

**STAFF REPORT FOR CHARTER PETITION SUBMITTED BY  
CALIFORNIA REPUBLIC LEADERSHIP ACADEMY**

**October 25, 2022**

**OVERVIEW**

The following Staff Report is in response to the Charter Petition Submitted by California Republic Leadership Academy. The report provides the following:

- Background
- Legal Standard
- Staff Recommendation
- Factual Findings
- Conclusion

**STAFF REPORT AND BOARD DECISION TIMELINE**

Per [Board Policy 0420.4, Charter School Authorization](#), *The Board shall either grant or deny the petition at a public hearing held within 90 days of receiving the petition, or within 120 days with the consent of both the petitioner and the Board. (Ed. Code, § 47605.)*

*At least 15 days before the public hearing at which the Board will grant or deny the charter, the District shall publish all staff recommendations regarding the petition, including any recommended findings and, if applicable, certification from the County Superintendent of Schools regarding the potential fiscal impact of the charter school on the District. During the public hearing, the petitioners shall have equal time and opportunity to present evidence and testimony in response to the staff recommendations and findings. (Ed. Code, § 47605.)*

**BOARD DECISION AT NOVEMBER 9, 2022, BOARD MEETING**

The Board will grant or deny the charter at the November 9, 2022, Board meeting. The Board will have three options for action regarding the charter school petition:

- Option One: Follow staff recommendation and deny the charter petition.
- Option Two: Approve the charter petition as written.
- Option Three: Approve the charter petition with conditions.

The Board report and exhibit for the November 9, 2022, Board meeting will be posted on November 2, 2022.

Click [here](#) to access the California Republic Leadership Academy's Complete Charter Petition.

## **I. INTRODUCTION**

In accordance with the Charter Schools Act, as set forth in Education Code section 47600, et seq, Capistrano Unified School District (“District”) staff conducted a comprehensive review of the charter petition submitted by California Republic Leadership Academy (“CRLA”). This report summarizes findings from that review and provides recommendations for consideration by the District’s Board of Trustees (“Board”).

## **II. BACKGROUND**

On August 31, 2022, CRLA submitted a petition to the District proposing to establish a charter school for a five-year term beginning July 1, 2023, and concluding on June 30, 2028. CRLA projects an enrollment of 374 students in transitional kindergarten through fifth grade during its first year and seeks to expand to serve 554 students in transitional kindergarten through eighth grade by the 2026-27 school year. CRLA would be operated by CRLA Southern California, a California nonprofit public benefit corporation.

On October 13, 2022, District staff met with charter school representatives to better understand and clarify information in CRLA’s petition.

On October 19, 2022, the Board held a public hearing on the provisions of the charter petition to consider the level of support for the petition by parents/guardians, and teachers. Two members of the public spoke in opposition to the establishment of the charter school, stating that they do not support the use of public funds to establish a school that they believe will leave the most marginalized students behind. Two other members of the public, including the wife of the lead petitioner, spoke in support of the school, stating their beliefs that families should have options, while acknowledging that CRLA will not be for everyone. No teachers spoke on behalf of the charter school.

Also on October 19, 2022, the Board held a hearing on CRLA’s proposed admissions preferences. Two members of the public spoke in opposition to the admissions preferences, asserting that as presented they were discriminatory and failed to provide preference to students residing in the area where CRLA would be located. The Board, too, expressed concern about the admissions preferences as presented in the petition, stating that it would like to see a preference for students residing in the area where the charter school would be located. The Board determined that it would revisit the issue of CRLA’s admissions preferences at its November 9, 2022, meeting.

The Board is required to take action to either grant or deny the charter within 90 days of receipt of a charter petition, unless that date is extended by up to an additional 30 days by an agreement

with the petitioner. CRLA did not provide the District with an extension of time to grant or deny the charter. Accordingly, Board action is scheduled for November 9, 2022.

