California Department of Education

Charter Schools Division

Revised 1/2020

oab-csd-may21item03

Attachment 1

# CHARTER SCHOOL PETITION REVIEW FORM: Audeo Charter II

## KEY INFORMATION OF SCHOOL

### Proposed Grade Span and Build-Out Plan

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

K—Kindergarten

| **Grade Span** | **2021–22** | **2022–23** | **2023–24** | **2024–25** | **2025–26** |
| --- | --- | --- | --- | --- | --- |
| **K–3** | 0 | 0 | 0 | 0 | 0 |
| **4–6** | 4 | 5 | 6 | 7 | 8 |
| **7–8** | 16 | 17 | 18 | 19 | 20 |
| **9–12** | 260 | 267 | 275 | 284 | 292 |
| **Total** | 280 | 289 | 299 | 310 | 320 |

### Proposed Location

Audeo Charter II (ACII), a Dashboard Alternative Status School (DASS) program and a nonclassroom-based charter school, offers an independent study program that currently serves 260 pupils in K through grade twelve. ACII maintains an administrative office at 10170 Huennekens Street, San Diego, California as well as two resource centers located at 3821 Plaza Drive, Oceanside, California and 6965 El Camino Real, Carlsbad California. The petition states that ACII plans to enroll 320 pupils by school year (SY) 2025–26 (Attachment 3, p. 42).

### Brief History

On December 9, 2020, the Carlsbad Unified School District (CUSD) voted to deny the ACII petition by a vote of four to one.

The petitioner submitted the ACII petition on appeal to the State Board of Education (SBE) on January 8, 2021.

The petition states that ACII plans to enroll 320 pupils by school year (SY) 2025–26 (Attachment 3, p. 42).

ACII’s mission is to implement personalized educational programs to facilitate student achievement. These educational programs will demonstrate that standards-based educational reform can provide a prototype for changing the way teachers teach and pupils learn in the future (Attachment 3, p. 36).

ACII serves a unique student population. Pupils choose to enroll at ACII because they have not been successful in the traditional school system. Approximately 62 percent of ACII pupils in grades six through twelve are credit deficient upon enrollment; 52 percent are socioeconomically disadvantaged; and 61 percent represent a minority student population. Additionally, approximately 20 percent of ACII pupils have been identified as requiring special education services (Attachment 3, p. 11).

ACII offers a unique intervention model that serves many students who are at least one to two years behind in English language arts (ELA) and Mathematics (math). After enrolling at ACII, once a pupil has made the necessary academic progress, they are redirected back to their district of residence.

### Lead Petitioner

Wade Aschbrenner, External Relations Officer

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

*EC*—California *Education Code*NA—Not Applicable  
\*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) | No |
| 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) | NA |
| 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) | Yes |

^See pages 25 through 30 of this attachment for detailed information regarding how the charter school met the requirement for Charter Element A: Description of Educational Program.

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

### Sound Educational Practice

*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 ACII petition is consistent with sound educational practice.

##### Renewal Criteria

###### Dashboard Alternative School Status

Pursuant to *EC* Section 52052(d), the DASS program replaces the previously administered Alternative Schools Accountability Model, and holds alternative schools and alternative schools of choice accountable for modified methods of measurement for accountability indicators, when appropriate.

ACII serves high-risk pupils and therefore qualifies for DASS. The charter school is listed on the CDE DASS school list at <https://www.cde.ca.gov/ta/ac/activeschools.asp> as an active DASS school.

As an active DASS school, ACII is eligible for alternative methods for calculating state and local indicators of academic performance and is therefore to be considered for renewal in accordance with *EC* Section 47607(c)(7). A DASS school renewal considers the charter school’s performance on the state and local indicators and the charter school’s performance on alternative metrics applicable to the charter school based on the pupil population served. A DASS charter school renewal petition may only be denied if written findings are made, including a finding that closure of the charter school is in the best interests of pupils.

Alternative Metrics

CDE’s Review of Alternative Metric Data

The CDE has determined that ACII has met the applicable academic renewal criteria pursuant to *EC* Section 47607(c)(7). The CDE reviewed following data that the petitioner included as criteria for charter renewal:

* California Assessment of Student Performance and Progress (CAASPP) for ELA and math
* California School Dashboard data for ACII for ELA, math, suspension rates, chronic absenteeism rates, English Learner Progress Indicator (ELPI), and graduation rates for DASS schools
* Northwest Education Association (NWEA) Measurable Academic Progress (MAP) Data
* California Longitudinal Pupil Achievement Data System (CALPADS) End of Year (EOY) Data

As described above, ACII serves a unique student population. As a DASS school, ACII does not maintain consistent student cohorts from year to year. The petition specifically describes the re-directive nature of ACII and cites the number of students it redirects back to CUSD each year (Attachment 3, pp. 9–10). The CDE notes that the following reflects point-in-time data for different student cohorts rather than the growth of one cohort over time.

CAASPP Data

The following table shows the percentage of pupils that met or exceeded standards on the 2017–18 and 2018–19 CAASPPs for ELA and math for all pupils schoolwide at ACII (Attachment 3, pp. 18–20). Year-to-year comparison has been deliberately omitted given the school model and student mobility.

Percentage of pupils that met or exceeded standards on 2016–17, 2017–18, and   
2018–19 for ELA and math

| 2016–17  ELA | 2016–17  Math | 2017–18  ELA | 2017–18  Math | 2018–19  ELA | 2018–19  Math |
| --- | --- | --- | --- | --- | --- |
| 61 | 23 | 45 | 24 | 58 | 16 |

ACII addressed the need for intensive intervention in both math and ELA in the petition, stating that the school coordinator meets weekly with the counselors to discuss student outcomes and possible interventions that need to take place or be instituted to assist the teachers or the pupils. The instructional team utilizes the personalized education planning process to monitor student progress and identify services to support student achievement (Attachment 3, p. 48).

