# CHARTER SCHOOL APPEAL REVIEW: Vista Legacy Global Academy

CALIFORNIA DEPARTMENT OF EDUCATION

This document presents the California Department of Education’s (CDE or Department) review of the appeal of Vista Legacy Global Academy (VLGA or Petitioner), which was denied by the Los Angeles Unified School District (LAUSD or District) and the Los Angeles County Board of Education (LACBOE or County).

## Table of Contents

[Department Overview and Recommendation 2](#_Toc143616465)

[Abuse of Discretion Standard on Charter School Appeals 2](#_Toc143616466)

[Department Review of Petitioner Allegations of Abuse of Discretion Against the District 3](#_Toc143616467)

[Petitioner Allegation 1 3](#_Toc143616468)

[Petitioner Allegation 2 4](#_Toc143616469)

[Department Review of Petitioner Allegations of Abuse of Discretion Against the County 5](#_Toc143616470)

[Petitioner Allegation 1 5](#_Toc143616471)

[Petitioner Allegation 2 6](#_Toc143616472)

[Petitioner Allegation 3 7](#_Toc143616473)

[Petitioner Allegation 4 9](#_Toc143616474)

[District Findings for Denial 9](#_Toc143616475)

[District Finding 1 9](#_Toc143616476)

[District Finding 2 11](#_Toc143616477)

[District Finding 3 12](#_Toc143616478)

[County Findings for Denial 13](#_Toc143616479)

[County Finding 1 13](#_Toc143616480)

[County Finding 2 15](#_Toc143616481)

[County Finding 3 17](#_Toc143616482)

[Appeal Documents 18](#_Toc143616483)

## Department Overview and Recommendation

Based on its analysis of the documentary record, the CDE has determined that both the LAUSD and the LACBOE made written factual findings in accordance with California *Education Code* (*EC*) Section 47605(c) and that the District’s and the County’s findings to deny the VLGA petition are supported by evidence in the record. Therefore, the CDE recommends that the California State Board of Education (SBE) affirm both the District’s and the County’s determinations to deny the VLGA petition.

Both the District’s and the County’s determinations to deny the VLGA petition were made pursuant to *EC* Section 47605(c) and are supported by evidence in the documentary record, and thus there was no abuse of discretion. Under *EC* Section 47605(k)(2)(e), the lack of an abuse of discretion by both the District and the County means that there is no basis to support a recommendation of reversal of the LAUSD’s and LACBOE’s determinations to deny the VLGA petition.

## Abuse of Discretion Standard on Charter School Appeals

As set forth in *EC* 47605(k)(2)(E):

If the state board hears the [charter school] appeal, the state board may affirm the determination of the governing board of the school district or the county board of education, or both of those determinations, or may reverse only upon a determination that there was an abuse of discretion by each of the governing board of the school district and the county board of education. Abuse of discretion is the most deferential standard of review, under which the state board must give deference to the decisions of the governing board of the school district and the county board of education to deny the petition.

The State Superintendent of Public Instruction’s June 30, 2022, Information Memoranda “Charter School Appeals to the California State Board of Education: Abuse of Discretion Review Standard” states the following:

The SBE’s review is limited to a determination of whether the district governing board’s or county board’s decision to deny the charter petitioner “was arbitrary, capricious, entirely lacking in evidentiary support, unlawful, or procedurally unfair” (p. 2).

## Department Review of Petitioner Allegations of Abuse of Discretion Against the District

### Petitioner Allegation 1

**“The factual findings adopted by the District Board are not supported by substantial evidence in light of the entire record” (Appeal Document 1, pp. 15–16).**

The Petitioner alleges that the District, in its finding pursuant to *EC* Section 47605(c)(2), ignored evidence in support of the charter school’s approval (Appeal Document 1, p. 15). The Petitioner cites its record operating its existing charter schools, under the charter management organization Vista Charter Public Schools (VCPS) and provides four citations to the documentary record (Appeal Document 1, pp. 15–16).

#### District Written Opposition

In its written opposition to this appeal, the District notes that the Petitioner has not raised any challenge to the District’s finding that the petition does not contain reasonably comprehensive descriptions of the elements required in *Education Code*, and on that basis alone, the District’s denial of VLGA’s petition must be upheld (Appeal Document 6, p. 13). The District also states that the Petitioner’s challenges to its other findings appear to be based on attempts to modify the standard of review prescribed by *EC* Section 47605(k)(2) (Appeal Document 6, pp. 7–9 and 11–13).