### **III. LEGAL STANDARD**

Education Code, section 47605, subdivision (c) details the criteria for evaluating a charter petition. It provides that the governing board of the school district shall grant a charter for the operation of a school if it is satisfied that granting the charter is consistent with sound educational practice and with the interests of the community in which the school is proposing to locate. The governing board of the school district shall consider the academic needs of the pupils the school proposes to serve. The governing board of the school district, shall not deny a petition for 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 of parents, legal guardians of pupils or teachers required by Education Code section 47605, subdivision (a).
- (4) The petition does not contain an affirmation of each of the conditions described in Education Code section 47605, subdivision (e).
- (5) The petition does not contain reasonably comprehensive descriptions of the 15 required charter elements set forth in Education Code section 47605, subdivisions (c)(5)(A)-(O).
- (6) The petition does not contain a declaration of whether or not the charter shall be deemed the exclusive public employer of the employees of the charter school for purposes of Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code.
- (7) The charter school is demonstrably unlikely to serve the interests of the entire community in which the school is proposing to locate. Analysis of this finding shall include consideration of the fiscal impact of the proposed charter school. A written factual finding under this paragraph shall detail specific facts and circumstances that analyze and consider the following factors:

(A) The extent to which the proposed charter school would substantially undermine existing services, academic offerings, or programmatic offerings.

(B) Whether the proposed charter school would duplicate a program currently offered within the school district and the existing program has sufficient capacity for the pupils proposed to be served within reasonable proximity to where the charter school intends to locate.

(8) The school district is not positioned to absorb the fiscal impact of the proposed charter school. A school district satisfies this paragraph if it has a qualified interim certification pursuant to Education Code section 42131 and the county superintendent of schools, in consultation with the County Office Fiscal Crisis and Management Assistance Team, certifies that approving the charter school would result in the school district having a negative interim certification pursuant to Section 42131, has a negative interim certification pursuant to Section 42131, or is under state receivership.

Staff was also guided in its analysis by the State Board of Education regulations for the evaluation of charter petitions. (Cal. Code Regs., tit. 5, § 11967.5.1 et seq.) Although these regulations apply to the State Board of Education's review of charter petitions, they provide further guidance as to the meaning of the elements specified in Education Code section 47605, subdivision (c).

#### **IV. STAFF RECOMMENDATION**

Staff conducted an evaluation of CRLA's charter petition. During the review process, staff interviewed the petitioners in an effort to clarify aspects of the petition, as well as to evaluate the capacity of the petitioners to successfully implement the program as set forth in the petition. Based on these evaluations, and as confirmed by the factual findings presented in this report, staff determined the following:

- The petition presents an unsound educational program (Ed. Code, § 47605(c)(1));
- The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition (Ed. Code, § 47605(c)(2));
- The petition does not contain reasonably comprehensive descriptions of the following 11 of the 15 required charter elements (Ed. Code, § 47605(c)(5)):
  - The educational program of the charter school (Ed. Code, § 47605, subd. (c)(5)(A));

- The measurable pupil outcomes identified for use by the charter school (Ed. Code, § 47605, subd. (c)(5)(B));
- The method by which pupil progress in meeting pupil outcomes is to be measured (Ed. Code, § 47605, subd. (c)(5)(C));
- The governance structure of the charter school, including, but not limited to, the process to be followed by the charter school to ensure parental involvement (Ed. Code, § 47605, subd. (c)(5)(D));
- The qualifications to be met by individuals to be employed by the charter school (Ed. Code, § 47605, subd. (c)(5)(E));
- The procedures that the charter school will follow to ensure the health and safety of pupils and staff, which shall require (i) that each employee of the charter school furnish the charter school with a criminal record summary, (ii) the development of a school safety plan, and (iii) that the school safety plan be reviewed and updated by March 1 of every year by the charter school (Ed. Code, § 47605, subd. (c)(5)(F));
- The means by which the charter school will achieve a balance of racial and ethnic pupils, special education pupils, and English learner pupils, including redesignated fluent English proficient pupils, that is reflective of the general population residing within the territorial jurisdiction of the school district to which the charter petition is submitted (Ed. Code, § 47605, subd. (c)(5)(G));
- Admission policies and procedures, consistent with Education Code section 47605, subdivision (e) (Ed. Code, § 47605, subd. (c)(5)(H));
- The manner in which annual, independent financial audits shall be conducted, which shall employ generally accepted accounting principles, and the manner in which audit exceptions and deficiencies shall be resolved to the satisfaction of the chartering authority (Ed. Code, § 47605, subd. (c)(5)(I));
- The manner by which staff members of the charter school will be covered by the State Teachers' Retirement System, the Public Employees' Retirement System, or federal social security (Ed. Code, § 47605, subd. (c)(5)(K)); and

- The procedures to be followed by the charter school and the chartering authority to resolve disputes relating to provisions of the charter (Ed. Code, § 47605, subd. (c)(5)(N)).
- The charter school is demonstrably unlikely to serve the interests of the entire community in which the school is proposing to locate (Ed. Code, § 47605(c)(7)).