California School Dashboard Data

The 2019 California School Dashboard reflects ACII’s performance under California’s Accountability System as follows: ELA, 2 points below standard (Yellow); math, 82.6 points below standard (Orange); suspension rate, 0 percent suspended at least once (Blue); and chronic absenteeism rate, 32 percent chronically absent (Red).

Suspension Rates

| Entity | 2018 Suspension Rate | 2019 Suspension Rate |
| --- | --- | --- |
| ACII | Blue, 0 percent suspended | Blue, 0 percent suspended |

ACII’s suspension rate was the same (Blue, 0 percent) in 2018 and 2019.

Chronic Absenteeism Rates

| Entity | 2018 Chronic Absenteeism | 2019 Chronic Absenteeism |
| --- | --- | --- |
| ACII | Orange, 27.6 percent chronically absent | Red, 32 percent chronically absent |

To address absenteeism and student and family needs, the ACII petition states that the charter school has the ability to go well beyond traditional methods to support pupils and families, such as conducting home visits, performing and tracking appropriate interventions, and referring pupils and families to specific community resources and partnerships (Attachment 3, p. 47).

English Learner Progress Indicator

The 2019 California School Dashboard was the first year the ELPI was reported. The ELPI is calculated based on a student’s performance on the English Language Proficiency Assessments for California (ELPAC). Schools received Status results only on the 2019 California School Dashboard.

The data for the 2019 ELPI show that 71 percent of ACII English learner pupils are making progress towards English language proficiency.

Graduation Rates

| Entity | 2018 Graduation Rate | 2019 Graduation Rate |
| --- | --- | --- |
| ACII | Red, 65.4 percent graduated | Green, 71.6 percent graduated |

The following table shows the California School Dashboard graduation rates for ACII.

Graduation Rates by Student Group for ACII (Percent Graduated)

| Year | All Pupils | Hispanic | White | Socio-economically Disadvantaged |
| --- | --- | --- | --- | --- |
| 2017 | 54 | 45 | 75 | 45 |
| 2018 | 65 | 63 | 63 | 54 |
| 2019 | 72 | 65 | 75 | 66 |

NWEA MAP Data

The following table shows the percentage of pupils that met or exceeded standards on the 2016–17, 2017–18, and 2018–19 NWEA MAP Growth for ACII for reading, language usage, and math schoolwide.

NWEA MAP Growth for ACII (Percent Meets or Exceeds Standards)

| Year | Reading | Language | Math |
| --- | --- | --- | --- |
| 2016–17 | 78 | 64 | 65 |
| 2017–18 | 87 | 72 | 61 |
| 2018–19 | 77 | 82 | 71 |

The following table shows the percentage of pupils that met or exceeded standards on the 2016–17, 2017–18, and 2018–19 NWEA MAP Growth for ACII by student group for reading.

NWEA MAP Growth for ACII for Reading (Percent Meets or Exceeds Standards)

| Year | Hispanic | White | Students with Disabilities | English Learners | Socio-economically Disadvantaged |
| --- | --- | --- | --- | --- | --- |
| 2016–17 | 80 | 75 | 56 | 64 | 74 |
| 2017–18 | 85 | 89 | 92 | 85 | 61 |
| 2018–19 | 93 | 50 | 79 | 75 | 84 |

The following table shows the percentage of pupils that met or exceeded standards on the 2016–17, 2017–18, and 2018–19 NWEA MAP Growth for ACII by student group for language usage.

NWEA MAP Growth for ACII for Language Usage (Percent Meets or Exceeds Standards)

| Year | Hispanic | White | Student with Disabilities | English Learners | Socio-economically Disadvantaged |
| --- | --- | --- | --- | --- | --- |
| 2016–17 | 70 | 38 | 56 | 46 | 66 |
| 2017–18 | 78 | 57 | 70 | 80 | 70 |
| 2018–19 | 81 | 80 | 80 | 88 | 86 |

The following table shows the percentage of pupils that met or exceeded standards on the 2016–17, 2017–18, and 2018–19 NWEA MAP Growth for ACII by student group for math.

NWEA MAP Growth for ACII for Math (Percent Meets or Exceeds Standards)

| Year | Hispanic | White | Student with Disabilities | English Learners | Socio-economically Disadvantaged |
| --- | --- | --- | --- | --- | --- |
| 2016–17 | 63 | 67 | 77 | 40 | 61 |
| 2017–18 | 58 | 82 | 53 | 55 | 60 |
| 2018–19 | 64 | 77 | 63 | 70 | 64 |

CALPADS

The table below shows the 2020end of year data forACII High School Completers along with the grade twelve California Basic Educational Data System (CBEDS) enrollment and total grade twelve students served each year at ACII.

ACII High School Completers

| Student Groups | 2016–17 | 2017–18 | 2018–19 | 2019–20 |
| --- | --- | --- | --- | --- |
| Completers | 88 | 93 | 76 | 62 |
| CBEDS Enrollment  Grade 12 | 137 | 147 | 64 | 39 |
| Total Served  Grade 12 | 187 | 210 | 115 | 112 |

The ACII petition states that many students come to ACII one or more semesters behind in credits and not on track to graduate. Despite these deficiencies, over the past four years, ACII has graduated over 300 students who received a diploma, passed the General Education Development or High School Equivalency Test, or passed the California High School Proficiency Exam (Attachment 3, p. 25).

In summary, the CDE finds that the academic program offered by ACII benefits at-risk students and prepares students who enter ACII credit deficient to graduate or return to their schools of residence. Given the nature of the program, the academic results align with what the CDE would expect to see from a successful program with differing annual cohorts of students.