#### Department Analysis and Conclusion

The CDE finds that the Petitioner has not met its burden of detailing, with specific citations to the documentary record, how the District abused its discretion.

In its review of the Petitioner’s allegation and citations to the documentary record, the CDE found no evidence that demonstrates an abuse of discretion by the District, nor does the Petitioner’s written submission explain how the cited evidence demonstrates an abuse of discretion by the District. The Petitioner’s allegation appears to ask the SBE to exercise independent judgement in evaluating evidence in support of the petition, which is not permissible under *EC* Section 47605(k)(2). Rather, this Section specifies that the SBE is to exercise an abuse of discretion standard in evaluating evidence in support of the petition, which it defines as “the most deferential standard of review, under which the state board must give deference to the decisions of the governing board of the school district and the county board of education to deny the petition.” Additional details relating to this review standard is provided in the “Abuse of Discretion Standard on Charter School Appeals” section of this document.

The CDE further finds the District’s findings are supported by evidence in the documentary record. A review of the District’s findings is provided below in the “District Findings for Denial” section of this document.

### Petitioner Allegation 2

**“The District abused its discretion by acting unlawfully and in a procedurally unfair manner, by using an unlawfully burdensome definition of ‘community impact,’ and by imposing requirements found nowhere in the Charter Schools Act” (Appeal Document 1, pp. 17–18).**

The Petitioner notes that the District’s policy requires charter petitioners to submit a “Community Impact Assessment,” which consists of a 50-page template and thousands of pages of supporting documentation, and states that the District, as the operator or oversight entity for the schools in the community, is better suited to execute the analysis necessary to assess the community impact of the proposed charter school (Appeal Document 1, pp. 16–17). The Petitioner alleges that the District’s inclusion of this requirement in the petitioning process constitutes an unlawful shifting of the burden of the community impact analysis onto the charter school. The Petitioner also points to evidence it believes supports the conclusions that VLGA would not substantially undermine or duplicate existing programs.

#### District Written Opposition

In its written opposition, the District states that it fully complied with *EC* Section 47605, conducting the appropriate analysis and basing its findings on evidence (Appeal Document 6, pp. 7–10). The District also states that the Petitioner’s allegation appears to be based on misapplication of the law, quoting the Petitioner’s claim that the District “must prove” that VLGA would substantially undermine surrounding school programs when *EC* Section 47605 contains no such requirement. Rather, findings must be adopted that “analyze and consider” “the extent to which” the charter school would “substantially undermine existing services, academic offerings, or programmatic offerings” (Appeal Document, p. 8). Additionally, the District states that review of its charter school policies is beyond the scope of the SBE’s review.

#### Department Analysis and Conclusion

The CDE finds that the Petitioner has not detailed how the District abused its discretion in denying the VLGA charter petition.

The Petitioner challenges the District’s charter school policy but has not explained how the policy led to an abuse of discretion in the District’s determination to deny the VLGA petition. The Petitioner’s challenge to the District’s finding pursuant to *EC* Section 47605(c)(7) appears to ask the SBE to exercise independent judgement in evaluating evidence in support of the petition, which is not permissible under *EC* Section 47605(k)(2). Rather, this Section specifies that the SBE is to exercise an abuse of discretion standard in evaluating evidence in support of the petition, which it defines as “the most deferential standard of review, under which the state board must give deference to the decisions of the governing board of the school district and the county board of education to deny the petition.” Additional details relating to this review standard is provided in the “Abuse of Discretion Standard on Charter School Appeals” section of this document.

A review of the District’s findings is provided below in the “District Findings for Denial” section of this document.

