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For more information regarding the content of this material, please contact the Charter Schools Division by phone at 916-322-6029 or by email at charters@cde.ca.gov.

TAB 3A:

LACOE Board Action and Staff Findings



Los Angeles County Office of Education

Serving Students • Supporting Communities • Leading Educators

January 23, 2020

Debra Duardo, M.S.W., Ed.D.
Superintendent

*Via first Class Mail & Email to:
eaglecollegiate@gmail.com*

Los Angeles County
Board of Education

Mr. Ken Higginbotham, Lead Petitioner
Dr. Ogo Okoye-Johnson, Lead Contact
Eagle Collegiate Academy
P.O. Box 803234
Santa Clarita, CA 91380

James Cross
President

Dear Mr. Higginbotham and Dr. Okoye-Johnson:

Monte E. Perez
Vice President

Confirmation of County Board Action on the Eagle Collegiate Academy Charter
Petition

Douglas R. Boyd

Betty Forrester

This letter serves as confirmation of the action taken by the Los Angeles County Board of Education (County Board) on the petition for the Eagle Collegiate Academy.

Alex Johnson

At its regular meeting held Tuesday, January 21, 2020, the County Board took action to deny the petition for Eagle Collegiate Academy received on appeal from Acton-Agua Dulce Unified School District Board of Education.

Ellen Rosenberg

Thomas A. Saenz

Attached are copies of the findings of fact and approved action taken by the County Board, which constitutes the final order in this matter.

Please contact the Charter School Office at (562) 922-8806 by **Friday, January 31, 2020**, if you wish to schedule a date and time to pick-up the submitted charter petition binder. Should you have any questions, please do not hesitate to call Mr. Jeff Hartman.

Sincerely,

A handwritten signature in black ink, appearing to read 'Indra Ciccarelli'.

Indra Ciccarelli.
Director II
Charter School Office

IC:ls
Attachments (2)

c: Stephanie Farland, Director, Charter Schools Division, CDE
Carrie Lopes, Education Administrator, Charter Schools Division, CDE
Lawrence King, Superintendent, Acton-Agua Dulce USD
Nesha Pattison, Director/Principal, Acton-Agua Dulce USD
Debra Duardo, M.S.W., Ed.D., Superintendent, LACOE
Vibiana M. Andrade, General Counsel, LACOE

Los Angeles County Board of Education Action,
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It was MOVED by Mr. Saenz, SECONDED by Mr. Johnson, to modify and approve the Superintendent's Recommendation to Deny the Charter for Eagle Collegiate Academy, Grades Pre K-8 and adopt the findings with the following exceptions: Remove portion of Finding 2 related to indicator 4; Remove portion of Finding 5, related to Element 5 (Employee Qualifications) and Element 10 (Suspension and Expulsion Procedures)

APPROVED
LOS ANGELES COUNTY
BOARD OF EDUCATION

Voting yes: Mr. Boyd, Ms. Forrester, Mr. Johnson, Ms. Rosenberg, Mr. Saenz, and Mr. Cross

JAN 21 2020

Board Meeting – January 21, 2020

BY: DD: m
Ex Officio Secretary

Item VII. Recommendations

- B. Adopt the Superintendent's Recommendation to Deny the Charter for *Eagle Collegiate Academy, Grades Pre K-8*: Appeal of a Petition to Establish a Charter Previously Denied by Acton-Agua Dulce Unified School District Board of Education

The Superintendent recommends that the Los Angeles County Board of Education (County Board) adopt the written findings of fact stated below and take action to deny the charter petition to establish the Eagle Collegiate Academy.

Education Code (EC) 47605(b) limits the reasons for denial to the following:

- (1) *The charter school presents an unsound educational program.*
- (2) *The petitioners are demonstrably unlikely to successfully implement the program.*
- (3) *The petition does not contain the required number of signatures.*
- (4) *The petition does not contain an affirmation of specified assurances.*
- (5) *The petition does not contain reasonably comprehensive descriptions of the 15 required elements of a charter.*

The County Board evaluated the petition according to the criteria and procedures established in law and may deny the petition if it provides written findings addressing the reasons for denial.

The recommendation to deny the Eagle Collegiate Academy petition is in accordance with EC section 47605(b) (2), (3), and (5) above:

- (2) *The petitioners are demonstrably unlikely to successfully implement the program.*
- (3) *The petition does not contain the required number of signatures.*
- (5) *The petition does not contain reasonably comprehensive descriptions of the 15 required elements of a charter.*

The recommendation for denial is based on the written Findings of Fact contained in the complete Report on the Eagle Collegiate Academy petition, which is attached to the Report Item dated January 21, 2020.

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Item V. Reports / Study Topics

- A. Staff Findings on the *Eagle Collegiate Academy, Grades Pre K-8: Appeal of a Petition to Establish a Charter Previously Denied by Acton-Agua Dulce Unified School District Board of Education*

The petition for the Eagle Collegiate Academy (ECA) is presented to the Los Angeles County Board of Education (County Board) pursuant to Education Code (EC) section 47605. Upon denial by the Acton-Agua Dulce Unified School District Board of Education, the petitioners exercised the statutory right of appeal to the County Board.

EC section 47605(b) limits the reasons for denying a charter petition to the following:

- (1) *The charter school presents an unsound educational program.*
- (2) *The petitioners are demonstrably unlikely to successfully implement the program.*
- (3) *The petition does not contain the required number of signatures.*
- (4) *The petition does not contain an affirmation of specified assurances.*
- (5) *The petition does not contain reasonably comprehensive descriptions of the 15 required elements of a charter.*

The County Board shall evaluate the petition according to the criteria and procedures established in law and may only deny the petition if it provides written findings addressing the reasons for the denial.

Summary of Key Findings:

A summary of the key findings is presented through the table on the following page.

The complete Report on the written Findings of Fact is attached.

LACOE staff will present the report to the County Board.

Board Meeting – January 21, 2020

Staff Findings on the *Eagle Collegiate Academy, Grades PreK-8*: Appeal of a Petition to Establish a Charter Previously Denied by Acton-Agua Dulce Unified School District

- 2 -

**Eagle Collegiate Academy
Petition Received on Appeal**

Summary of Required Charter Elements Pursuant to <i>Education Code</i> Section 47605(b)			
Findings 1-5 are Grounds for Denial Pursuant to <i>EC</i> 47605(b)		Meets Requirements*	
Finding 1	Sound Educational Practice	Yes	
Finding 2	Ability to Successfully Implement Intended Program	No	
Finding 3	Required Number of Signatures	No	
Finding 4	Affirmation of Specified Conditions	Yes	
Finding 5: The charter petition contains a reasonably comprehensive description of all required elements.	1	Description of Educational Program	Yes*
	2	Measureable Pupil Outcomes	No
	3	Method for Measuring Pupil Progress	Yes*
	4	Governance Structure	No
	5	Employee Qualifications	No
	6	Health and Safety Procedures	Yes
	7	Racial and Ethnic Balance	Yes
	8	Admission Requirements	Yes
	9	Annual Independent Financial Audits	Yes
	10	Suspension and Expulsion Procedures	No
	11	Retirement Coverage	Yes*
	12	Public School Attendance Alternatives	Yes
	13	Post-employment Rights of Employees	Yes
	14	Dispute Resolution Procedures	Yes
	15	Closure Procedures	Yes*
Finding 6: The charter petition meets the additional statutory requirements <i>EC</i> 47605 (c), (e) – (h), (l) and (m)	(c)	Standards, Assessments and Parent Consultation	Yes
	(e)	Employment is Voluntary	Not applicable
	(f)	Pupil Attendance is Voluntary	Not applicable
	(g)	Effect on Authorizer and Financial Projections Facilities, Administrative Services, Civil Liability and Financial Statements	No
	(h)	Targets Academically Low Achieving Pupils**	Does not qualify
	(l)	Teacher Credentialing	Yes
	(m)	Transmission of Audit Report	Yes
<p><i>*Elements marked as meeting requirements may need further explanation, adjustment, or technical changes; however, they are reasonably comprehensive and/or substantively comply with regulatory guidance and the LACOE standard of review described in Board Policy and the Superintendent's Administrative Regulations.</i></p> <p><i>**Charters created to target academically low achieving pupils are given a priority for authorization</i></p>			

Los Angeles County Office of Education
Charter School Office
Date: January 21, 2020

Staff Findings on the *Eagle Collegiate Academy, Grades Pre K-8*
Appeal of a Petition to Establish a Charter Previously Denied by Acton-Agua Dulce Unified School
District Board of Education

Background Information

The petition for *Eagle Collegiate Academy* (ECA) proposes the establishment of a Pre-Kindergarten (PK) through eighth grade charter school to be located within the boundaries of the Acton-Agua Dulce Unified School District (AADUSD). First year enrollment is projected at 168 students in grades PK-3, with expansion to 438 students in grades PK-8 by the fifth year. The petition states that ECA will be governed by Eagle Collegiate Academy, a California non-profit public benefit corporation.

ECA first submitted an initial petition to AADUSD in April of 2017. It was denied by AADUSD on May 11, 2017. An appeal was submitted to the Los Angeles County Board of Education (County Board) on October 4, 2017, and subsequently denied by the County Board on December 12, 2017. ECA submitted a second petition to AADUSD on March 8, 2018, which was denied by AADUSD on April 26, 2018. An appeal was submitted to the County Board on May 9, 2018, and the County Board took no action on the Superintendent's recommendation to deny the Charter on July 24, 2018. A third petition was submitted to AADUSD and was denied on November 8, 2018. This was appealed to the County Board, which took no action on the item on December 18, 2018. This was then appealed to the State Board of Education, which denied the appeal on May 9, 2019. The current petition was denied by AADUSD on November 14, 2019, and received by the County Board on November 25, 2019.

ECA proposes to utilize the International Baccalaureate (IB) framework as the basis for its PK-8 educational programs. According to the IB website, IB was founded in 1968 and is a non-profit educational foundation offering four (4) programs of international education. Its purpose is to develop the intellectual, personal, emotional and social skills needed to live, learn and work in a rapidly globalizing world. The four (4) programs are as follows: Primary Years Programme (PYP) for ages 3-12; Middle Years Programme (MYP) for ages 11-16; Diploma Programme (DP) for ages 16-19; and Career-Related Programme (CP) for ages 16-19. ECA expects to offer the PYP and MYP programs during the charter term.

Mission: The petition states:

“Eagle Collegiate Academy will empower students to become self-confident, egalitarian and authentic global citizens prepared for 21st century careers and responsibilities. ECA encourages each student to develop talents and interests as an independent-minded person among a diverse body of students, parents and faculty who together embark on a continuous lifelong learning process. Students will participate in a rigorous, college preparatory program that is characterized by low student-teacher ratios, an extended day for academic enrichment, frequent assessments to monitor student progress, and a series of intensive interventions that are focused on quickly accelerating the learning of scholars who are performing far below grade level. ECA will use data-driven differentiated personalized instruction and innovative curriculum to ensure that students experience the discipline and excitement of academics, the pride of developing personal character and integrity, the creative opportunities provided by the arts and extracurricular activities, the rigor and pleasure of athletics, and an awareness of, respect for and involvement with the community in which they live which allows them to graduate college and career ready with a deep understanding of the relationships among disciplines.”