School Pathways Data

Once a student is enrolled at ACII, the student completes personality and career interest surveys on Naviance. Naviance is a comprehensive college and career readiness web-based tool for middle and high schools that helps align student strengths and interests to post-secondary goals and improves student outcomes. The parent/guardian, student, and teacher meet to discuss the results. The results demonstrate the student’s learning style as well as career interests. Based on the career interests, the teacher assists the student with creating a post-high school plan.

ACII’s students are placed in one of four post-high school pathways: four-year college/university; two-year college; school-to-work/Career Technical Education; or military. In addition to the college preparatory coursework, ACII offers courses that are specifically designed for students in grades nine through twelve that have expressed an interest in specific career pathways.

The following table shows the 2020 School Pathways data for ACII’s participation rate for all students and student groups.

2020 School Pathways Data for ACII’s Participation Rate (Percent Participated)

| Student Group | 2016–17 | 2017–18 | 2018–19 | 2019–20 |
| --- | --- | --- | --- | --- |
| Hispanic | 83 | 84 | 86 | 89 |
| White | 84 | 86 | 88 | 88 |
| Students with Disabilities | 85 | 84 | 89 | 89 |
| English Learners | 79 | 79 | 82 | 91 |
| Socio-economically Disadvantaged | 81 | 82 | 85 | 86 |
| All Student Groups | 84 | 86 | 88 | 89 |
| Target | 84 | 84 | 84 | 84 |

The petitioner states that it measures participation rates for pupils as an evaluation of student engagement and progress. ACII’s target for participation is 84 percent as part of its local control and accountability plan metrics. Over the last four years, ACII has met the 84 percent target participation rate for all pupils and the majority of student groups (Attachment 3, p. 26).

Naviance Data

The following table includes the results for the Naviance Confidence Survey for ACII, showing pupils’ confidence in their ability to learn and succeed before they started school at ACII, after 90 days of attendance at ACII, and the resulting percentage point increase between these two metrics (Attachment 3, p. 30).

Naviance Confidence Survey—Ability to Learn and Succeed for ACII (Percent of Pupils Showing Confidence)

| Period | 2016–17 | 2017–18 | 2018–19 | 2019–20 |
| --- | --- | --- | --- | --- |
| Before ACII | 86 | 84 | 78 | 86 |
| After 90 Days | 94 | 98 | 97 | 99 |
| Percentage Point Increase | 8 | 14 | 19 | 13 |

The table above shows that in SY 2019–20, prior to enrolling at ACII, 86 percent of pupils believed that they had the ability to learn and succeed; after 90 days of enrollment, 99 percent of pupils at ACII believed they had the ability to learn and succeed, which is a 13-percentage point increase.

The following table includes the results for the Naviance Confidence Survey for ACII, showing pupils’ confidence in their skills to learn and succeed before they started school at ACII, after 90 days of attendance at ACII, and the resulting percentage point increase between these two metrics.

Naviance Confidence Survey—Skills to Learn and Succeed for ACII (Percent of Pupils Showing Confidence)

| Period | 2016–17 | 2017–18 | 2018–19 | 2019–20 |
| --- | --- | --- | --- | --- |
| Before ACII | 82 | 84 | 78 | 83 |
| After 90 Days | 94 | 96 | 94 | 94 |
| Percentage Point Increase | 12 | 12 | 16 | 11 |

The table above shows that in SY 2019–20, prior to enrolling at ACII, 83 percent of pupils believed that they had the skills to learn and succeed; after 90 days of enrollment, 94 percent of pupils at ACII believed they had the skills to learn and succeed, which is an 11-percentage point increase.

The following table includes the results for the Naviance Confidence Survey for ACII, showing pupils’ confidence in the support they receive from teachers before they started school at ACII, after 90 days of attendance at ACII, and the resulting percentage point increase between these two metrics.

Naviance Confidence Survey—Support from Teachers for ACII (Percent of Pupils Showing Confidence)

| Period | 2016–17 | 2017–18 | 2018–19 | 2019–20 |
| --- | --- | --- | --- | --- |
| Before ACII | 60 | 61 | 64 | 70 |
| After 90 Days | 96 | 95 | 98 | 98 |
| Percentage Point Increase | 36 | 34 | 34 | 28 |

The table above shows that in SY 2019–20, prior to enrolling at ACII, 70 percent of pupils had confidence in the support they received from teachers; after 90 days of enrollment, 98 percent indicated they had confidence in the support they received from teachers, which is a 28-percentage point increase.

The following table shows the results for the Naviance Confidence Survey for ACII, showing pupils’ confidence in the belief that education is a high priority before they started school at ACII, after 90 days of attendance at ACII, and the resulting percentage point increase between these two metrics.

Naviance Confidence Survey—Education a High Priority for ACII (Percent of Pupils Showing Confidence)

| Period | 2016–17 | 2017–18 | 2018–19 | 2019–20 |
| --- | --- | --- | --- | --- |
| Before ACII | 64 | 70 | 61 | 69 |
| After 90 Days | 94 | 91 | 94 | 93 |
| Percentage Point Increase | 30 | 21 | 33 | 24 |

The table above shows that in SY 2019–20, prior to enrolling at ACII, 86 percent of pupils believed that education is a high priority; after 90 days of enrollment, 99 percent believed that education is a high priority, which is a 13-percentage point increase.

The following table shows the results for the Naviance Confidence Survey for ACII, showing pupils’ confidence in their learning performance before they started school at ACII, after 90 days of attendance at ACII, and the resulting percentage point increase between these two metrics.