## Department Review of Petitioner Allegations of Abuse of Discretion Against the County

### Petitioner Allegation 1

**“Statutory finding (c)(2) was arbitrary and capricious, in that the factual findings are not supported by evidence in the record. The County Board erroneously concluded, without substantial evidence, that Vista is unlikely to successfully implement the program. The evidence that the county board appears to have relied upon was demonstrably incorrect, and/or not contained in or supported by the record, including incorrect conclusions about the board of directors, financial impact to LAUSD, and curriculum” (Appeal Document 1, pp. 8–11).**

The Petitioner alleges that the County “merely parrot[s] back the generic statutory language of [*EC*] Section 47605” without providing the evidence required, and that is the “*absence* of substantial evidence” that demonstrates the County’s abuse of discretion (Appeal Document 1, pp. 8–9, emphasis in original). The Petitioner also alleges that the County did not consider the evidence provided, including the Petitioner’s record of successfully operating its existing charter schools (Appeal Document 1, p. 9). The Petitioner raised challenges to the following specific sections of the County’s finding under *EC* Section 47605(c)(2):

* The late completion of California School Dashboard local indicators for all existing VCPS schools (Appeal Document 1, p. 9),
* the County’s assessment that VLGA’s financial and operational plan are unrealistic (Appeal Document 1, p. 9),
* the County’s analysis of VCPS’ governance structure (Appeal Document 1, pp. 9–10), and
* the County’s assessment that the Petitioner lacks the necessary background critical to the proposed charter school’s success (Appeal Document 1, p. 10).

#### County Written Opposition

In its written opposition, the County argues that the Petitioner has not demonstrated how the County’s finding under *EC* Section 47605(c)(2) “constitutes an abuse of discretion, as opposed to a difference of opinion reached after evaluation the petition and weighing all relevant evidence” (Appeal Document 7, p. 4). The County notes that, while the Petitioner contends the County’s findings are speculative, all analyses of proposed charter schools are “based upon projections and anticipated costs” (Appeal Document 7, p. 5). The County’s review of the petition and the information provided by the Petitioner at the County’s capacity interview revealed numerous deficiencies in VLGA’s financial plan and educational program (Appeal Document 7, p. 5).

#### Department Analysis and Conclusion

The CDE finds that the Petitioner has not demonstrated how the County abused its discretion in finding that the Petitioner is demonstrably unlikely to successfully implement the program set forth in the petition.

In its review of the Petitioner’s allegation and citations to the documentary record, the CDE found no evidence that demonstrates an abuse of discretion by the County, nor does the Petitioner’s written submission explain how the cited evidence demonstrates an abuse of discretion by the County. As stated in the CDE’s analysis of the previous allegations above, the Petitioner’s allegation appears to ask the SBE to use its independent judgment to re-evaluate the evidence and reach a different conclusion from the County’s, which is not permissible under *EC* Section 47605(k)(2). Rather, this Section specifies that the SBE is to exercise an abuse of discretion standard in evaluating evidence in support of the petition, which it defines as “the most deferential standard of review, under which the state board must give deference to the decisions of the governing board of the school district and the county board of education to deny the petition.” Additional details relating to this review standard is provided in the “Abuse of Discretion Standard on Charter School Appeals” section of this document.

The CDE further finds the County’s finding under *EC* Section 47605(c)(2) is supported by evidence in the documentary record. A review of the County’s findings is provided below in the “County Findings for Denial” section of this document.

### Petitioner Allegation 2

**“The County Board acted in an arbitrary manner without evidentiary support when it adopted statutory finding (c)(5). Evidence in the record shows that the petition does contain reasonably comprehensive descriptions of all required elements” (Appeal Document 1, p. 11).**

The Petitioner alleges that the County’s finding that the petition does not contain reasonably comprehensive descriptions of the required elements is “arbitrary and without reasonable basis in fact” (Appeal Document 1, p. 11). The Petitioner notes that the VLGA petition contains nearly 140 pages of description of the required elements, and that VLGA provided a response to the County’s staff report indicating the locations in the petition where each component is discussed. The Petitioner claims that the County did not consider its response to the County’s staff report.

#### County Written Opposition

In its written opposition, the County argues that it properly found that three descriptions of the 15 required elements in the petition were not reasonably comprehensive, and that the Petitioner seems to cite the length of its petition as evidence of its quality (Appeal Document 7, p. 7). The County states that VLGA’s response to the County’s staff report was submitted at 4:50 p.m. one day prior to the meeting at which the LACBOE denied the VLGA petition, that VLGA’s response acknowledges some of the deficiencies identified in the staff report, and that VLGA’s response does not provide any additional clarity related to the areas County staff found to be lacking.

#### Department Analysis and Conclusion

The CDE finds that the Petitioner has not demonstrated how the County abused its discretion in finding that the petition does not contain reasonable comprehensive descriptions of the elements required by *EC* Section 47605.