Vision: The petition states that Eagle Collegiate Academy will accomplish its mission through the following best practices:

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- Rigorous College Preparatory Emphasis
- International Baccalaureate Programs
- Literacy Competence Develops Life-Long Learners
- Teacher Common Planning Time and Teaming
- Diverse Enrichment Courses and Activities for the Whole Child
- Parent and Community Partnerships

Students to be Served by the School

ECA intends to locate within the boundaries of the AADUSD. Acton and Agua Dulce are census-designated places in an unincorporated area of northern Los Angeles County with a total population of 12,491 (2017).

AADUSD consists of three (3) schools, an elementary, middle and high school with the following demographics:

2019 Enrollment Demographics by Student Groups for Acton-Agua Dulce USD

District (Grades TK-12)	Enrollment (#)	Hispanic	White	Other	SED	SWD	EL
Acton-Agua Dulce USD	1045	42%	52%	6%	52.4%	17.4%	12.3%
<small>SED=Socioeconomically Disadvantaged, SWD=Students with Disabilities, EL=English Learners Source: 19-20 LCAP for AADUSD information as of 5/15/19</small>							

The target population for ECA includes the Santa Clarita Valley, the San Fernando Valley, and the Antelope Valley, spanning a distance of over 100 miles. A majority of the community outreach has taken place in the Santa Clarita Valley.

Reason for Denial by AADUSD Board of Education

The AADUSD Board of Education denied the petition based on written findings of fact that comply with requirements for denial under the following sections of the *Education Code (EC)*. A summary of these findings is listed below:

EC 47605(b)(2) The petitioners are demonstrably unlikely to successfully implement the program set forth in the Charter.

- The proposed financial and operational plan is unreasonable because:
 - It relies on aggressive initial enrollment and aggressive growth to cover its projected expenditures
 - It projects a reserve that will not meet requirements if enrollment does not materialize or start-up costs prove to be under-budgeted
 - It relies on borrowing based on ADA to manage cash flow for three years
 - It contains expenditures that appear to be unreasonably low
 - Facility costs are underestimated and the intended facility is dangerous for children without extensive improvements
- They present an unrealistic educational plan

EC 47605(b)(3) The petition does not contain the required number of signatures.

EC 47605(b)(5) The petition does not contain reasonably comprehensive descriptions in compliance with the law:

Element 1: Description of the Educational Program

Element 2: Measurable Pupil Outcomes

Element 5: Employee Qualifications

Element 6: Healthy and Safety Procedures

Element 11: Employee Retirement System

Any of the above findings may be cause for denial of a charter under EC section 47605(b).

Response from the Petitioner

The petitioner provided a written response to the findings of the local board and submitted it as part of the petition package. The response was considered during the review process.

Appeal to the Los Angeles County Board of Education

The appeal for ECA was submitted to the County Board on November 25, 2019. The County Board held a Public Hearing to determine support for the petition on December 17, 2019. Six (6) stakeholders spoke in support of the charter: one (1) lead petitioner; two (2) ECA Board members; and three (3) teachers. One (1) stakeholder spoke in opposition: the Superintendent of AADUSD.

The LACOE Review Process

The Standard of Review is provided in Appendix 1 and is incorporated by reference.

FINDINGS OF FACT

Finding 1: The petition provides a sound educational program for students to be enrolled in the school. [EC 47605(b)(1)]

Based on the guidance established in 5 CCR 11967.5.1(b), the charter petition does not present *an unsound educational program for students to be enrolled in the school.*

However, the Review Team found multiple deficiencies with the described educational program as identified in Findings 2, 3 and 5. These findings call into question whether the educational design can be implemented and will result in an educational benefit to all students who would attend the school.

Finding 2: The petitioners are demonstrably unlikely to successfully implement the proposed educational program. [EC 47605(b)(2)]

5 CCR 11967.5.1(c)(1-4) provides four (4) indicators that the petitioners are unlikely to implement the proposed educational program.

Based on the review of the petition, supporting documents and information obtained through the Capacity Interview with the school's petitioner, evidence of **three (3) of the four (4) indicators** are present.

Indicator 2: *The petitioner is unfamiliar with the content of the petition or the requirements of law that would apply to the proposed charter school as described below.*

During the Capacity Interview, both ECA Board members present were unfamiliar with their responsibilities regarding the Local Control Accountability Program (LCAP), the English Learner (EL) Master Plan and the process for expelling a student described in the petition.

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Indicator 3: *The petitioners have presented an unrealistic financial and operational plan for the proposed charter school. An unrealistic financial and operational plan is one to which there is evidence that any or all of the four (4) standards specified in state regulations are not met. ECA has **failed to meet two (2) of the four (4) standards** as described below:*

1. *In the area of financial administration, the charter and supporting documents do not adequately:*

Present a budget that in its totality appears viable and over a period of no less than two years of operations and provides for the amassing of a reserve equivalent to that required by law for a school district of similar size to the proposed charter school.

The charter school's Net Income Projections before the required reserves of three percent (3%) will be positive as illustrated in Table 1. ECA will have a positive Net Income projection for Fiscal Years (2020-21 through 2024-25), contingent upon achieving the targeted Average Daily Attendance (ADA) of 416.10.

Table 1 illustrates a financial overview of the charter school's Net Income Projections and Ending Cash Balance for the five (5) fiscal years of the petition. The positive Ending Cash Balance for Fiscal Year (FY) 1-5 is contingent upon achieving its annual enrollment projections with an ADA rate of 95%.

Table 1						
Budget Plan	Start Up Year FY 2019-2020	FY 2020-21	FY 2021-22	FY 2022-23	FY 2023-24	FY 2024-25
Projected Enrollment		168	240	313	388	438
Projected ADA		159.60	228.00	297.35	368.60	416.10
Net Income Projections	\$(23,383)	\$113,563	\$307,429	\$470,235	\$464,436	\$468,415
Projected Ending Cash Balance	\$341,617	\$74,826	\$98,385	\$374,850	\$784,487	\$1,252,969

An analysis of the deficiencies of the Budget Plan is presented below.

Budget Plan Deficiencies:

- No reserves are set aside as required by State Regulations and County Board Policy.
- The projected budget for facility improvements and repairs of \$100,000, was not verifiable by LACOE staff despite multiple inquires to the Engineering firm that provided the estimate to detail the scope of work.
- No start-up funds were projected by the petitioner. While the petitioner stated at the Capacity Interview they will be re-applying for start-up funding if approved, there are no start-up funds included in the submitted budget.
- Interest expense for the unpaid balance from the sale of future receivables was not included in the projected budget for FY 2020-21 through FY 2022-2023.
- The petitioner has a letter of intent for funding from Charter Asset Management:
 - To access funding for cash flow the school will be factoring or selling receivables. The amount in FY1 is approximately \$893,265, and \$1,006,536 in FY 2. The total discount fee of 1% is estimated at \$8,933 for FY 1 & \$10,065 for FY 2. The Letter of Intent for the school's operations did not include the terms or conditions.

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To be fiscally solvent, the Budget Plan requires that the school (1) secures a facility that does not exceed the budget's projected cost; (2) meets its ADA projections; and (3) meets its enrollment projections.

Enrollment projections are unrealistic when compared to a recently authorized nearby charter school, iLead Agua Dulce. The iLead group already operated an online and a hybrid school, but additionally opened a classroom-based school in 2018-2019 at a location 2.3 miles from the proposed ECA site. This classroom-based charter school had a first year enrollment of 82 students in grades K-3. ECA proposes to enroll 168 students for the same grade span. Other enrollment concerns include:

- The projected enrollment has unexplained jumps in enrollment. Schools typically carry enrollment projections from one grade to the next higher grade the following year; however, the ECA projected enrollment chart provided in the petition and highlighted below has jumps such as the doubling of the amount of students for 5th grade than the amount of 4th grade students the year prior.
- The enrollment projections provided would require students to enter the school at non-traditional entry points and would require students to be enrolled midway into the school's IB programs.

ECA 5-YEAR PROJECTED ENROLLMENT

Grade	2020-2021	2021-2022	2022-2023	2023-2024	2024-2025
Pre-K	15	15	15	15	15
Kindergarten	48	48	48	48	48
1st grade	48	48	48	48	48
2nd grade	48	48	48	48	48
3rd grade	24	48	48	48	48
4th grade	0	24	48	48	48
5th grade	0	24	48	48	48
6th grade	0	0	25	50	50
7th grade	0	0	0	50	50
8th grade	0	0	0	0	50
Total	168	240	313	388	438

2. *In the area of facilities, the charter and supporting documents do not adequately provide evidence of the types and potential location of facilities needed to operate the size and scope of educational program proposed in the charter.*

- The location identified in the petition as a potential facility (13136 Sierra Highway, Agua Dulce, CA 91390) is not currently zoned for educational purposes and does not have a Certificate of Occupancy (COO) that would enable it to house a PK-8 public education program.
- Time and cost requirements related to the inspections and permits needed as well as construction are not adequately addressed in the petition.
- The only adjacent road is a 55 mph two-lane highway with no crosswalks, pavement markings, turning lanes, speed bumps or traffic signal. No proposed changes or related cost or time estimates to address these issues were provided in the petition.
- The other three (3) sites listed in the petition have vacant lots on which school facilities would have to be built, which would not be ready for students prior to the September 30, 2020, deadline.

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Indicator 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 these areas.*

The proposed school leader has attended a training in IB programs, but no proposed school leadership staff has had first-hand experience in implementing an IB program at a school site. With IB being the core of the proposed educational program, not having an instructional leader with proven IB experience decreases the likelihood that the school will be able to successfully implement the program.

Finding 3: **The petition does not contain the required number of signatures.** [EC 47605(b)(3)]

*The petition has **not** been signed by a number of teachers that is equivalent to at least one-half of the number of teachers the charter school estimates will be employed at the school during the first year of operation.*

The Charter School Office (CSO) sent letters to the 11 teachers who signed as being meaningfully interested in teaching at the school. According to LACOE Superintendent's AR 0420.4(j): "a teacher can be meaningfully interested in teaching at the school if he/she holds a valid California teaching credential appropriate to the grade levels or subjects offered by the school." The purpose of the letter was to determine the authenticity of their interest; the CSO received responses from all 11 teachers. While all 11 confirmed interest, not all of the signatures were determined to be valid at the time of submission to the District.