Naviance Confidence Survey—Learning Performance for ACII (Percent of Pupils Showing Confidence)

| Period | 2016–17 | 2017–18 | 2018–19 | 2019–20 |
| --- | --- | --- | --- | --- |
| Before ACII | 58 | 68 | 66 | 68 |
| After 90 Days | 94 | 93 | 94 | 92 |
| Percentage Point Increase | 36 | 25 | 28 | 24 |

The table above shows that in SY 2019–20, prior to enrollment at ACII, 86 percent of pupils surveyed indicated confidence in their learning performance; after 90 days of enrollment, 99 percent indicated confidence in their learning performance, which is a 13-percentage point increase.

The following table shows the results for the Naviance Confidence Survey for ACII, showing pupils’ and parents’ satisfaction in a safe and supportive learning environment.

Naviance Engagement Survey—Safety Satisfaction for ACII (Percent Satisfied)

| Group | 2016–17 | 2017–18 | 2018–19 | 2019–20 |
| --- | --- | --- | --- | --- |
| Parents | 99 | 97 | 100 | 98 |
| Pupils | 99 | 96 | 94 | 95 |

The table above shows that in SY 2019–20, 98 percent of ACII parents and 95 percent of ACII pupils surveyed were satisfied with the safety of the school.

The following table shows the results for the Naviance Engagement Survey for ACII, showing pupils’ and parents’ satisfaction in the expectations teachers have of their pupils.

Naviance Engagement Survey—Teacher Expectations for ACII (Percent Satisfied)

| Group | 2016–17 | 2017–18 | 2018–19 | 2019–20 |
| --- | --- | --- | --- | --- |
| Parents | 95 | 97 | 100 | 98 |
| Pupils | 94 | 96 | 94 | 93 |

The table above shows that in SY 2019–20, 98 percent of ACII parents and 93 percent of ACII pupils surveyed were satisfied with the expectations of their teachers.

The following table shows the results for the Naviance Engagement Survey for ACII, showing pupils’ and parents’ confidence in teacher training.

Naviance Engagement Survey—Highly Trained Teachers for ACII (Percent Satisfied)

| Group | 2016–17 | 2017–18 | 2018–19 | 2019–20 |
| --- | --- | --- | --- | --- |
| Parents | 99 | 100 | 99 | 100 |
| Pupils | 98 | 99 | 98 | 100 |

The table above shows that in SY 2019–20, 100 percent of ACII parents and 100 percent of ACII pupils surveyed believe that the teachers are highly trained.

The following table shows the results for the Naviance Engagement Survey for ACII, showing pupils’ and parents’ overall satisfaction of their school experience.

Naviance Engagement Survey—Overall Satisfaction for ACII (Percent Satisfied)

| Group | 2016–17 | 2017–18 | 2018–19 | 2019–20 |
| --- | --- | --- | --- | --- |
| Parents | 99 | 98 | 100 | 98 |
| Pupils | 99 | 99 | 97 | 100 |

The table above shows that in SY 2019–20, 98 percent of ACII parents and 100 percent of ACII pupils surveyed were satisfied overall with the program.

The following table shows the results for the Naviance Engagement Survey for ACII, showing the percentage of pupils and parents who would recommend the school to others.

Naviance Engagement Survey—Recommend to Others for ACII (Percent Would Recommend)

| Group | 2016–17 | 2017–18 | 2018–19 | 2019–20 |
| --- | --- | --- | --- | --- |
| Parents | 100 | 100 | 100 | 100 |
| Pupils | 98 | 96 | 95 | 98 |

The table above shows that in SY 2019–20, 100 percent of ACII parents and 98 percent of ACII pupils surveyed would recommend ACII to others.

ACII’s Review of Alternative Metric Data

The petitioner completed CAASPP data comparison analyses for ACII and CUSD-comparable schools for pupils schoolwide (Attachment 3, pp. 18–20).

The following table shows the percentage of pupils that met or exceeded standards on the 2016–17 through 2018–19 CAASPPs for ELA and math for all pupils schoolwide at ACII.

CAASPP Results for ACII (Percent Meets or Exceeds Standards)

| 2016–17  ELA | 2016–17  Math | 2017–18  ELA | 2017–18  Math | 2018–19  ELA | 2018–19  Math |
| --- | --- | --- | --- | --- | --- |
| 61 | 23 | 45 | 24 | 58 | 16 |

The following table shows the percentage of pupils that met or exceeded standards on the 2018–19 CAASPP for ELA and math for ACII, CUSD, and the State of California.

CAASPP Results for ACII, CUSD, and California (Percent Meets or Exceeds Standards)

| Entity | 2018–19 ELA | 2018–19 Math |
| --- | --- | --- |
| ACII | 58 | 16 |
| CUSD | 76 | 68 |
| California | 51 | 40 |

The following table shows the percentage of pupils that met or exceeded standards on the 2016–17 through 2018–19 CAASPPs for ELA and math for ACII and for comparable schools that pupils would otherwise attend.

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

| School | 2016–17 ELA | 2016–17 Math | 2017–18 ELA | 2017–18  Math | 2018–19  ELA | 2018–19  Math |
| --- | --- | --- | --- | --- | --- | --- |
| ACII | 61 | 23 | 45 | 24 | 58 | 16 |
| Carlsbad Village Academy | 21 | 7 | 23 | 5 | 31 | 0 |
| Ocean Shores High | 16 | 0 | 8 | 1 | 10 | 0 |
| Twin Oaks High | 22 | 1 | 9 | 0 | 16 | 0 |
| SIATech | 20 | 2 | 20 | 2 | 19 | 0 |
| CUSD | 75 | 65 | 53 | 43 | 54 | 43 |

CUSD’s Review of Alternative Metric Data

The CUSD reviewed the following data for ACII (Attachment 3, pp. 18–21):

* CAASPP data
* California School Dashboard data for ELA, math, chronic absenteeism rates, suspension rates, ELPI, and graduation rates for DASS schools
* NWEA MAP Data
* CALPADS EOY Data

The following table shows the percentage of pupils that met or exceeded standards on the 2016–17 through 2018–19 CAASPPs for ELA and math for all pupils schoolwide at ACII.