In its review of the Petitioner’s allegation and citations to the documentary record, the CDE found no evidence that demonstrates an abuse of discretion by the County, nor does the Petitioner’s written submission explain how the cited evidence demonstrates an abuse of discretion by the County. As stated above, the Petitioner’s allegation appears to direct the SBE to re-evaluate the evidence and reach a different conclusion from the County’s, which is not permissible under the abuse of discretion standard set forth in *EC* Section 47605(k)(2). Rather, this Section specifies that the SBE is to exercise an abuse of discretion standard in evaluating evidence in support of the petition, which it defines as “the most deferential standard of review, under which the state board must give deference to the decisions of the governing board of the school district and the county board of education to deny the petition.” Additional details relating to this review standard is provided in the “Abuse of Discretion Standard on Charter School Appeals” section of this document.

The CDE further finds the County’s finding under *EC* Section 47605(c)(5) is supported by evidence in the documentary record. A review of the County’s findings is provided below in the “County Findings for Denial” section of this document.

### Petitioner Allegation 3

**“The County Board acted unlawfully when it failed to provide a de novo review and relied on undue deference to LAUSD in adopting statutory finding (c)(7). The county board did not adopt independent findings on community impact and has certified a record without evidence supporting this statutory finding” (Appeal Document 1, p. 11–14).**

The Petitioner alleges that the County abused its discretion by unlawfully giving deference to the District’s findings and failing to conduct its own analysis of VLGA’s impact on the community. The Petitioner notes that the County findings include a summary of the District’s findings in support of denying the VLGA petition and claims that the County “has essentially adopted LAUSD’s decision prior to any further consideration or explanation” (Appeal Document 1, p. 12). The Petitioner also takes issue with the County’s definition of “community,” alleging that the County arbitrarily accepted the District’s definition and therefore abused its discretion. The Petitioner argues that the “bar for denial under [*EC*] Section 47605(c)(7) is very high” and that the County’s finding under this statute is unlawful (Appeal Document 1, p. 13).

#### County Written Opposition

In its written opposition, the County argues the following pertaining to this allegation:

* Evidence in the record demonstrates the County conducted a thorough *de novo* review of the proposed charter. The County staff report included a summary of the District’s findings, and the Petitioner seems to argue this constitutes an abuse of discretion, which it does not (Appeal Document 7, p. 8).
* The County used the definition of “community” provided by the Petitioner (Appeal Document 7, pp. 8–9).
* The County’s findings are based on evidence showing the impact VLGA’s opening would have on schools in the area and a comparison to nearby programs (Appeal Document 7, pp. 9–10).
* The Petitioner claims the *EC* Section 47605 (c)(7) only allows the County to find a program duplicative if “the *entire* program is duplicative of that offered at an existing school,” which is not a requirement set forth in *Education Code* (Appeal Document 7, p. 10, emphasis in original).

#### Department Analysis and Conclusion

The CDE finds that the Petitioner has not demonstrated how the County abused its discretion in finding that charter school is demonstrably unlikely to serve the interests of the entire community in which the school is proposing to locate.

In its review of the Petitioner’s allegation and citations to the documentary record, the CDE found no evidence that demonstrates an abuse of discretion by the County or that indicates the County did not conduct a *de novo* review, and the Petitioner’s written submission has not met its burden of detailing how the evidence cited demonstrates an abuse of discretion by the County.

The CDE further finds the County’s finding under *EC* Section 47605(c)(7) is supported by evidence in the documentary record. A review of the County’s findings is provided below in the “County Findings for Denial” section of this document.

### Petitioner Allegation 4

**“LACBOE’s hearing was procedurally infirm and unfair. The County Board failed to proceed in a manner required by law when it did not allow a board member to obtain action on her effort to amend the motion to deny the petition” (Appeal Document 1, pp. 14–15).**

The Petitioner alleges that the County abused its discretion when it did not permit the LACBOE Vice President Chan to propose an amendment to Member Dutton’s motion to approve the superintendent’s recommendation to deny the VLGA charter (Appeal Document 1, p. 14). The Petitioner states that Vice President Chan attempted to amend the motion three times, and that the County Board “refused to hear any dissent” or allow “any opportunity for supporters to be considered” (Appeal Document 1, p. 14).

