils. The RVC 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. 120–163).

### Transferability of Secondary Courses

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

#### Evaluation Criteria

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

**This requirement is not applicable.**

#### Comments

The transferability of secondary courses is not applicable to a charter school serving kindergarten through grade five.