Signatures were considered valid if they were by a credentialed teacher and if that teacher could have possibly been hired as a teacher in the first year of the charter term. Depending on the location within the petition, or how the term "teacher" is defined, it was determined that three (3) methodologies could be employed to determine if the signature requirement was met:

Method 1. On page 8 of the petition, under the heading of "Required Teacher Signatures", 14 certificated positions are listed as planned for year one: "ECA plans to open with 7 core teachers, 1 Education Specialist, 1 Physical Education/Health teacher, 1 English Language Development (ELD) / English as a Second Language (ESL) /Socio-Economically Disadvantaged (SED) teacher and 1 PreK teacher. ECA also plans to open with part-time, Korean, Spanish and Art teachers." As signatures are required from "at least one-half of the number of teachers that the charter school estimates will be employed at the school during the first year of operation" [EC 47605(a)(1)(B)], the 14 listed teacher positions would result in the need for at least seven (7) valid teacher signatures.

Here the Education Specialist and the ELD/ESL/SED Coordinator are considered teachers, and this standpoint is restated elsewhere in the petition on pages 181 and 182 respectively.

The petition has 11 signatures but five (5) of them have Education Specialist credentials and only one (1) of these positions is estimated to be employed year one, meaning the remaining four (4) could not be employed year one as teachers and are therefore invalid.

One of the signatures was by a teacher with a Single Subject Credential in Math/Science but this credential had expired on June 1, 2018, over a year prior to the submission of the petition to the District. Signatures of teachers without a credential are considered invalid.

With only six (6) valid signatures, the petition falls one (1) short of the required seven (7) teacher threshold.

Method 2. On page 36 of the petition, there is a five (5) year projected enrollment/staffing chart showing the estimated need for eight (8) teachers in grades PK-3 for the first year. These teachers would require a Multiple Subject credential (TK-3) or Child Development Permit (PK). Since signatures are required from "at least one-half of the number of teachers that the charter school estimates will be employed at the school during the first year of operation" [EC 47605(a)(1)(B)], this would mean that at least four (4) teacher signatures of teachers with Multiple Subject credentials or a Child Development Permit would be

needed. Only three (3) were provided, one (1) short of the required four (4) teacher threshold using this methodology.

Method 3. In another location of the petition, on pages 325-326 where the Payroll/FTE Summary is given, the petition indicates there will be 10.5 certificated teachers (object code 1100) and two (2) certificated "pupil support" personnel (object code 1200). With the 10.5 "teachers" number there would need to be six (6) valid signatures. In this part of the petition the Education Specialist and ELD/ESL/SED Coordinator are not considered "teachers" but rather "pupil support".

This would mean that all five (5) Education Specialist signatures would be invalid as they would not be hired as teachers. The Single Subject English teacher was only qualified as the ELD/ESL/SED Coordinator and if this position is not considered a "teacher" then the signature is invalid. The Single Subject Math/Science teacher with the expired credential is considered invalid as explained earlier.

This leaves only the three (3) Multiple Subject teacher signatures and the Single Subject Art teacher signature. This methodology results in four (4) valid signatures, two (2) short of the required six (6) teacher threshold.

Finding 4: The petition does contain affirmations of all specified assurances. [EC 47605(b)(4); EC 47605(d)]

Finding 5: The petition does not contain a reasonably comprehensive description of all required elements. [EC 47605(b)(5)(A)-(O)]

Based on the guidance established in *Education Code*, the *California Code of Regulations*, the requirements set forth in *Board Policy* and *Superintendent's Administrative Regulations (AR)* and other requirements of law, four (4) of the fifteen (15) required elements are not reasonably comprehensive, four (4) are reasonably comprehensive with specific deficiencies and seven (7) are reasonably comprehensive as written. The findings of the Review Team are as follows:

Element 1: Description of the Educational Program. *Reasonably comprehensive with a specific deficiency*

The petition lacks an adequate description of *how the charter school will meet the needs of students with disabilities*. Details surrounding interventions and curriculum are lacking. It is unclear how the single Resource Specialist will address the needs of students with disabilities in eight (8) different classrooms during year one.

Element 2: Measurable Pupil Outcomes. *Not reasonably comprehensive*

The petition does not have Measureable Pupil Outcomes (MPOs) for EL students that are sufficiently detailed, specifically that the "*objective means of measuring pupil outcomes must be capable of being used readily to evaluate the effectiveness of and to modify instruction for individual students and for groups of students.*" [5 CCR 11965.5.1 (f)(2)(A)]

- There is no annual goal for EL progress toward English language proficiency. The MPO in the petition for EL progress: "100% of EL students that have been enrolled at ECA for at least three years and who have at least a 95% attendance rate will meet grade level academic content standards in each subject" means that instructional effectiveness in English for EL students will not be determined until year four.
- There is no annual goal for EL reclassification. The MPO in the petition for reclassification states: "Continuously enrolled EL students at ECA will be reclassified English Language proficient within

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5 years.” This allows for a 0% reclassification rate each year for the first four (4) years as long as all are reclassified in year five (5).

- Goals and MPOs are not always aligned. For example, four (4) of the stated goals, regarding having all ECA students “be proficient” in ELA, Mathematics, Social Studies and Science are each paired with MPOs that only require students to “show growth” in the subject, not proficiency.

Element 3: Method for Measuring Pupil Progress. *Reasonably comprehensive with specific deficiencies*

The petition does not utilize *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.* [5 CCR 11965.5.1(f)(3)(A)]

Methods of measurement do not always align with outcomes. For example, the MPO that students with IEPs would achieve “100% compliance with IEP program” does not include a method by which this would be determined, and the MPO that states that “100% of EL students that have been enrolled at ECA for at least three years and who have at least a 95% attendance rate will meet grade level academic content standards in each subject” does not define how this very select group would meet this criteria.

Element 4: Governance Structure. *Not reasonably comprehensive*

The petition fails to include *evidence that the school’s governing board has adopted internal controls policies to prevent fraud, embezzlement, and conflict of interest and ensures the implementation and monitoring of those policies.* [AR 0420.4(g)]

1. Section 11.1 of the ECA bylaws and the ECA Conflict of Interest Code do not comply with Government Code section 1090. The bylaws permit contracts with directly interested board members if the interested board members provide full disclosure of their interest or if the board is already aware of the interest, if the transaction may be authorized by a majority of the board by a vote sufficient for that purpose without counting the interested board member’s vote, if the Board determines it could not have obtained a more advantageous arrangement otherwise, if the transaction is for the corporation’s “own benefit,” and if the transaction is “fair and reasonable.” The Conflict of Interest Code permits contracts with directly interested board members if the interested board member recuses him or herself. Under Government Code 1090, if the board member has a direct, material interest, the contract would be void.
 - When asked about the ECA bylaws at the Capacity Interview, it was stated that “Section II overrides everything” but the amendment to Element 4 in the “Description of Changes to the Petition to Reflect the County Board as the Authorizer” (Section II of the petition) does not apply because the Attorney General opinion on Government Code 1090 predates the submission and applies statewide, not specifically to when the County Board is the authorizer. In addition, this concern was also part of the December 12, 2017 LACOE Staff Findings report, which gave the petitioner sufficient opportunity to make the needed correction to the bylaws prior to the 2019 submission.
2. There is no mention of holding public hearings for the LCAP or posting it on the school website as required by SB 75 that was signed into law on July 1, 2019.

Element 5: Employee Qualifications. *Not reasonably comprehensive*

The petition does not adequately *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.*

- The instructional support staff position description is very broad. It is unclear what positions these employees will hold, and to whom they will report for evaluations. They are not listed on the organizational chart. At the Capacity Interview, it was stated that these were Special Education

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Aides and that the Education Specialist person would evaluate them and the CEO or Director would "review it and sign-off."

- The employee qualifications for non-instructional staff positions such as Before School Coordinator, After School Coordinator, Climate Assistant, and Office Assistant are the same. The petition does not indicate to whom these positions report for evaluations. At the Capacity Interview, it was stated that these people would report to "the Office Manager and the CEO."
- The job description for "Dean of Students" does not indicate to whom this position would report for evaluations. The position is not included on the organizational chart. At the Capacity Interview, it was stated that this person reports to the "CEO and Grade Level Directors."

Element 6: Health and Safety Procedures. *Reasonably comprehensive*

Element 7: Means to Achieve a Reflective Racial and Ethnic Balance. *Reasonably comprehensive*

Element 8: Admission Requirements. *Reasonably comprehensive*

Element 9: Annual Independent Financial Audits. *Reasonably comprehensive*

Element 10: Suspension and Expulsion Procedures. *Not reasonably comprehensive*

The petition does not adequately *identify the procedures by which pupils can be suspended or expelled.*

- A conflict of interest is established in the procedures to suspend a student. An appeal of a suspension can potentially be heard by the same person who suspended the student. For example, if the CEO decides to suspend a student, a family must first meet again with the CEO before being able to appeal to the full Board of Directors.
- A conflict of interest could arise in the procedures to expel a student if the CEO is the one recommending expulsion. The petition states that "The Chief Executive Officer may recommend expulsion to the neutral and impartial Administrative Panel" and that the "Administrative Panel shall consist of at least three members who are certificated." Since all certificated employees report directly to the CEO, it is unclear how they could be considered neutral and impartial.
- The process to expel a student is unclear in the petition. The petition states that "The Administrative Panel will hold a hearing, and will make a decision of whether to expel the student. The hearing will be held in closed session", but since the members of the "Administrative Panel shall consist of at least three members who are certificated and neither a teacher of the pupil nor a member of the Charter School Board of Directors", it is unclear how a panel of non-Board members would hold a closed session hearing of the Board.
- The process to expel a student is unclear to Board members.
 - The petition states that "student may be expelled by the neutral and impartial Administrative Panel" or "by the Charter School Board of Directors, upon an appeal." This means that according to the petition, if an expulsion is not appealed, it never goes before the Board. At the Capacity Interview, the Board President stated that "for expulsion, it's up to the board. It's the board's responsibility."
 - At the Capacity Interview, it was stated that rather than making a decision to expel a student, the Administrative Panel makes a "recommendation to expel" which triggers a "Special Meeting of the Board" where the Board makes a decision on whether or not to expel the student. If the family chooses to appeal this expulsion, it goes back to the Board again for a final decision. This process does not align to the process stated in the petition.

Element 11: STRS, PERS, and Social Security. *Reasonably comprehensive with a specific deficiency*

The petition indicates that classified employees will participate in Social Security / OASDI withholding but lacks a specific statement that the school will not offer CalPERS coverage if that is the case. [AR 0420.4(h)]

Element 12: Public School Attendance Alternatives. *Reasonably comprehensive*

Element 13: Post-Employment Rights of Employees. *Reasonably comprehensive*

Element 14: Dispute Resolution Procedures. *Reasonably comprehensive*

Element 15: Closure Procedures. *Reasonably comprehensive with a specific deficiency*

The petition does not designate a responsible entity to conduct closure-related activities. The amendment to Element 15 in the "Description of Changes to the Petition to Reflect the County Board as the Authorizer" does not apply because 5 CCR § 11962 predates the submission and applies statewide, and is not specific to the County Board as an authorizer. This would constitute a material revision.