CAASPP Results for ACII (Percent Meets or Exceeds Standards)

| 2016–17 ELA | 2016–17 Math | 2017–18  ELA | 2017–18  Math | 2018–19  ELA | 2018–19  Math |
| --- | --- | --- | --- | --- | --- |
| 61 | 23 | 45 | 24 | 58 | 16 |

The following table shows the percentage of pupils that met or exceeded standards on the 2018–19 CAASPP for ELA and math for ACII, CUSD, and the State of California.

CAASPP Results for ACII, CUSD, and California (Percent Meets or Exceeds Standards)

| Entity | 2018–19 ELA | 2018–19 Math |
| --- | --- | --- |
| ACII | 58 | 16 |
| CUSD | 76 | 68 |
| California | 51 | 40 |

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

* 280 K through twelve in 2021–22
* 289 K through twelve in 2022–23
* 299 K through twelve in 2023–24
* 310 K through twelve in 2024–25
* 320 K through twelve in 2025–26

ACII has a good financial record under SBE authorization. ACII fiscal year 2020–21 first interim report dated December 15, 2020, indicates that ACII is projecting a positive ending fund balance of $1,959,433 and reserves of 51 percent, which is above the recommended 5 percent in reserves outlined in the Memorandum of Understanding between ACII and the SBE.

The CDE reviewed audited financial data from the 2018–19 audit report that reflected an unqualified status with an ending fund balance of $1,863,336 and a reserve designated for economic uncertainty of 51 percent.

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

### 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 ACII petition contains the required affirmations.

The ACII petition states that the charter school will follow any and all federal, state, and local laws and regulations that apply to the charter school (Attachment 3, pp. 5–7).

### 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 ACII petition does include the necessary declaration (Attachment 3, p. 5).

### 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 ACII 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 ACII 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 states that the ACII educational program is based on the following elements of success (Attachment 3, pp. 45–46):

* A vision, mission, and operational business plan that puts students first
* Academically rigorous, well-focused, basic core subject curricula
* Creation of a personalized education plan based on the student’s academic level, learning style, strengths, interests, and goals
* Professional development that puts skills into a context consistent with the overall charter school mission
* Autonomy that allows the charter school to develop and implement a process of change tied to high standards as described in the International Society for Technology in Education and is responsive to technological innovations
* Parent and community involvement in, and support for, the charter school programs
* Regular data analysis to measure progress toward achieving both student and staff performance goals
* An online community communication process detailing student and school performance
* An effective and efficient business process that ensures maximum utilization of private and public resources, both human and financial

##### Educational Program

ACII educates K through grade twelve pupils who reside in the CUSD and pupils who reside outside the CUSD, as space allows.

The petition states that ACII intends to enroll 280 pupils for SY 2021–22. The charter school’s current enrollment is approximately 260.

The ACII mission is to implement personalized educational programs to facilitate student achievement. These educational programs will demonstrate that standards-based educational reform can provide a prototype for changing the way teachers teach and students learn in the future (Attachment 3, p. 36).

The ACII petition states that students and their parents or guardians, in consultation with their teacher, will decide which is the best learning option for the student. ACII students in grades six through twelve will have the learning options of independent study, blended (independent study/online), and online learning, while students in K through grade five have the option of home study. Students in grades six through twelve may incorporate all available learning options throughout their enrollment to maximize engagement and academic success.

##### Plan for Low-Achieving Pupils

The ACII petition does present a reasonably comprehensive description of the plan for low-achieving pupils.

The ACII petition states that the teachers use student assessment data to create and monitor a Pathways Personalized Education Plan (PPEP) for each individual student (Attachment 3, pp. 61–63).

According to the ACII petition, the charter school has incorporated a Multi-Tiered System of Supports that engages high-risk students in participating and excelling in school.

This PPEP creation and implementation allows ACII to identifies students who are below grade level immediately upon enrollment.

The following components of tiered supports are targeted towards high-risk students:

* Research-based instructional strategies integrated into all core content curricular areas;
* Content area teachers trained in research-based instructional strategies;
* Universal Design for Learning;
* Embedded literacy instruction across curricular areas;
* Blended, independent study/online learning, differentiation, scaffolding, and formative assessments;
* Courses adjusted based on student instructional level and interests;
* Participation in small group and individual tutoring sessions; and
* Specific practices that support low-achieving pupils, including the following (Attachment 3, pp. 62–63):
  + Social emotional learning program;
  + Professional learning communities;
  + Data collection, monitoring, and reporting;
  + Trainings;
  + Intervention;
  + High school completion options; and
  + Student and family services and supports through partnerships.

Student progress is monitored through the systematic PPEP process that requires analysis of student achievement measures at least three times throughout the school year. The instructional team, including the parent(s), determines the supports and services that are most effective with each student and identifies any additional curricular and instructional supports necessary to support student achievement.

##### Plan for High-Achieving Pupils

The ACII petition does present a reasonably comprehensive description of the plan for high-achieving pupils (Attachment 3, pp. 63–64).

The ACII petition states that the identification of pupils who excel academically and demonstrate the ability through a variety of assessments to perform above grade level, have a personalized education plan that reflects their strengths and interests through course selection and planning, differentiation of instruction, opportunities for acceleration, and curriculum enrichment and extension.

The ACII petition explains that it provides opportunities for students to be concurrently enrolled in community college courses and to consult regularly with one of ACII’s college counselors.