#### County Written Opposition

In its written opposition, the County states that it acted properly in hearing and determination to deny the VLGA charter. Citing its Board bylaws, the County notes that Vice President Chan’s presentation of “a competing motion to approve the charter, when a motion to deny had been moved and seconded, did not constitute a motion to amend, and was out of order (Appeal Document 7, pp. 10–11). The County states that the documentary record shows the County’s numerous considerations, including but not limited to the Petitioner’s presentations and public comments from both supporters and opponents of VLGA (Appeal Document 7, p. 11). Citing the transcript from the meeting in question, the County notes that all three members of the LACBOE who voted against the motion to deny the charter voiced their dissent prior to the vote.

#### Department Analysis and Conclusion

The CDE did not find any evidence of an abuse of discretion related to the County’s proceedings during the meeting at which the VLGA petition was denied. The meeting’s transcript shows that the meeting proceeded in accordance with the County’s bylaws.

## District Findings for Denial

### District Finding 1

**Petitioners are demonstrably unlikely to successfully implement the program set forth in the petition (*EC* Section 47605[c][2]).**

The District provides the following specific facts and analysis in support of this finding:

* The petition and supporting materials omit or fail to disclose significant information/facts which raises concerns regarding the organization's transparency with the district, families, and/or stakeholders (Appeal Document 3, pp. 1126–1127).
  + The VLGA petition states Vista Meridian Global Academy (VMGA) opened in Fall 2021; however, VMGA's five-year term began July 1, 2022, and the school's opening was delayed until 2023-24.
  + VCPS, the proposed operator of VLGA, uses the VMGA name to refer to the high school program offered at Vista Heritage Global Academy, a separate charter school operated by VCPS and authorized to serve grades six through twelve.
  + In a presentation to the Anaheim Elementary School District (AESD), petitioners listed VMGA as a school operated by VCPS on February 23, 2022, prior to VMGA's authorization.
* Petitioners appear unfamiliar with the content of the petition and applicable legal requirements (Appeal Document 3, p. 1128).
  + The petition states VLGA will have dual enrollment with the University of California (UC), Irvine; however, in the capacity interview, the Petitioner stated VLGA will not offer dual enrollment with UC Irvine.
  + The proposed budget reflects a 0.26 Full Time Equivalence (FTE) principal for Year 1; however, in the capacity interview, the Petitioner stated VLGA will have a full-time principal.
  + The petition states that Designated English Language Development instruction would occur during zero period, prior to the start of the regular instructional day, which potentially violates *EC* Section 46148.
* VCPS' existing obligations and current record of available data call into question the organization's ability to successfully serve additional students in an additional new charter school (Appeal Document 3, pp. 1128–1129).
  + According to available California School Dashboard (Dashboard) data, existing VCPS schools underperform the state on a majority of indicators.
  + 2022–23 is the first year VCPS will operate Palm Lane Global Academy, a historically underperforming school which was previously operated by AESD.
  + VCPS' countywide charter school (Vista Meridian Global Academy) is slated to open in 2023–24, the same year VLGA is proposed to open.
  + Vista Heritage Global Academy currently only serves grades six through ten and will need additional resources to expand to its approved grade span of grades six through twelve.

#### Department Conclusion

The District’s finding that the petitioners are demonstrably unlikely to successfully implement the program set forth in the petition is supported by evidence in the documentary record.

### District Finding 2

**The petition does not contain reasonably comprehensive descriptions of all of the required elements set forth in *Education Code* (*EC* Section 47605[c][5]).**

The District provides the following specific facts and analysis in support of this finding:

* The Petition does not contain a reasonably comprehensive description of the charter school's educational program (Appeal Document 3, pp. 1129–1131).
  + The petition does not provide a clear understanding of scheduling and course offerings. The petition does not provide sample course schedules, course sequences for all grades, or the specific courses proposed to be offered to 9th grade students in Year 1.
  + The petition's bell schedule proposes seven periods in the day; however, the petition proposes only six teachers. In the capacity interview, the Petitioner stated that some middle school staff may be shared with the high school, but the petition does not indicate any such arrangement with the middle school or explain how the charter school will offer students seven courses with six teachers.
  + The petition lacks clarity for how the proposed dual enrollment program fits into the daily schedule and for how students might complete an Associate's Degree by graduation, as proposed in the petition.
  + The petition includes course descriptions for only one of the three Career Technical Education (CTE) pathways proposed.
  + The petition states that all CTE pathways will culminate in at least a certificate; however, the petition does not describe the means by which a student would earn a certificate. Further, it is not clear whether the proposed CTE programs align with any specific professional certifications.
* The Petition does not contain a reasonably comprehensive description of the Charter School's governance structure (Appeal Document 3, p. 1131).
  + In VCPS' Articles of Incorporation, the corporation’s stated purpose does not include all of its existing charter schools; VCPS is operating beyond the limits of its approved corporate purpose.