Finding 6: The petition does not satisfy all of the Required Assurances of Education Code section 47605(c), (e) through (h), (l), and (m) as follows:

Standards, Assessments and Parent Consultation. [EC 47605(c)] *Meets the condition*

Employment is Voluntary. [EC 47605(e)] *Not applicable*

Pupil Attendance is Voluntary. [EC 47605(f)] *Not applicable*

Effect on the Authorizer and Financial Projections. [EC 47605(g)] *Does not provide the necessary evidence*

The petitioners propose to locate in a building that does not possess a Certificate of Occupancy appropriate for the operation of a school, nor is the location zoned for educational purposes. Should the County Board authorize the school to locate at this facility, it would potentially expose the County Board and LACOE to civil liability effects and possibly jeopardize student health and safety.

Preference to Academically Low Performing Students. [EC 47605(h)] *Does not qualify for the preference*

The petition does not *demonstrate the capability to provide comprehensive learning experiences to pupils identified by the petitioners as academically low achieving.* It does not provide sufficient detail regarding the intervention programs the school will use with those academically low performing students.

Teacher Credentialing Requirement. [EC 47605(l)] *Meets the condition*

Transmission of Audit Report. [EC 47605(m)] *Meets the condition*

Appendix 1

Los Angeles County Office of Education Standard of Review

Review Criteria: The Los Angeles County Office of Education (LACOE) Charter School Review Team (Review Team) considered the petition according to the requirements of the *EC* and other pertinent laws, guidance established in 5 *CCR*, *County Board Policy (BP)* and Superintendent's *Administrative Regulations (AR)*.¹

LACOE has adopted the petition review criteria established in 5 *CCR* 11967.5.1(a-g) except where LACOE determined that the regulations provide insufficient direction or where they are not applicable because the structure or responsibility of the County Board and LACOE differ from those of the State Board of Education (SBE) and the California Department of Education (CDE). In these instances, LACOE developed its own (local) review criteria or added criteria to those developed by CDE to reflect the needs of the County Board as the authorizer and LACOE as the monitoring and oversight agency.

Reasonably Comprehensive: In addition to the regulatory guidance that specifies the components of each required element, 5 *CCR* 11967.5.1(g) states a "reasonably comprehensive" description of the required petition elements shall include, but not be limited to, information that:

1. *Is substantive and is not, for example, a listing of topics with little elaboration.*
2. *For elements that have multiple aspects, addresses essentially all aspects of the elements, not just selected aspects.*
3. *Is specific to the charter petition being proposed, not to charter schools or charter petitions generally.*
4. *Describes, as applicable among the different elements, how the charter school will:*
 - a. *Improve pupil learning.*
 - b. *Increase learning opportunities for its pupils, particularly pupils who have been identified as academically low achieving.*
 - c. *Provide parents, guardians, and pupils with expanded educational opportunities.*
 - d. *Hold itself accountable for measurable, performance based pupil outcomes.*
 - e. *Provide vigorous competition with other public school options available to parents, guardians, and students.*

Reasonably Comprehensive with Deficiencies: An element may be reasonably comprehensive but lack specific critical information or contain an error important enough to warrant correction. These elements are described as "reasonably comprehensive" with a specific "deficiency" or "deficiencies." Correcting the deficiency or deficiencies would not be a material revision (as defined in statute and County Board Policy) to the charter.

Technical Adjustments: Three (3) circumstances may require a "technical adjustment" to the petition:

1. Adjustments necessary to reflect the County Board as the authorizer. These adjustments are necessary because the petition was initially submitted to a local district and contains specific references to and/or language required by that district and/or the petition does not reflect the structure of the County Office.
2. Adjustments needed to bring the petition current with changes made to law since the petition was submitted. This includes adjustments necessary to comply with the *Charter School Act* effective July 1, 2013, as the result of *Assembly Bill (AB) 97* (Local Control Funding Formula).

¹ Words in italics indicate a direct reference to the language in these documents.

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3. Adjustments necessary to address clerical errors or inconsistencies where making the adjustment would not be a material revision (as defined in statute and *County BP*) to the charter.

Affirmations and Assurances: *The petition shall contain a clear, unequivocal affirmation of each requirement, not a general statement of intention to comply. 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(c-f, l and m).*

Reviewers: The Review Team included staff from the Business Advisory Services, Facilities and Construction, Risk Management, Curriculum and Instruction, Student Support Services, Human Resources, the Office of General Counsel, the Division of Accountability, Support and Monitoring, and the Charter School Office.

Scope of Review: Findings are based on a review of the submitted renewal petition and supporting documents, information obtained through the Capacity Interview and other communications with the petitioners and representatives of the school, and other publicly available information.

Legislative Intent: The Review Team considered whether the petition complies with *EC 47601* of the *Charter Schools Act*, which states:

It is the intent of the Legislature, in enacting this part, to provide opportunities for teachers, parents, pupils, and community members to establish and maintain schools that operate independently from the existing school district structure, as a method to accomplish all of the following:

- (a) Improve pupil learning.*
- (b) Increase learning opportunities for all pupils, with special emphasis on expanded learning experiences for pupils who are identified as academically low achieving.*
- (c) Encourage the use of different and innovative teaching methods.*
- (d) Create new professional opportunities for teachers, including the opportunity to be responsible for the learning program at the school site.*
- (e) Provide parents and pupils with expanded choices in the types of educational opportunities that are available within the public school system.*
- (f) Hold the schools established under this part accountable for meeting measurable pupil outcomes, and provide the schools with a method to change from rule-based to performance-based accountability systems.*
- (g) Provide vigorous competition within the public school system to stimulate continual improvements in all public schools.*

TAB 3D:

ECA Response to LACOE Staff Report



Eagle Collegiate Academy
A proposed Pre-K to 12th College Preparatory Charter School
P. O. Box 803234 Santa Clarita, CA 91380 Phone: (661) 347-6016
www.eaglecollegiateacademy.org e-mail: eaglecollegiate@gmail.com

January 21, 2020

Via: Email and Hand Delivery

Debra Duardo, Superintendent
Los Angeles County Office of Education
9300 Imperial Highway
Downey, CA 90242

RE: Eagle Collegiate Academy Response to County Findings for Denial of Establishment Charter Petition

Dear Dr. Duardo, President Cross, and Members of the Los Angeles County Board of Education:

The purpose of this letter is to respond to Los Angeles County Office of Education's ("LACOE") Staff Findings and Recommendation for Denial ("Findings") of the Eagle Collegiate Academy ("ECA" or the "Charter School") establishment charter petition, and to demonstrate that the Findings do not constitute sufficient legal grounds to deny the ECA charter petition.

Legal Standard

At the outset, we point out that the Education Code provides specific guidance to governing boards to approve the establishment of charter schools. Education Code Section 47605(b) states:

In reviewing petitions for the establishment of charter schools, the chartering authority shall be guided by the intent of the Legislature that charter schools are and should become an integral part of the California educational system and that establishment of charter schools should be encouraged. (Emphasis added.)

Education Code Section 47605(b) provides the legal basis for the denial of a charter petition as follows:

The governing board of the school district shall grant a charter for the operation of a school under this part if it is satisfied that granting the charter is consistent with sound educational practice. The governing board of the school district shall not deny a petition for the establishment of a charter school unless it makes written factual findings, specific to the particular petition, setting forth specific facts to support one or more of the following findings:

- (1) The charter school presents an unsound educational program for the pupils to be enrolled in the charter school.
- (2) The petitioners are demonstrably unlikely to successfully implement the

program set forth in the petition.

- (3) The petition does not contain the number of signatures required by subdivision (a) [of Education Code Section 47605].
- (4) The petition does not contain an affirmation of each of the conditions described in subdivision (d) [of Education Code Section 47605].
- (5) The petition does not contain reasonably comprehensive descriptions of [the 15 required elements].
- (6) The petition does not contain a declaration of whether or not the charter school shall be deemed the exclusive public employer of the employees of the charter school [].

(Emphasis added.)

Accordingly, the law dictates that the default position is for an authorizer to *approve* a charter petition, unless it makes written factual findings to support a denial.

LACOE's Findings do not meet the legal standard for denial of a charter petition. Moreover, many findings are based on incorrect facts, conjecture, demonstrate a lack of familiarity with or disregard of the information and facts evident in the petition and supporting documents, show a lack of understanding of the International Baccalaureate (IB) program, or go beyond the requirements set forth in law, and therefore the findings constitute an impermissible basis for denial of the ECA establishment charter petition.

Before we respond to the specific findings, we would like to call attention to the following:

1. The Scope of Review section of the Staff Report found on page 12 specifies that the "Findings are based on a review of the submitted **renewal petition** and supporting documents, information obtained through the Capacity Interview and other communications with the petitioners and representatives of the school, and other publicly available information."

However, ECA petition is an establishment charter petition - not a renewal petition. Hence, we are concerned about the parameters used to review our petition such as the Capacity Interview questions that might be more appropriate for charter renewal petitioners as opposed to establishment charter petitioners.

2. On August 8, 2019, our team met with Charter School Office ("CSO") Director II, Indra Ciccarelli and Coordinator III, Jeff Hartman to discuss LACOE's concerns and recommendations so that we can address the concerns before submitting our petition to Acton Agua-Dulce Unified School District ("AADUSD"). The CSO Director notified us that Coordinator Hartman would be in charge of reviewing our petition. He also told us that the 3 things we need to address are aggressive enrollment, having an IB trained school leader, and ensuring our facility is ready. Our team notified both of them that we have decided to open with PK-3rd grade levels which is an over 50% reduction from our prior opening grade levels of PK-8th. CSO Director stated that the reduction is a positive step forward.

We left the meeting with a clearer picture of the expectations of LACOE staff as we prepared to submit our petition. ECA CEO enrolled and completed an IB course on Leading the Learning in PYP Schools found on page 5 of the petition packet.

Thus, we are quite disappointed that despite following LACOE staff's recommendations, this report continues to recycle LACOE staff's previous findings in many instances.

3. After our meeting with LACOE staff on August 8, 2019 and before we submitted the petition to AADUSD on September 26, 2019, our team reviewed the Los Angeles County Board of Education (LACBOE) Policies and Administrative Regulations. However, on October 15, 2019 LACBOE updated its Policies and Administrative Regulations. Since our petition has already been submitted to AADUSD, any updates to the Policies or Administrative Regulations that impacted our petition could not be altered after submission.
4. Our team was quite taken aback by AADUSD's Superintendent King's remarks during the public hearing on December 17, 2019 when he publicly thanked the LACOE staff for "helping us with [ECA] petition" during his speech. His remarks gives an appearance of a conflict of interest because LACOE, the organization that will receive the appeal is helping AADUSD to review the petition prior to receiving the petition on appeal.