At ACII, Gifted and Talented Education (GATE) students are offered an Individualized GATE Plan (IGP). The IGP is created by the student, parent(s), and teachers to plan the services and program options that address the unique needs of each gifted student based on their needs, interests, and abilities.

Each IGP incorporates essential elements of gifted education:

* Differentiated learning experiences including acceleration and enrichment;
* Differentiated curriculum responsive to the needs, interests, and abilities of students that utilizes a variety of teaching and learning platforms;
* Learning environments that inspire creativity, flexibility, and autonomy;
* Small group instruction;
* Opportunities for independent study, community-based learning, and project-based learning; and
* Postsecondary education.

##### Plan for English Learners

The ACII petition does present a reasonably descriptive plan for English learner (EL) pupils (Attachment 3, pp. 64–68). The petition states that ACII 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. ACII also implements policies to ensure proper placement, evaluation, and communication regarding ELs and the rights of pupils and parents.

Further, the ACII petition states that all students who indicate that their home language is other than English are assessed with the ELPAC Initial Assessment within 30 days of initial enrollment and at least annually, with the ELPAC Summative Assessment thereafter until re-designated as fluent English proficient.

The charter school notifies all parents of its responsibility for ELPAC testing and of ELPAC results within 30 days of receiving results from the publisher. The ELPAC is used to fulfill the requirements under the Every Student Succeeds Act for annual English proficiency testing and progress reporting. Results of each student’s assessment are sent to parents or guardians in their primary language. These results are also included in the PPEP for instructional planning (Attachment 3, pp. 64–65).

##### Plan for Special Education

The ACII petition does not present a reasonably comprehensive description for pupils with disabilities (Attachment 3, pp. 68–73).

The CDE notes that the ACII 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. ACII works in cooperation with its Special Education Local Plan Area (SELPA) to ensure that a free and appropriate education is provided to all pupils with exceptional needs. ACII 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, ACII complies with AB 602, SELPA guidelines, and all California laws pertaining to special education pupils.

The ACII petition states that the charter school is a member of the El Dorado County Charter SELPA. The petition also states that ACII is strongly committed to serving the needs of all students enrolled in its program. Students with an individualized education plan (IEP) are welcomed and supported (Attachment 3, p. 68).

The ACII petition identifies a plan for pupils with disabilities, including identification; referral for assessment; development and implementation of the IEP; interim and initial placements; and special education strategies for instruction and services, staffing, and reporting (Attachment 3, pp. 68–73).

However, the ACII petition does not specifically address the following:

* Least restrictive environment (LRE), specifically, *Code of Federal Regulations*, Title 34(34 *CFR*) Section 300.114, LRE requirements. More specifically 34*CFR* Section 300.114(2), which states that each [public agency](https://urldefense.proofpoint.com/v2/url?u=https-3A__www.law.cornell.edu_definitions_index.php-3Fwidth-3D840-26height-3D800-26iframe-3Dtrue-26def-5Fid-3De0aca252d5dfb28bf343529a57e1b329-26term-5Foccur-3D999-26term-5Fsrc-3DTitle-3A34-3ASubtitle-3AB-3AChapter-3AIII-3APart-3A300-3ASubpart-3AB-3ASubjgrp-3A40-3A300.114&d=DwMFaQ&c=SIStQSL0VMIUJoLS-Q8giiFlA-AKdP7tpJHyQh8DeXk&r=3V_XB-JLkXWbwN8nORqs8P_rmxBjWkeQisTxywX_SCM&m=pfojlmsHpeu10-4BxCQ0b8Sojrlc8mwPvQmMT6D19gM&s=MT83EC-VpNm9lINu3WcAXVIIoUvfytgxcYHBCIcDR-g&e=) must ensure the following:
  + (i) To the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are nondisabled; and
  + (ii) Special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only if the nature or severity of the disability is such that education in regular classes with the use of [supplementary aids and services](https://urldefense.proofpoint.com/v2/url?u=https-3A__www.law.cornell.edu_definitions_index.php-3Fwidth-3D840-26height-3D800-26iframe-3Dtrue-26def-5Fid-3D4589011f0121bd663b01ff1efa2754de-26term-5Foccur-3D999-26term-5Fsrc-3DTitle-3A34-3ASubtitle-3AB-3AChapter-3AIII-3APart-3A300-3ASubpart-3AB-3ASubjgrp-3A40-3A300.114&d=DwMFaQ&c=SIStQSL0VMIUJoLS-Q8giiFlA-AKdP7tpJHyQh8DeXk&r=3V_XB-JLkXWbwN8nORqs8P_rmxBjWkeQisTxywX_SCM&m=pfojlmsHpeu10-4BxCQ0b8Sojrlc8mwPvQmMT6D19gM&s=ua0eIy72bm-c_Z8F5oJa9w0O19ubT5MSr17VOA1uDEg&e=) cannot be achieved satisfactorily.

Additionally, the ACII petition does not list the parent as a required IEP team member, as required.

### 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 |

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

#### Comments

The ACII petition does present a reasonably comprehensive description of measurable pupil outcomes (MPOs). The ACII petition includes an outline of the goals, actions, and outcomes aligned to the eight state priorities for all pupils and pupil subgroups.

Additional program specifics can be found in the ACII’s Local Control Accountability Plan and the Learning and Attendance Continuity Plan (Attachment 3, pp. 74–86 and Attachment 7, pp. 27–137 and 137–166).

### 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 ACII petition does present a reasonably comprehensive description of the method for measuring pupil progress. The ACII petition includes a list that provides an overview of the assessment tools, frequency, and MPOs (Attachment 3, pp. 87–90).

The ACII petition states that the school coordinator meets with teachers three times throughout the school year to conduct a thorough analysis of individual student progress on key measures aligned to state priorities. These progress reviews are shared with the student and parent(s) to determine any additional curricular and instructional supports and services that are necessary to support positive student outcomes (Attachment 3, p. 88).