#### Department Conclusion

The District’s finding that the petition does not contain reasonably comprehensive descriptions of all of the required elements set forth in *Education Code* is supported by evidence in the documentary record.

### District Finding 3

**The charter school is demonstrably unlikely to serve the interests of the entire community in which the school is proposing to locate (*EC* Section 47605[c][7]).**

The District provides the following specific facts and analysis in support of this finding:

* The proposed charter school undermines/impacts existing services, academic offerings, or programmatic offerings by the District (Appeal Document 3, pp. 1132–1134).
  + Review of 2021–22 data shows “28 of the 33 existing District and charter schools within the community in which Charter School proposes to locate are under-enrolled. […] Moreover, the enrollment data show that the majority of schools are under-enrolled by an average of 195 students (23 schools under enrolled by 35.5 students, or one full class, or more; representing 82 percent under-enrolled schools).”
  + “A majority of the schools within the community were under-enrolled by 35.5 students or more, representing 90 percent and 93 percent of under-enrolled schools for Fiscal Years 2019–20 and 2020–21, respectively."
  + Based on VLGA's projected enrollment and enrollment trends in LAUSD, the expected enrollment loss for the District's schools could be $636,544 (125 students) in the first year and increasing to $2,546,177 (500 students) by the school's fifth year.
  + Average revenue per student is estimated at $26,171 in the 2022–23 school year. Multiplying the expected charter enrollment of students who would have enrolled in LAUSD and approximately 94 percent District average daily attendance (ADA) ratio by this amount over the period of Charter School's proposed charter term equates to $8,911,618.
* The proposed charter school duplicates programs currently offered in the District (Appeal Document 3, pp. 1134–1135).
  + A number of Schools within the Community offer CTE pathways and/or psycho-social supports. Local District leaders noted that all, or nearly all, Schools within the Community incorporate some elements of Vista's Framework for Engagement, such as mastery learning, data-driven instruction, and project-based learning.
  + Additionally, as noted in findings above, the Petitioner did not provide a reasonably comprehensive description of the proposed Climate Change CTE pathway program and, as such, District Staff did not have sufficient information to assess the degree to which the proposed program would or would not duplicate existing programs.
* Existing VCPS schools with available state data have not demonstrated academic achievement sufficient to meet existing needs within the community (Appeal Document 3, pp. 1136–1138).
  + Schools in the proposed community have existing academic needs and perform below the state average in on three indicators: math, English Learner progress (ELPI), and graduation rate. The Petitioner's existing schools perform below state averages on the majority of Dashboard indicators both schoolwide and for numerically significant subgroups.
  + On internal assessments (i-Ready), VCPS' two middle schools did not meet the 95 percent participation requirement. At Vista Charter Middle School, which serves the same community VLGA proposes to serve, less than half of students achieved Annual Typical Growth (48 percent in Reading, 36 percent in Math).

#### Department Conclusion

The District’s finding that the charter school is demonstrably unlikely to serve the interests of the entire community in which the school is proposing to locateis supported by evidence in the documentary record.

## County Findings for Denial

### County Finding 1

**Petitioners are demonstrably unlikely to successfully implement the program set forth in the petition (*EC* Section 47605[c][2]).**

The County provides the following specific facts and analysis in support of this finding:

* The petitioners are unfamiliar with the content of the petition or the requirements of law that would apply to the proposed charter school (Appeal Document 4, p. 10).
  + For existing VCPS schools, all 2021–22 Dashboard local indicators were unmet. In the capacity interview, the Petitioner stated the data was not submitted prior to the deadline.
* The petitioners have presented an unrealistic financial and operational plan for the proposed charter school (Appeal Document 4, pp. 11–15).
  + "Certificated and classified salaries and benefits are understated in Fiscal Year 1 by approximately $407,000."
  + If VLGA chooses not to co-locate with the middle school and accepts LAUSD's Prop. 39 agreement several major revenue projections are overstated.
  + If these revenues decrease and these expenditures increase, the budget will result in a negative net income of approximately $764,000, failing to meet state and county requirements.
  + VLGA's fiscal policies lack intra/inter-company borrowing procedures, credit/debit card purchase limits, shared cost process between campuses, and an adequate explanation of allowable investments.
  + VLGA's fiscal solvency requires that the school 1) secure a facility that does not exceed the budget’s projected cost, 2) meet its ADA projections, and 3) meet its enrollment projections.
  + VCPS has no formalized Charter Management Organization (CMO) agreement with its schools. CMO fees for VCPS schools is based on the ADA of each school. If VLGA does not meet enrollment and ADA targets, additional financial burden falls on the other VCPS schools.
  + Supplemental and concentration grants were over-funded due to errors in reporting unduplicated pupil counts.
  + VCPS' schools share the same board of directors, and the charter schools have related transactions that are recorded in their respective related party accounts. At year end, the related accounts are reconciled to ensure all transactions between the Charter Schools are properly recorded, and all intercompany related accounts have been eliminated.
  + The proposed budget is based on co-locating with the middle school. At the February 7, 2023, public hearing and the capacity interview, the Petitioner indicated VLGA planned to locate at a Prop. 39 site within LAUSD. LAUSD responded to VLGA's Prop. 39 application with a letter that included a modified enrollment of 89.3 students, significantly lower than the petitions projected 125 students. This change was not included in the "Description of Changes" VLGA submitted to the Los Angeles County Office of Education (LACOE) with the petition.
  + Based on the middle school enrollment and attrition rates from VCPS' Orange County high school, the projected enrollment for VLGA in the first year of operation would be 86, which is much lower than the petition’s projected first year enrollment number of 125.
* 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, and assessment (Appeal Document 4, pp. 15–17).
  + The petition promotes CTE pathways and dual enrollment that, according to the Petitioner's statements in the capacity interview, are in very preliminary stages of development, and no dual enrollment programs are set up with any university or community college.
  + VLGA's petition is nearly identical to the petition for Vista Meridian, VCPS' Orange County high school. Vista Meridian has not secured the required staff to offer the full list of courses proposed in its petition. At the capacity interview, the Petitioner indicated it would be "a number of years" before the Climate Change pathway would be implemented. Advance Placement and Seal of Bi-literacy offerings have not been implemented at Vista Meridian.
  + The petition's plan for serving students with disabilities is vague and inconsistent, and has no clear plan for serving students with moderate to severe disabilities. VLGA's special education plan includes only an inclusion plan and does not address how instruction will be differentiated in a manner that is effective for students' individual needs.
  + Comparison of existing VCPS schools and nearby comparable schools shows that, on most key metrics, there is a nearby school outperforming VCPS schools.

#### Department Conclusion

The County’s finding that the petitioners are demonstrably unlikely to successfully implement the program set forth in the petition is supported by evidence in the documentary record.

### County Finding 2

**The petition does not contain reasonably comprehensive descriptions of all of the required elements (*EC* Section 47605[c][5]).**

The County provides the following specific facts and analysis in support of this finding:

* Element 1: Description of the Educational Program is not reasonably comprehensive (Appeal Document 4, pp. 17–18).
  + The proposed English Language Development (ELD) program plan lacks components necessary for effective implementation, such as professional development opportunities for content area teachers or a master schedule that includes sections for leveled designated support. The petition indicated ELD instruction only during zero period. During the capacity interview, VLGA indicated ELD instruction would be included within the school day.
  + The petition lacks offerings for the State Seal of Bi-literacy, despite the high number of bilingual students in the targeted community.
  + The program mentions "differentiation" but it is not clear how differentiation will look in the classroom or how they are going to be teaching other students while intervention occurs, especially for students who are behind academically.
  + The petition lacks a detailed plan to address credit deficient students. During the capacity interview, VLGA stated students would retake classes but could not articulate a realistic plan for scheduling a student with severe credit deficiencies.
  + The instructional strategy of "cooperative learning," does not necessarily close learning gaps, as mentioned in the petition. Cooperative groups are an instructional approach but students who are nowhere near grade level will require explicit and systematic instruction in diagnostically identified learning gaps.
  + The petition outlines tier 1 supports, but does not adequately address or describe tier 2 or tier 3 supports, specific to English learners or students with disabilities.
* Element 2: Measurable Pupil Outcomes is not reasonably comprehensive (Appeal Document 4, p. 18).
  + The petition does not cite any annual academic outcomes for ninth or tenth grade students, and fails to have outcomes for science in any grade level. The petition mentions outperforming the state or nearby schools on CAASPP, an outcome that cannot be measured until Year 3 of the school's operation.
  + The outcomes proposed in the petition for measuring student achievement based on internal assessments or comparison schools cannot be used or verified by LACOE. The petition did not state a process for the acquisition of comparable data from nearby schools.
* Element 3: Method for Measuring Pupil Progress is not reasonably comprehensive (Appeal Document 4, p. 18).
  + The petition relies on the comparison of “similar schools,” but there is no stated method for determining these schools and no way of retrieving this internal assessment information from similar schools.
  + The means by which the school will measure success of its Advanced Placement (AP) program does not align with the stated goal. The stated goal is AP participation; however, the stated metric is AP pass rate.

#### Department Conclusion

The County’s finding that the petition does not contain reasonably comprehensive descriptions of all of the required elements set forth in *Education Code* is supported by evidence in the documentary record.

### County Finding 3

**The charter school is demonstrably unlikely to serve the interests of the entire community in which the school is proposing to locate (*EC* Section 47605[c][7])**

The County provides the following specific facts and analysis in support of this finding:

* The proposed charter school would substantially undermine existing services, academic offerings, or programmatic offerings (Appeal Document 4, pp. 19–20).
  + LAUSD may be forced to close and consolidate some of its high schools and reduce current staffing. Both LAUSD and some charter high schools in the community are significantly under-enrolled. Assuming VLGA meets its projected enrollment of 500, this would have a substantial impact on local schools.
* 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 (Appeal Document 4, p. 20).
  + VLGA's curriculum pathways and visual and performing arts programs duplicate existing programs at Belmont High School, LA Academy of the Arts & Enterprise, and Downtown Business High School.

#### Department Conclusion

The County’s finding that the charter school is demonstrably unlikely to serve the interests of the entire community in which the school is proposing to locateis supported by evidence in the documentary record.

## Appeal Documents

The following documents were reviewed by the CDE in its analysis of the VLGA appeal:

* **Appeal Document 1:** Vista Legacy Global Academy Written Submission, which is available on the August 2023 ACCS Meeting Agenda web page at <https://www.cde.ca.gov/be/cc/cs/documents/accs-aug23item01a1.pdf>
* **Appeal Document 2:** Vista Legacy Global Academy Petition, as denied by the Los Angeles Unified School District and the Los Angeles County Board of Education, which is available on the August 2023 ACCS Meeting Agenda web page at <https://www.cde.ca.gov/be/cc/cs/documents/accs-aug23item01a2.pdf>
* **Appeal Document 3:** Documentary Record from the Los Angeles Unified School District, which is available on the August 2023 ACCS Meeting Agenda web page at <https://www.cde.ca.gov/be/cc/cs/documents/accs-aug23item01a3.pdf>
* **Appeal Document 4:** Documentary Record from the Los Angeles County Board of Education, which is available on the August 2023 ACCS Meeting Agenda web page at <https://www.cde.ca.gov/be/cc/cs/documents/accs-aug23item01a4.pdf>
* **Appeal Document 5:** Vista Legacy Global Academy Supporting Documentation, which is available on the August 2023 ACCS Meeting Agenda web page at <https://www.cde.ca.gov/be/cc/cs/documents/accs-aug23item01a5.pdf>
* **Appeal Document 6:** Written Opposition from the Los Angeles Unified School District, which is available on the August 2023 ACCS Meeting Agenda web page at <https://www.cde.ca.gov/be/cc/cs/documents/accs-aug23item01a6.pdf>
* **Appeal Document 7:** Written Opposition from the Los Angeles County Board of Education, which is available on the August 2023 ACCS Meeting Agenda web page at <https://www.cde.ca.gov/be/cc/cs/documents/accs-aug23item01a7.pdf>