Hence, it will be difficult for LACOE staff to give ECA petition a fresh unbiased review if it has already "helped" AADUSD with its findings about the petition. This is a very troubling situation.

5. The mission and vision of ECA and its passionate desire to target and serve "academically low achieving pupils" / economically disadvantaged students are founded on and buttressed by the colossal achievement gap found in the school districts in our target population as seen in the tables below that range from 10.07% gap to 35.03%.

Table 1: 2018-19 CAASPP EDS and Not EDS Results Comparison

District /County/State	EDS ELA	Not EDS ELA	Gap ELA	EDS MATH	Not EDS MATH	Gap Math
Acton-Agua Dulce USD	45.69%	62.01%	16.32%	26.82%	46.79%	19.97%
Antelope Valley UHSD	33.67%	49.82%	16.15%	8.93%	20.14%	11.21%
Castaic Union SD	43.43%	69.20%	25.77%	27.21%	54.76%	27.55%
Eastside SD	26.14%	36.21%	10.07%	14.14%	24.89%	10.75%
Lancaster SD	29.73%	51.19%	21.46%	16.24%	33.12%	16.88%
Newhall SD	48.39%	83.42%	35.03%	48.91%	82.42%	33.51%
Palmdale SD	28.93%	49.61%	20.68%	18.26%	36.04%	17.78%
Saugus USD	47.65%	71.77%	24.12%	35.81%	61.93%	26.13%
Sulphur Springs USD	50.19%	71.03%	20.84%	39.44%	61.77%	22.33%
Westside SD	39.14%	59.36%	20.22%	23.26%	44.74%	21.48%
William S. Hart UHSD	57.29%	81.02%	23.73%	34.70%	61.93%	27.23%

Los Angeles County	41.56%	70.04%	28.48%	30.22%	59.44%	29.22%
STATE	38.97%	69.48%	30.51%	27.48%	58.88%	31.40%

Source: CDE CAASPP website

@ogo's graphics

Eagle Collegiate Academy Responses to LACOE Findings for Denial of the Charter Petition

Below, please find the summary of the Findings (in *italicized text*), in the order in which they were presented, immediately followed by the Charter School's response (in plain text).

Finding 1: The petition provides a sound educational program for students to be enrolled in the school. [EC 47605(b)(1)]

LACOE Finding:

Based on the guidance established in 5 CCR 11967.5.1(b), the charter petition does not present an unsound educational program for students to be enrolled in the school.

However, the Review Team found multiple deficiencies with the described educational program as identified in Findings 2, 3 and 5. These findings call into question whether the educational design can be implemented and will result in an educational benefit to all students who would attend the school.

ECA Response:

Eagle Collegiate Academy concurs that the petition provides a sound educational program for students to be enrolled in the school.

ECA disagrees that there are multiple deficiencies with the described educational program as seen in our response to Findings 2, 3 and 5.

Finding 2: The petitioners are demonstrably unlikely to successfully implement the proposed educational program. [EC 47605(b)(2)]

5 CCR section 11967.5.1(c)(1-4) provides four (4) indicators that the petitioners are unlikely to implement the proposed educational program. The Review Team determined the petitioners are unlikely to be successful based on evidence of the following three (3) indicators:

LACOE Finding:

*Based on the review of the petition, supporting documents and information obtained through the Capacity Interview with the school's petitioner, evidence of **three (3) of the four (4) indicators** are present.*

Indicator 2: The petitioner is unfamiliar with the content of the petition or the requirements of law that would apply to the proposed charter school as described below.

During the Capacity Interview, both ECA Board members present were unfamiliar with their responsibilities regarding the Local Control Accountability Program (LCAP), the English Learner (EL) Master Plan and the process for expelling a student described in the petition.

ECA Response:

1. This finding is conclusory. The Board members present were very clear about their role when a student needed to be expelled. ECA budgeted for in-depth Board training that will cover both the LCAP document and EL Master Plan development and processes as well as other Board responsibilities for new school board members.

LACOE Finding:

Indicator 3: *The petitioners have presented an unrealistic financial and operational plan for the proposed charter school. An unrealistic financial and operational plan is one to which there is evidence that any or all of the four (4) standards specified in state regulations are not met. ECA has **failed to meet two (2) of the four (4) standards** as described below:*

1. *In the area of financial administration, the charter and supporting documents do not adequately:*

Present a budget that in its totality appears viable and over a period of no less than two years of operations and provides for the amassing of a reserve equivalent to that required by law for a school district of similar size to the proposed charter school.

The charter school's Net Income Projections before the required reserves of three percent (3%) will be positive as illustrated in Table 1. ECA will have a positive Net Income projection for Fiscal Years (2020-21 through 2024-25), contingent upon achieving the targeted Average Daily Attendance (ADA) of 416.10.

Table 1 illustrates a financial overview of the charter school's Net Income Projections and Ending Cash Balance for the five (5) fiscal years of the petition. The positive Ending Cash Balance for Fiscal Year (FY) 1-5 is contingent upon achieving its annual enrollment projections with an ADA rate of 95%.

[Table 1 included in Findings]

An analysis of the deficiencies of the Budget Plan is presented below.

Budget Plan Deficiencies:

- *No reserves are set aside as required by State Regulations and County Board Policy.*
- *The projected budget for facility improvements and repairs of \$100,000, was not verifiable by LACOE staff despite multiple inquires to the Engineering firm that provided the estimate to detail the scope of work.*
- *No start-up funds were projected by the petitioner. While the petitioner stated at the Capacity Interview they will be re-applying for start-up funding if approved, there are no start-up funds included in the submitted budget.*

- Interest expense for the unpaid balance from the sale of future receivables was not included in the projected budget for FY 2020-21 through FY 2022-2023.
- The petitioner has a letter of intent for funding from Charter Asset Management:
 - To access funding for cash flow the school will be factoring or selling receivables. The amount in FY1 is approximately \$893,265, and \$1,006,536 in FY 2. The total discount fee of 1% is estimated at \$8,933 for FY 1 & \$10,065 for FY 2. The Letter of Intent for the school's operations did not include the terms or conditions.

ECA Response:

- No reserves are set aside as required by State Regulations and County Board Policy.

Budget reserves are not required by law for charter schools, but ECA recognizes they are included in LACOE's Memorandum of Understanding. ECA's financial projections exceed the required amounts for school districts, and LACOE's own requirements, in every year of the charter term.

The MYP tab in the budget includes a Balance Sheet Section that presents Ending Net Assets as well as a calculation of Net Assets as a Percentage of Total Expenses.

Excerpt from Petition Budget:

EAGLE COLLEGIATE ACADEMY		FY1920	FY2021	FY2122	FY2223	FY2324	FY2425
FY2021	FY2425	Enrollment	168	240	313	388	438
MYP Summary	ADA %	95.00%	95.00%	95.00%	95.00%	95.00%	95.00%
	ADA	159.60	228.00	297.35	368.60	416.10	
Account Code	Description	Start up	Budget Total	MYP	MYP	MYP	MYP
BALANCE SHEET		6/30/2020	6/30/2021	6/30/2020	6/30/2021	6/30/2022	6/30/2023
	Cash	341,618	74,826	98,385	374,850	784,487	1,252,969
	Accounts Receivable	-	189,601	294,939	407,281	483,509	504,871
	Fixed Assets, Net	150,000	128,571	107,143	85,714	64,286	42,857
	Prepays & Other Assets		-				
	Total Assets	\$ 491,618	\$ 392,998	\$ 500,467	\$ 867,845	\$ 1,332,282	\$ 1,800,697
	Accounts Payable & Accrued Liabilities		51,454	-	-	-	-
	Debt	515,000	251,364	102,857	-	-	-
	Total Liabilities	\$ 515,000	\$ 302,817	\$ 102,857	\$ -	\$ -	\$ -
	Unrestricted Net Assets	(23,383)	90,181	397,610	867,845	1,332,282	1,800,697
	Temporarily Restricted Net Assets		-				
	Ending Net Assets	\$ (23,383)	\$ 90,181	\$ 397,610	\$ 867,845	\$ 1,332,282	\$ 1,800,697
	Total Liabilities and Net Assets	\$ 491,618	\$ 392,998	\$ 500,467	\$ 867,845	\$ 1,332,282	\$ 1,800,697
	Net Assets % of Total Expenses		5.51%	17.61%	29.75%	34.82%	41.23%

The bottom line of the exhibit calculates the Net Assets as a % of Total Expenses to present the Reserves of ECA. This calculation is consistent with the method of calculation by the CDE which compares Unrestricted Net Assets to Total Expenditures to evaluate the percentage of reserves.

Based on the criteria from the CDE (below), ECA meets the reserve requirements for all 5 years and provided the supplemental calculation that reflects this information.

According to the CDE criteria for school district budgets (<https://www.cde.ca.gov/fg/fi/ss/distbudgetcsfy1920.asp>) the reserves are as follows:

10. Reserves	<p>Available reserves* for any of the budget year or two subsequent fiscal years are not less than the following percentages or amounts as applied to total expenditures and other financing uses.</p> <ul style="list-style-type: none"> • the greater of 5% or \$69,000 for districts with 0 to 300 ADA • the greater of 4% or \$69,000 for districts with 301 to 1,000 ADA <p>* Available reserves are the unrestricted amounts in the Stabilization Arrangements, Reserve for Economic Uncertainties, and <u>Unassigned/Unappropriated accounts in the General Fund</u> and Special Reserve Fund for Other Than Capital Outlay Projects. Available reserves will be reduced by any negative ending balances in restricted resources in the General Fund.</p>
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- *The projected budget for facility improvements and repairs of \$100,000, was not verifiable by LACOE staff despite multiple inquires to the Engineering firm that provided the estimate to detail the scope of work.*

It is inaccurate and misleading to state that *“The projected budget for facility improvements and repairs of \$100,000, was not verifiable by LACOE staff despite multiple inquires to the Engineering firm that provided the estimate to detail the scope of work.”*

At the request of LACOE staff, the engineering firm provided a cost break down and a summary of the scope of work to be done on the property. The Engineering firm responded to all the inquiries from Staff. See Exhibits A1 and A2 below.



Mr. Ken Higginbotham, Board President
Eagle Collegiate Academy
P.O. Box 803234
Santa Clarita, CA 91380

Subject: Permit RPPL2019002598, 13136 Sierra Highway

Dear Mr. Higginbotham:

Based on the information provided by the County of Los Angeles Department of Regional Planning regarding the change of use from church to K-12, we have assembled engineers, architects, and contractors who collectively will have the building ready for occupancy within three months for about \$100,000

Architectural	\$17,500
Civil Engineering	\$15,000
Structural	\$8,000
Agency Filing Fees	\$4,500
Construction	\$55,000

We believe that a change of use will be required, however, a Conditional Use Permit (CUP) will not be required for this site to be utilized as a K-12 school.