### D. Governance Structure

*EC* sections 47604.1 and 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 requirements of *EC* Section 47604.1 as well as 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, pursuant to *EC* Section 47605(c)(5)(D). | Yes |
| 1. Includes evidence that the organizational and technical designs of the governance structure reflect a seriousness of purpose necessary to ensure the following, pursuant to *EC* Section 47605(c)(5)(D):    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 |
| Includes all requirements of *EC* Section 47604.1. | Yes |

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

#### Comments

The ACII petition does present a reasonably comprehensive description of the school’s governance structure (Attachment 3, p. 91).

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

Audeo Charter School corporation operates the following charter schools:

1. Audeo Charter II, authorized by the SBE and located in the geographical boundaries of CUSD;
2. Audeo Charter School III, authorized by Escondido Union High School District and located in the geographical boundaries of the district;
3. Grossmont Secondary, authorized by the SBE and located in the boundaries of Grossmont Union High School District; and
4. Sweetwater Secondary, authorized by the SBE and located in the geographical boundaries of Sweetwater Union High School District.

The ACII petition explains that the Board of Directors will meet regularly, at least three times per year and in accordance with the Ralph M. Brown Act (Brown Act) and *EC* Section 47604.1(c). Meetings shall be held at the principal office of the corporation. The Board of Directors may designate that a meeting be held at any place within the jurisdiction of the Corporation (as defined by *EC* Section 47604.1[c]) that has been designated in the notice of the meeting. All meetings of the Board of Directors shall be called, held, and conducted in accordance with the terms and provisions of the Brown Act. The Board of Directors is fully responsible for the operation and fiscal affairs of the charter school including, but not limited to, the following:

* Approving all substantive policy issues. Substantive policy issues are major educational and operational policy issues which include, but are not limited to, curricular focus, student outcomes, program evaluation, school size and growth, special events, budget and audit approvals, and compliance with federal, state, and charter requirements.
* Approving the charter school’s annual budget and overseeing the charter school’s fiscal affairs
* Contracting with outside sources for operations oversight and audit
* Solicitation and oversight of grants and donations consistent with the mission of the charter school
* Approving the charter school’s personnel policies and monitoring their implementation
* All other responsibilities provided for in the *California Corporations Code*, the articles of incorporation, bylaws, or this charter necessary to ensure the proper operation of the charter school (Attachment 6).

The ACII petition states that the Board may delegate any of these roles and responsibilities to any committee, officer, or other person(s) to the extent permitted by law, provided that the corporation’s activities and affairs shall be managed, and all corporate powers shall be exercised under, the ultimate direction of the Board.

ACII’s philosophy is that students are best able to reach their full potential when there is a high level of involvement by their parents in their education. This means encouraging parent involvement, as required by *EC* Section 47605, including but not limited to the following (Attachment 3, p. 94):

* Parent representative on Board of Directors
* Parent/Teacher/Student Master Agreement for students participating in independent study
* Participation in the English Language Advisory Council
* Regular and frequent verbal, print, and electronic communication
* Home School Compact in the form of Acknowledgement of Responsibilities
* Sharing of positive student outcomes and accomplishments
* Teachers receiving professional development oriented to the engagement of parents in student learning

### 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 ACII petition does present a reasonably comprehensive description of employee qualifications.

Minimum position qualifications are included in the ACII petition (Attachment 3, pp. 97–103).

### 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. | 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 noncharter 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 noncharter public school. | Yes |

**The petition does present a reasonably comprehensive description of health and safety procedures.**

#### Comment

The ACII petition does present a reasonably comprehensive description of health and safety procedures (Attachment 3, pp. 102–106).

The petition states that ACII will adopt procedures for preventing acts of bullying, and makes specific reference to the CDE resources available (Attachment 3, p. 106).

### 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 ACII 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 ACII and CUSD. The data show that the racial and ethnic balance served by ACII is greater than that of CUSD (Attachment 3, pp. 107–108).

##### 2017–18 Demographic Data for ACII and CUSD (Percent of Pupils Enrolled)

| Entity | English Learners | Special Education | Socio-economically Disadvantaged | African American | Hispanic/ Latino | White |
| --- | --- | --- | --- | --- | --- | --- |
| **ACII** | 13 | 21 | 65 | 2 | 61 | 29 |
| **CUSD** | 7 | 11 | 25 | 1 | 28 | 56 |

##### 2018–19 Demographic Data for ACII and CUSD (Percent of Pupils Enrolled)

| Entity | English Learners | Special Education | Socio-economically Disadvantaged | African American | Hispanic/ Latino | White |
| --- | --- | --- | --- | --- | --- | --- |
| **ACII** | 8 | 21 | 58 | 4 | 48 | 36 |
| **CUSD** | 6 | 12 | 24 | 1 | 28 | 56 |

##### 2019–20 Demographic Data for ACII and CUSD (Percent of Pupils Enrolled)

| Entity | English Learners | Special Education | Socio-economically Disadvantaged | African American | Hispanic/ Latino | White |
| --- | --- | --- | --- | --- | --- | --- |
| **ACII** | 8 | 21 | 52 | 3 | 43 | 38 |
| **CUSD** | 6 | 13 | 25 | 1 | 27 | 56 |

The ACII petition includes a list of recruitment strategies that ACII will implement, 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 the CUSD Attachment 3, p. 107).

### 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 ACII petition does present a reasonably comprehensive description of admission requirements (Attachment 3, pp. 109–111). The 2019–20 demographic data show that the racial and ethnic balance served by ACII is reflective of that of CUSD.

The ACII 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 (Attachment 3, p. 110):

1. Siblings of pupils admitted to or attending ACII
2. Pupils who reside within the CUSD boundaries
3. All other pupils

ACII agrees to adhere to the requirements related to admission preferences as set forth in *EC* Section 47605(e)(2)(B)(i)–(iv) (Attachment 3, p. 110).

The SBE has the discretion to approve the proposed preferences in the ACII 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 ACII petition does present a reasonably comprehensive description of annual independent financial audits (Attachment 3, p. 112).

The ACII petition states that in the event that there is an audit finding or exception, the audit committee will develop a specific remediation plan that focuses on the issue(s) identified, and present a timeline for rectifying the concern, which shall be submitted to the ACII Board of Directors with recommendations on how to address the concern. A remediation plan shall be developed that identifies the specific use of funds and resources and/or policies and procedures needed for improvement. This plan shall be submitted to the district (Attachment 3, p. 112).

### 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 pupils, staff, and visitors to the school and serve the best interests of the school’s pupils and their parents (guardians). | Yes |
| 1. If not otherwise covered under subparagraphs (A), (B), (C), and (D): 2. Provide for due process for all pupils and demonstrate an understanding of the rights of pupils with disabilities in regard to suspension and expulsion. 3. Outline how detailed policies and procedures regarding suspension and expulsion will be developed and periodically reviewed, including, but not limited to, periodic review and (as necessary) modification of the lists of offenses for which pupils are subject to suspension or expulsion. | Yes |

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

#### Comments

The ACII petition does present a reasonably comprehensive description of suspension and expulsion procedures for criteria (E) (Attachment 3, pp. 129–132).

Addressing evaluation criteria (A), (B), (C), and (D), the ACII petition states: “The Suspension and Expulsion Policy and Procedures have been established in order to promote learning and protect the safety and wellbeing of all students at the Charter School” (Attachment 3, p. 113).

The ACII petition lists discretionary and nondiscretionary offenses and procedures for suspension and expulsion (Attachment 3, pp. 114–124).

The ACII petition states that no pupil shall be involuntarily removed by ACII 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. 124).

With regard to the authority to expel, the ACII petition states that a student may be expelled either by the neutral and impartial Charter School Board of Directors following a hearing before it or by the Charter School Board of Directors upon the recommendation of a neutral and impartial Administrative Panel, to be assigned by the Board of Directors as needed. The Administrative Panel shall consist of at least three members who are certificated and neither a teacher of the student nor a member of the Board of Directors. Each entity shall be presided over by a designated neutral hearing chairperson. The Administrative Panel may recommend expulsion of any student found to have committed an expellable offense, and the Board of Directors shall make the final determination (Attachment 3, p. 125).

The petition states that ACII 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. 113). However, the ACII petition does not specifically address Senate Bill 419 thatamended *EC* Section 48900(k) by extending the permanent prohibition against suspending pupils enrolled in K through grade three for disruption or willful defiance to include pupils in grades four and five. This prohibition has also been expanded to include pupils in grades six through eight until July 1, 2025 (Attachment 3, p. 318).

If approved by the SBE, as a condition of approval, the petitioner will be required to revise the ACII petition to include necessary language for Element J—Suspension and Expulsion Procedure to include SB 419 thatextended the permanent prohibition against suspending pupils enrolled in K through grade three for disruption or willful defiance to include pupils in grades four and five. This prohibition is expanded to include pupils in grades six through eight until July 1, 2025.

### 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 ACII petition does present a reasonably comprehensive description of retirement coverage (Attachment 3, p. 133).

The CDE notes that while the ACII petition states that all applicants for positions will be informed of the retirement system options, it does not specifically list the positions that are applicable to each option.

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 K—Employee Retirement Systems by updating the petition to specify the positions to be covered under each system.

### L. Public School Attendance Alternatives

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

5 CCRSection 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 ACII petition does present a reasonably comprehensive description of public school attendance alternatives (Attachment 3, p. 134).

### 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 ACII petition does present a reasonably comprehensive description of post-employment rights of employees (Attachment 3, p. 135).

### 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 ACII petition does present a reasonably comprehensive description of dispute resolution procedures (Attachment 3, pp. 136–137).

The petition states that ACII recognizes that it cannot bind the district to a dispute resolution procedure to which the district does not agree (Attachment 3, p. 136).

Further, the ACII petition requests that any complaints or reports regarding such disputes not related to a possible violation of the charter or law, shall be referred to the charter school (Attachment 3, p. 137).

### 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 ACII petition does include a reasonably comprehensive description of closure procedures (Attachment 3, pp. 138–139).

## 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 ACII petition does provide evidence addressing the requirements regarding standards, assessments, and parent consultation (Attachment 3, p. 140).

### 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 ACII petition does provide the required information and financial projections (Attachment 3, pp. 140–143 and 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 ACII petition does meet this requirement (Attachment 3, p. 6).

### 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 ACII petition does address this requirement (Attachment 3, p. 140).

### 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 ACII petition does present a reasonably comprehensive description of the annual goals for all pupils and for each identified subgroup of pupils. The ACII petition includes a list of the goals, actions, measurements, and outcomes aligned to the eight state priorities for all pupils and pupil subgroups (Attachment 3, pp. 75–86).

If approved by the SBE, as a condition of approval, the petitioner will be required to revise the petition to include necessary language for Goals to Address the Eight State priorities that is more specific to individual goal growth expectations, and percentages for that expected growth.

### 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.

**The petition does address this requirement.**

#### Comments

The ACII petition states that at the time that a parent submits an application to enroll his/her student in ACII, the charter school will provide written information to parents of students in grades nine through twelve regarding the transferability of courses to other public high schools and the eligibility of the courses to meet college entrance admissions requirements (Attachment 3, p. 61).