Sincerely,

Scott Uhles, President
Delane Engineering



January 10, 2020

Mr. Ken Higginbotham, Board President
Eagle Collegiate Academy
P.O. Box 803234
Santa Clarita, CA 91380

Subject: Work Letter for Eagle Collegiate

Dear Mr. Higginbotham:

The work associated with this location is primarily related to making the building ready for E Occupancy and constructing two non-structural load bearing partition walls. There will be 8 functioning classrooms, kitchen, multipurpose room and offices. The partitions will be laid out in a way that will satisfy the existing requirements for each space. There will be a fence around the perimeter with a gate that has an intercom. The site currently has sufficient parking however part of this work will be to ensure that the ADA parking and path of travel to the facilities accessible doors meet all ADA standards.

Sincerely,

Scott Uhles, President
Delane Engineering

Additionally, in order to provide specificity and transparency about Staff's requests,

ECA's Board president sent an email to Staff on January 15, 2020 requesting a concise and complete list of requests rather than requests sent in bits and pieces. Staff replied on January 16, 2020 with sample documents.

- *No start-up funds were projected by the petitioner. While the petitioner stated at the Capacity Interview they will be re-applying for start-up funding if approved, there are no start-up funds included in the submitted budget.*

ECA does plan to apply for grants for start up funds, however consistent with conservative assumptions, competitive grants and loans are not included in Charter Petition Budgets. Authorizers have consistently disallowed the inclusion of grant and loan funds in the budget that have not been received or are not supported by a 3rd party commitment Letter or Grant Award Notice.

As such, the only source of funds presented are funds from the sale of receivables and from apportionments earned through ADA.

- *Interest expense for the unpaid balance from the sale of future receivables was not included in the projected budget for FY 2020-21 through FY 2022-2023*

100% of the interest expense is recorded at the time of the receivable sale. As such, there is no accrual or additional interest to be recorded. This has been the standard industry practice and is consistent with guidance received from FCMAT staff.

ECA notes that the start-up year also includes interest expense that was omitted from the LACOE notes. The notes regarding interest exclude \$5,150 of expense in the start-up year. The rates for AR sales have been steadily declining and rates for new customers are highly competitive as such, a rate of 1% was considered reasonable.

LACOE Finding:

To be fiscally solvent, the Budget Plan requires that the school (1) secures a facility that does not exceed the budget's projected cost; (2) meets its ADA projections; and (3) meets its enrollment projections.

Enrollment projections are unrealistic when compared to a recently authorized nearby charter school, iLead Agua Dulce. The iLead group already operated an online and a hybrid school, but additionally opened a classroom-based school in 2018-2019 at a location 2.3 miles from the proposed ECA site. This classroom-based charter school had a first year enrollment of 82 students in grades K-3. ECA proposes to enroll 168 students for the same grade span. Other enrollment concerns include:

- *The projected enrollment has unexplained jumps in enrollment. Schools typically carry enrollment projections from one grade to the next higher grade the following year; however, the ECA projected enrollment chart provided in the*

petition and highlighted below has jumps such as the doubling of the amount of students for 5th grade than the amount of 4th grade students the year prior.

- *The enrollment projections provided would require students to enter the school at nontraditional entry points and would require students to be enrolled midway into the school's IB programs.*

[ECA 5-YEAR PROJECTED ENROLLMENT included in Findings]

ECA Response:

Staff's comparison of ECA to iLEAD Agua Dulce hybrid programs which while "seat-based" also offer an independent study option for students as well, to ECA's solely seat-based proposed rigorous and college preparatory school with International Baccalaureate PYP and MYP vertical articulated programs are based on conjectures. ECA appeals to those families that desire a rigorous college prep public school alternative. Families interested in ECA have remained steadfast over these years despite the existence of iLead Agua Dulce. Seat-based programs in our outreach areas that offer similar college preparatory programs ECA proposes to offer have healthy and robust growth while maintaining over 700 students on a waitlist.

- *Projected Enrollment*

It is not uncommon or illegal for new schools to open with one class and add another class the following year. Many growing traditional and charter schools add a new class to a grade level in order to expand and grow. Staff's concern about enrollment growth is unfounded and a matter of opinion.

- *Projected Enrollment and IB*

Students can enroll in IB PYP and MYP just like any student can enroll at school during the year. As a public school, ECA is required to enroll students at reasonable entry points during the year if space exists. IB does not have any regulations against when students are enrolled at school as long it is in compliance with local education timelines and deadlines. Thus, this finding demonstrates a lack of familiarity with IB programs.

LACOE Finding:

2. In the area of facilities, the charter and supporting documents do not adequately provide evidence of the types and potential location of facilities needed to operate the size and scope of educational program proposed in the charter.

- *The location identified in the petition as a potential facility (13136 Sierra Highway, Agua Dulce, CA 91390) is not currently zoned for educational purposes and does not have a Certificate of Occupancy (COO) that would enable it to house a PK-8 public education program.*

- *Time and cost requirements related to the inspections and permits needed as well as construction are not adequately addressed in the petition.*
- *The only adjacent road is a 55 mph two-lane highway with no crosswalks, pavement markings, turning lanes, speed bumps or traffic signal. No proposed changes or related cost or time estimates to address these issues were provided in the petition.*
- *The other three (3) sites listed in the petition have vacant lots on which school facilities would have to be built, which would not be ready for students prior to the September 30, 2020, deadline.*

ECA Response:

ECA would like to clearly point out that facility is not a reason to deny a petition by statute, and therefore the enumerated findings above do not meet the legal standard for denial of a charter petition.

ECA submitted a letter from the Los Angeles County Department of Regional Planning found on page 9 of the petition packet that stipulates that the proposed property can be used as a K-12 school.

We also submitted a letter from the engineering firm coordinating the work to make the property E-Occupancy ready found on page 394 of the petition packet. This letter estimates that it will take about 3 months at a cost of about \$100, 000. At the request of LACOE staff, the engineering firm also provided a cost break down and a summary of the scope of work to be done on the property. See Exhibits A1 and A2.

ECA's engineering firm, the owners and our team are working with the Los Angeles County Department of Regional Planning to ensure that the building is E Occupancy ready which includes adjusting the speed limit to meet the speed limit in a school zone as is done in any area where there is a school.

These findings represent Staff's conjectures and do not meet the legal standard for denial of a charter petition because it goes beyond the requirements set forth in law, and therefore the finding constitutes an impermissible basis for denial of the ECA establishment charter petition.

LACOE Finding:

Indicator 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 these areas.*

The proposed school leader has attended a training in IB programs, but no proposed school leadership staff has had first-hand experience in implementing an IB program at a school site. With IB being the core of the proposed educational program, not having an instructional

leader with proven IB experience decreases the likelihood that the school will be able to successfully implement the program.

ECA Response:

This finding is conclusory, not based on facts, represents Staff's opinion and disregards the documented IB school development phases and professional development information found on pages 149-151 of the petition packet, provided in the letter of support from the IB School Development Specialist found on pages 6-8 of the petition packet and easily accessible online. IB assigns schools an IB consultant that oversees all the required training that will be completed by staff and coordinates all necessary support each school needs to be successful.

ECA CEO's resume clearly indicates that the CEO is a trained IB examiner since 2012, which involves scoring IB examinations from students all over the world. A solid and up-to-date understanding of IB framework is critical before one could be approved to be trained to become an IB examiner. Additionally, many members of ECA team have participated in IB webinars and forums and have visited two operating IB schools as documented on page 74 of the petition packet.

Hence ECA petitioners do not personally lack the necessary background in IB critical to the charter school's success, and ECA petitioners budgeted for and have a plan to secure the services of individuals who have the necessary background in IB.

LACOE Staff's Finding 2 does not meet the legal standard for denial of a charter petition. Moreover, many of the enumerated findings are based on incorrect facts, conjecture, demonstrate a lack of familiarity with or disregard of the information and facts evident in the petition and supporting documents, show a lack of understanding of the International Baccalaureate (IB) program, or go beyond the requirements set forth in law, and therefore the findings constitute an impermissible basis for denial of the ECA establishment charter petition.

Finding 3: The petition does not contain the required number of signatures. [EC 47605(b)(3)]

The petition has not been signed by a number of teachers that is equivalent to at least one-half of the number of teachers the charter school estimates will be employed at the school during the first year of operation.

LACOE Finding

The Charter School Office (CSO) sent letters to the 11 teachers who signed as being meaningfully interested in teaching at the school. According to LACOE Superintendent's AR 0420.4(j): "a teacher can be meaningfully interested in teaching at the school if he/she holds a valid California teaching credential appropriate to the grade levels or subjects offered by the school." The purpose of the letter was to determine the authenticity of their interest; the CSO received responses from all 11 teachers. While all 11 confirmed interest, not all of the

signatures were determined to be valid at the time of submission to the District.

Signatures were considered valid if they were by a credentialed teacher and if that teacher could have possibly been hired as a teacher in the first year of the charter term. Depending on the location within the petition, or how the term "teacher" is defined, it was determined that three (3) methodologies could be employed to determine if the signature requirement was met: Method 1. On page 8 of the petition, under the heading of "Required Teacher Signatures", 14 certificated positions are listed as planned for year one: "ECA plans to open with 7 core teachers, 1 Education Specialist, 1 Physical Education/Health teacher, 1 English Language Development (ELD) / English as a Second Language (ESL) /Socio-Economically Disadvantaged (SED) teacher and 1 PreK teacher. ECA also plans to open with part-time, Korean, Spanish and Art teachers." As signatures are required from "at least one-half of the number of teachers that the charter school estimates will be employed at the school during the first year of operation" [EC 47605(a)(1)(B)], the 14 listed teacher positions would result in the need for at least seven (7) valid teacher signatures.

Here the Education Specialist and the ELD/ESL/SED Coordinator are considered teachers, and this standpoint is restated elsewhere in the petition on pages 181 and 182 respectively.

The petition has 11 signatures but five (5) of them have Education Specialist credentials and only one (1) of these positions is estimated to be employed year one, meaning the remaining four (4) could not be employed year one as teachers and are therefore invalid.

One of the signatures was by a teacher with a Single Subject Credential in Math/Science but this credential had expired on June 1, 2018, over a year prior to the submission of the petition to the District. Signatures of teachers without a credential are considered invalid.

With only six (6) valid signatures, the petition falls one (1) short of the required seven (7) teacher threshold.

Method 2. On page 36 of the petition, there is a five (5) year projected enrollment/staffing chart showing the estimated need for eight (8) teachers in grades PK-3 for the first year. These teachers would require a Multiple Subject credential (TK-3) or Child Development Permit (PK). Since signatures are required from "at least one-half of the number of teachers that the charter school estimates will be employed at the school during the first year of operation" [EC 47605(a)(1)(B)], this would mean that at least four (4) teacher signatures of teachers with Multiple Subject credentials or a Child Development Permit would be needed. Only three (3) were provided, one (1) short of the required four (4) teacher threshold using this methodology.

Method 3. In another location of the petition, on pages 325-326 where the Payroll/FTE Summary is given, the petition indicates there will be 10.5 certificated teachers (object code 1100) and two (2) certificated "pupil support" personnel (object code 1200). With the 10.5 "teachers" number there would need to be six (6) valid signatures. In this part of the petition the Education Specialist and ELD/ESL/SED Coordinator are not considered "teachers" but rather "pupil support".

This would mean that all five (5) Education Specialist signatures would be invalid as they would not be hired as teachers. The Single Subject English teacher was only qualified as the ELD/ESL/SED Coordinator and if this position is not considered a "teacher" then the signature is invalid. The Single Subject Math/Science teacher with the expired credential is considered invalid as explained earlier.

This leaves only the three (3) Multiple Subject teacher signatures and the Single Subject Art teacher signature. This methodology results in four (4) valid signatures, two (2) short of the required six (6) teacher threshold.

ECA Response:

This finding represents Staff's conjectures and does not meet the legal standard for denial of a charter petition because it goes beyond the requirements set forth in law, and therefore the finding constitutes an impermissible basis for denial of the ECA establishment charter petition.

ECA's petition contains the required number of signatures per Ed. Code 47605(a)(B) "The petition is signed by a number of teachers that is equivalent to at least one-half of the number of teachers that the charter school estimates will be employed at the charter school during its first year of operation" and County Board Policy 0420.4.

All 11 teachers are qualified/credentialed to teach at ECA in the first year as needed in the following settings:

1. Self-contained – Grade level teachers or
2. Departmentalized – ELD, Art, Korean, Science and Math Substitute
3. Special Education

The teacher who is clearing both preliminary Math and Science Single Subject credentials that expired on June 1, 2018 has a valid Emergency credential that was valid at the time the petition was signed and is still valid.

It is very rare to find one teacher with double single subject credentials in any subject but rarer and very difficult to find one teacher with double single subject credentials in Math and Science as this ECA's founding teacher had and is clearing. Despite the fact that the teacher has already submitted all necessary requirements for the Science credential and would do the same for the Math credential prior to the start of school in Fall 2020, the fact remains that this teacher has a valid Emergency credential that was valid at the time the petition was signed. An emergency credential is a valid credential.

This information could be found in the Administrators Assignment Manual found on the California Commission on Teacher Credentialing CTC website.

LACOE Staff's Finding 3 finding represents Staff's conjectures and does not meet the legal standard for denial of a charter petition because it goes beyond the requirements set forth in law, and therefore the finding constitutes an impermissible basis for denial of the ECA establishment charter petition.

Finding 5: The petition does not contain a reasonably comprehensive description of all required elements. [EC 47605(b)(5)(A)-(O)]

Based on the guidance established in Education Code, the California Code of Regulations, the requirements set forth in Board Policy and Superintendent's Administrative Regulations (AR) and other requirements of law, four (4) of the fifteen (15) required elements are not reasonably comprehensive, four (4) are reasonably comprehensive with specific deficiencies and seven (7) are reasonably comprehensive as written. The findings of the Review Team are as follows:

Element 1: Description of the Educational Program. Reasonably comprehensive with a specific deficiency

LACOE Finding:

The petition lacks an adequate description of how the charter school will meet the needs of students with disabilities. Details surrounding interventions and curriculum are lacking. It is unclear how the single Resource Specialist will address the needs of students with disabilities in eight (8) different classrooms during year one.

ECA Response:

This finding is factually inaccurate and unsubstantiated. ECA's petition identified and described in great details the specific needs and challenges of students with disabilities, as well as the interventions, curriculum and strategies to use to support these students on pages 176-201 of the petition packet, "Serving Students With Disabilities" of the petition packet.

For instance, ECA's petition packet describes specifically on pages 191-196 "Special Education Strategies for Instruction and Services"; and on page 192, "ECA will, in alignment with the SELPA or the District, provide several programs for students with special needs, whereby the academic program is structured in one or several of the following ways: 1) a Resource Specialist may provide services in the classroom or in a small group outside the classroom, 2) a Resource Specialist coordinates programs and services for students who are fully included in regular education classroom, or 3) a Modified Inclusion model, where classes have up to five students with identified special needs, a regular education teacher, and a Resource Specialist. A Resource Specialist collaborates with regular education teachers and oversees implementation of each child's IEP."

There will be only 22 students with disability in year one who will be served based on their IEP needs.

LACOE Staff's inability to find information that is very clearly detailed in the petition is a cause for concern and calls to question the seriousness of ECA petition review. Staff's inability to find information that is easily found in the petition is not a legal reason for the denial of ECA's petition.

Element 2: Measurable Pupil Outcomes. Not reasonably comprehensive

LACOE Finding:

The petition does not have Measureable Pupil Outcomes (MPOs) for EL students that are sufficiently detailed, specifically that the “objective means of measuring pupil outcomes must be capable of being used readily to evaluate the effectiveness of and to modify instruction for individual students and for groups of students.” [5 CCR 11965.5.1 (f)(2)(A)]

- There is no annual goal for EL progress toward English language proficiency. The MPO in the petition for EL progress: “100% of EL students that have been enrolled at ECA for at least three years and who have at least a 95% attendance rate will meet grade level academic content standards in each subject” means that instructional effectiveness in English for EL students will not be determined until year four.*
- There is no annual goal for EL reclassification. The MPO in the petition for reclassification states: “Continuously enrolled EL students at ECA will be reclassified English Language proficient within 5 years.” This allows for a 0% reclassification rate each year for the first four (4) years as long as all are reclassified in year five (5).*
- Goals and MPOs are not always aligned. For example, four (4) of the stated goals, regarding having all ECA students “be proficient” in ELA, Mathematics, Social Studies and Science are each paired with MPOs that only require students to “show growth” in the subject, not proficiency.*

ECA Response:

These findings are misrepresentations of ECA MPOs based on Staff’s interpretation or opinion and therefore an impermissible reason for denial of petition. ECA will give several assessments during the school year such as teacher assessments, state assessments and NWEA school based assessments for all students.

ECA will conduct reclassification annually for all students as clearly documented on pages 172-174 of the petition packet.

Per the governing law below, ECA’s MPO meets the statute. However, ECA is willing to work with Staff to modify the MPO upon approval.

Governing Law: The measurable pupil outcomes identified for use by the charter school. “Pupil outcomes,” for purposes of this part, means the extent to which all pupils of the charter school demonstrate that they have attained the skills, knowledge, and attitudes specified as goals in the charter school’s educational program. Pupil outcomes shall include outcomes that address increases in pupil academic achievement both schoolwide and for all groups of pupils served by the charter school, as that term is defined in subparagraph (B) of paragraph (3) of subdivision (a) of Section 47607. The pupil outcomes shall align with the state priorities, as described in subdivision (d) of Section 52060, that apply for the grade levels served, or the nature of the program operated, by the charter school. Education Code Section 47605(b)(5)(B).

Element 3: Method for Measuring Pupil Progress. Reasonably comprehensive with specific deficiencies

LACOE Finding:

The petition does not utilize 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. [5 CCR 11965.5.1(f)(3)(A)]

Methods of measurement do not always align with outcomes. For example, the MPO that students with IEPs would achieve “100% compliance with IEP program” does not include a method by which this would be determined, and the MPO that states that “100% of EL students that have been enrolled at ECA for at least three years and who have at least a 95% attendance rate will meet grade level academic content standards in each subject” does not define how this very select group would meet this criteria.

ECA Response:

This finding is inaccurate and a misinterpretation of the facts because the IEP MPO goal above is addressing access to— **Standards-aligned Instructional Materials**. On page 208 of the petition packet is the statement that students with IEP will have access to “standards aligned materials and services to support their mastery of standards, and engage in the program set forth in their IEP.” This will be measured by “Classroom audit confirms that all students have access to standards- aligned materials.”

Also the EL MPO above will be measured by “1. Formative classroom assessment; school wide formative assessments; documented progress towards proficiency on project proficiency scales.

2. Sample unit plans from each teacher with embedded academic language scaffolds for EL students at various proficiency levels.

3. EL student performance on the statewide assessments; ELPAC Assessments; ILP folder; teacher assessments; and annual report cards.

4. Pre- and post-diagnostics (NWEA MAPs)” as found on page 211 of the petition packet.

Element 4: Governance Structure. Not reasonably comprehensive

LACOE Finding:

The petition fails to include evidence that the school’s governing board has adopted internal controls policies to prevent fraud, embezzlement, and conflict of interest and ensures the implementation and monitoring of those policies. [AR 0420.4(g)]

1. *Section 11.1 of the ECA bylaws and the ECA Conflict of Interest Code do not comply with Government Code section 1090. The bylaws permit contracts with directly interested board members if the interested board members provide full disclosure of their interest or if the board is already aware of the interest, if the transaction may be*

authorized by a majority of the board by a vote sufficient for that purpose without counting the interested board member's vote, if the Board determines it could not have obtained a more advantageous arrangement otherwise, if the transaction is for the corporation's "own benefit," and if the transaction is "fair and reasonable." The Conflict of Interest Code permits contracts with directly interested board members if the interested board member recuses him or herself. Under Government Code 1090, if the board member has a direct, material interest, the contract would be void.

- *When asked about the ECA bylaws at the Capacity Interview, it was stated that "Section II overrides everything" but the amendment to Element 4 in the "Description of Changes to the Petition to Reflect the County Board as the Authorizer" (Section II of the petition) does not apply because the Attorney General opinion on Government Code 1090 predates the submission and applies statewide, not specifically to when the County Board is the authorizer. In addition, this concern was also part of the December 12, 2017 LACOE Staff Findings report, which gave the petitioner sufficient opportunity to make the needed correction to the bylaws prior to the 2019 submission.*

2. *There is no mention of holding public hearings for the LCAP or posting it on the school website as required by SB 75 that was signed into law on July 1, 2019.*

ECA Response:

The Attorney General Opinion (No. 11-201) in December 2018 was not legally binding and SB 126 did not take effect until January 1, 2020 after our petition was submitted on September 26, 2019 to AADUSD.

Therefore this finding, especially the reference to a past 2017 finding, is misleading and not a legal reason for the denial of ECA's petition.

Element 4 of ECA's petition clearly documents on page 237 of the petition packet that "Eagle Collegiate Academy will follow the Attorney General Opinion, dated December 28, 2018, the Senate Bill (SB) Number 126, approved by Governor Newsom on March 5, 2019. ECA shall comply with the *Government Code (GC)* Section 1090, Brown Act and the Public Records Act."

Additionally, on the same page of ECA petition document is a statement that "Eagle Collegiate Academy shall ensure that, at all times throughout the term of the Charter, the bylaws of its governing board are and shall remain consistent with the provisions of this Charter. In the event that the governing board operating ECA amends the bylaws, ECA shall provide a copy of the amended bylaws to the District within 30 days of adoption. Eagle Collegiate Academy shall post all Board meeting agendas and minutes in accordance with the Brown Act. Timely posting of agendas and minutes on the school website will satisfy this requirement."

The information in the petition supersedes the information in the bylaws because the bylaws could be amended during the charter term. Therefore, the bylaws and conflicts of interest will

be amended as stipulated in the charter petition.

Since as indicated above in our petition that “Eagle Collegiate Academy shall post all Board meeting agendas and minutes in accordance with the Brown Act. Timely posting of agendas and minutes on the school website will satisfy this requirement”, LCAP public hearings will be posted as part of Board meeting agenda when scheduled. Therefore, this is not a permissible reason for the denial of ECA petition.

Element 5: Employee Qualifications. Not reasonably comprehensive

LACOE Finding:

The petition does not adequately 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.

- The instructional support staff position description is very broad. It is unclear what positions these employees will hold, and to whom they will report for evaluations. They are not listed on the organizational chart. At the Capacity Interview, it was stated that these were Special Education Aides and that the Education Specialist person would evaluate them and the CEO or Director would “review it and sign-off.”*
- The employee qualifications for non-instructional staff positions such as Before School Coordinator, After School Coordinator, Climate Assistant, and Office Assistant are the same. The petition does not indicate to whom these positions report for evaluations. At the Capacity Interview, it was stated that these people would report to “the Office Manager and the CEO.”*
- The job description for “Dean of Students” does not indicate to whom this position would report for evaluations. The position is not included on the organizational chart. At the Capacity Interview, it was stated that this person reports to the “CEO and Grade Level Directors.”*

ECA Response:

ECA’s organizational chart listed key positions with decision making and evaluation responsibility, a design usually used in small organizations. LACOE Staff confirmed above that ECA team based on the Capacity Interview knows who the non-instructional support staff, including the Dean of Students report to.

ECA believes that the description of all staff is adequate and complies with the governing law of Element 5. However, as a condition for approval, ECA will update the petition to include any omitted position. Hence, this is a technical adjustment to the organizational chart and not a legal reason for the denial of ECA petition.

Element 10: Suspension and Expulsion Procedures. Not reasonably comprehensive

LACOE Finding:

The petition does not adequately identify the procedures by which pupils can be suspended or expelled.

- *A conflict of interest is established in the procedures to suspend a student. An appeal of a suspension can potentially be heard by the same person who suspended the student. For example, if the CEO decides to suspend a student, a family must first meet again with the CEO before being able to appeal to the full Board of Directors.*
- *A conflict of interest could arise in the procedures to expel a student if the CEO is the one recommending expulsion. The petition states that “The Chief Executive Officer may recommend expulsion to the neutral and impartial Administrative Panel” and that the “Administrative Panel shall consist of at least three members who are certificated.” Since all certificated employees report directly to the CEO, it is unclear how they could be considered neutral and impartial.*
- *The process to expel a student is unclear in the petition. The petition states that “The Administrative Panel will hold a hearing, and will make a decision of whether to expel the student. The hearing will be held in closed session”, but since the members of the “Administrative Panel shall consist of at least three members who are certificated and neither a teacher of the pupil nor a member of the Charter School Board of Directors”, it is unclear how a panel of non-Board members would hold a closed session hearing of the Board.*
- *The process to expel a student is unclear to Board members.*
 - *The petition states that “student may be expelled by the neutral and impartial Administrative Panel” or “by the Charter School Board of Directors, upon an appeal.” This means that according to the petition, if an expulsion is not appealed, it never goes before the Board. At the Capacity Interview, the Board President stated that “for expulsion, it’s up to the board. It’s the board’s responsibility.”*
 - *At the Capacity Interview, it was stated that rather than making a decision to expel a student, the Administrative Panel makes a “recommendation to expel” which triggers a “Special Meeting of the Board” where the Board makes a decision on whether or not to expel the student. If the family chooses to appeal this expulsion, it goes back to the Board again for a final decision. This process does not align to the process stated in the petition.*

ECA Response:

- *LACOE Staff’s assertion that a conflict of interest could arise because “An appeal of a suspension can potentially be heard by the same person who suspended the student. For example, if the CEO decides to suspend a student, a family must first meet again with the CEO before being able to appeal to the full Board of Directors” is based on*

staff's conjecture and not based on any real conflict.

The purpose of meeting with the CEO is to give the family and student an opportunity to discuss their concerns about the suspension. The parents can move forward and appeal the suspension to the board if they are not satisfied after the meeting with the CEO. Parents' due process is not hampered by the meeting with the CEO, instead it provides an opportunity for both the CEO and the family to have a meaningful discussion about the suspension.

- LACOE Staff's assertion that a conflict of interest could arise because the certificated staff in the neutral and impartial Administrative Panel are incapable of being neutral and impartial "*Since all certificated employees report directly to the CEO, it is unclear how they could be considered neutral and impartial*" is a conjecture and not based on any factual evidence.
- The statements that "The Administrative Panel will hold a hearing, and will make a decision of whether to expel the student. The hearing shall be held in closed session (complying with all pupil confidentiality rules under FERPA)" does not make any reference to a Board closed session, rather it simply means that the panel will meet without any party not directly involved with the hearing in attendance. Thus Staff's misinterpreted ECA's statement based on conjecture.
- The Board President is correct in asserting that the Board is responsible for expulsion of students. The key word in this statement "*student may be expelled by the neutral and impartial Administrative Panel*" or "*by the Charter School Board of Directors, upon an appeal*" is "*may*". While the panel could decide that a student should be expelled, the Board will conduct the expulsion. The statement will be clarified to avoid any misinterpretation upon approval.

Hence Staff's conjectures about statements in the petition are impermissible reasons for the denial of ECA's petition.

Element 11: STRS, PERS, and Social Security. Reasonably comprehensive with a specific deficiency

LACOE Finding:

The petition indicates that classified employees will participate in Social Security / OASDI withholding but lacks a specific statement that the school will not offer CalPERS coverage if that is the case. [AR 0420.4(h)]

ECA Response:

ECA will add "*a specific statement that the school will not offer CalPERS coverage if that is the case. [AR 0420.4(h)]*" as a condition for approval.

Element 15: Closure Procedures. Reasonably comprehensive with a specific deficiency

LACOE Finding:

The petition does not designate a responsible entity to conduct closure-related activities. The amendment to Element 15 in the “Description of Changes to the Petition to Reflect the County Board as the Authorizer” does not apply because 5 CCR § 11962 predates the submission and applies statewide, and is not specific to the County Board as an authorizer. This would constitute a material revision.

ECA Response:

This finding is inaccurate because it completely omits the information found on page 301 of ECA petition packet that states “Closure of the Charter School shall be documented by official action of ECA Board of Directors. The action shall identify the reason for closure. The official action will also identify an entity and person or persons responsible for closure-related activities such as the CEO or designee.”

Hence, this finding is not a material revision case and contradict’s LACOE’s “Standard of Review” description of “Reasonably comprehensive with a specific deficiency” found on page 11 of the Staff Report as follows:

“Reasonably Comprehensive with Deficiencies: An element may be reasonably comprehensive but lack specific critical information or contain an error important enough to warrant correction. These elements are described as “reasonably comprehensive” with a specific “deficiency” or “deficiencies.” Correcting the deficiency or deficiencies **would not be a material revision** (as defined in statute and County Board Policy) to the charter.

Finding 6: The petition does not satisfy all of the Required Assurances of Education Code section 47605(c), (e) through (h), (l), and (m) as follows:

LACOE Finding:

Effect on the Authorizer and Financial Projections. [EC 47605(g)] Does not provide the necessary evidence

The petitioners propose to locate in a building that does not possess a Certificate of Occupancy appropriate for the operation of a school, nor is the location zoned for educational purposes. Should the County Board authorize the school to locate at this facility, it would potentially expose the County Board and LACOE to civil liability effects and possibly jeopardize student health and safety.

ECA Response:

This has been addressed in depth in Finding 2

Many charter schools are located on commercial and church properties. It is important to note that charter schools usually do not have a facility at the time of Petition. The Charter Schools Act only requires that the Petitioners identify “where the school intends to locate.” (Education Code Section 47605(d)(3)(g).) Majority of startup charter schools cannot enter into a lease for

a facility until they have secured an approved charter petition.

ECA would like to clearly point out that facility is not a reason to deny a petition by statute, and therefore the enumerated findings above do not meet the legal standard for denial of a charter petition.

ECA submitted a letter from the Los Angeles County Department of Regional Planning found on page 9 of the petition packet that stipulates that the proposed property can be used as a K-12 school.

We also submitted a letter from the engineering firm coordinating the work to make the property E-Occupancy ready found on page 394 of the petition packet. This letter estimates that it will take about 3 months at a cost of about \$100, 000. At the request of LACOE staff, the engineering firm also provided a cost break down and a summary of the scope of work to be done on the property. See Exhibits A1 and A2.

ECA's engineering firm, the owners and our team are working with the Los Angeles County Department of Regional Planning to ensure that the building is E Occupancy ready which includes adjusting the speed limit to meet the speed limit in a school zone as is done in any area where there is a school.

These findings represents Staff's conjectures and do not meet the legal standard for denial of a charter petition because it goes beyond the requirements set forth in law, and therefore the finding constitutes an impermissible basis for denial of the ECA establishment charter petition.

LACOE Finding:

Preference to Academically Low Performing Students. [EC 47605(h)] Does not qualify for the preference

The petition does not demonstrate the capability to provide comprehensive learning experiences to pupils identified by the petitioners as academically low achieving. It does not provide sufficient detail regarding the intervention programs the school will use with those academically low performing students.

ECA Response:

This finding is factually inaccurate and unsubstantiated. ECA's petition identified and described in great details the specific needs and challenges of all student subgroups including English Learners, Students with Disabilities, foster youth, homeless youth, socio-economically disadvantaged students, low achieving students and high achieving students as well as the interventions, curriculum and strategies to use to support these students **on pages 155-205 of the petition packet, "Addressing Special Student Populations."**

* * *

As demonstrated herein, the Eagle Collegiate Academy establishment charter petition meets or exceeds the legal requirements for approval, and LACOE's Findings are impermissible bases for denial of the charter petition. We urge LACBOE to consider the Legislative intent behind the Charter Schools Act, that "charters schools **are and should become an integral part** of the California educational system and that **establishment of charter schools shall be encouraged.**" (Education Code Section 47605(b), emphasis added.)

The Eagle Collegiate Academy team is committed to providing a high quality education for its students and seeks approval of this establishment charter petition to serve its students for the term of July 1, 2020 through June 30, 2025. Should you have any questions about the contents of the letter, please do not hesitate to contact me via email (eaglecollegiate@gmail.com) or phone 661-347-6016.

Sincerely,

Ogo Okoye-Johnson

Ogo Okoye-Johnson, Ph.D.
Chief Executive Officer and
Eagle Collegiate Academy Board of
Directors