For these reasons, staff recommends that the Board deny the charter.

However, should the Board take action to approve the charter, staff recommends that the written findings of fact set forth below become conditions for approval that must be satisfied by CRLA's entry into a memorandum of understanding with the District to address the areas of concern, and that any failure by CRLA to enter into such a memorandum of understanding operate as a denial of the charter.

Further, should the Board approve the petition, based on discussions during consideration of CRLA's admissions preferences during the October 19, 2022 Board meeting, staff recommends that the admissions preferences identified in the petition be amended to read as follows:

1. Children of California Republic Leadership Academy Capistrano staff and Board members, not to exceed 10 percent of total enrollment.
2. Siblings of scholars enrolled in or admitted to CRLA Capistrano.
3. Students currently enrolled or residing in the attendance area of the campus/facility where the charter school shall operate.
4. If the Academy operates a campus that is physically located in the attendance area of a District operated public elementary school in which at least 55 percent of the enrollment is eligible for free and reduced price lunch, then students currently enrolled in that school and students who reside in that elementary school attendance area will be given preference to attend such campus operated by the Academy in accordance with Education Code § 47614.5(c)(2) (for purposes of the Senate Bill 740 Charter School Facility Grant Program).
5. Students who reside in the District.

**V. FACTUAL FINDINGS**

**A. The Charter School is Demonstrably Unlikely to Serve the Interests of the Entire Community in Which the School is Proposing to Locate (Ed. Code, § 47605, subd. (c)(7))**

**1. The District Will Suffer a Substantial Financial Loss if the Charter is Approved**

- The District would suffer, at a minimum, a financial loss of nearly \$3,000,000 in CRLA’s first year of operation if the school opened with 70% in-district students, which is a reasonable assumption based on the percentages of in-district students attending other District-authorized charter schools. That loss would increase from year to year until CRLA reached its enrollment capacity. By the 2026-27 school year, the District would suffer an annual loss of more than \$4,800,000. In total, over a five-year period, the District will suffer a loss in excess of \$20,000,000 if the charter is granted. A loss of that magnitude will impact not only the community where the charter school is located, but also the greater District community. The losses and assumptions are reflected in the following chart:

Potential Loss of Revenue as a result of CRLA Opening with 70% In District Students					
Revenue Loss	2023-24	2024-25	2025-26	2026-27	2027-28
LCFF Revenue	2,691,419	3,204,210	3,763,226	4,356,661	4,356,661
AB602 Revenue	203,942	236,660	269,378	302,096	302,096
Federal Spec Ed Revenue	31,089	36,076	41,064	46,051	46,051
Lottery (rest/unrest)	58,944	68,401	77,857	87,313	87,313
Mandate Block Grant	9,202	10,679	12,155	13,631	13,631
Cost of borrowing (in lieu)	5,320	6,160	7,020	7,880	7,880
<b>Total</b>	<b>2,999,916</b>	<b>3,562,186</b>	<b>4,170,700</b>	<b>4,813,633</b>	<b>4,813,633</b>
<b>Assumptions</b>					
LCFF COLA	3.61	3.64	3.62	3.58	3.58
ADA @70% in district	248.71	288.61	328.51	368.41	368.41
Special Ed State Revenue	820	820	820	820	820
Special Ed Fed Revenue	125	125	125	125	125
Lottery (rest/unrest)	237	237	237	237	237
Mandate Block Grant	37	37	37	37	37
Cost of borrowing (per million)	2,000	2,000	2,000	2,000	2,000
<b>Expenditures</b>					
Teachers	will not be reduced unless students all came from same one or two schools				
Non teaching staff	Are allocated based on number of sites not number of students				

**2. The Proposed Charter Duplicates Programs Offered by the District**

- CRLA states on page 13 of its petition that its “combination of academic program, core values, education philosophy, mission, and vision is unique to South Orange County,”

however, the program being presented duplicates programs offered throughout the District.

- The District's School of Choice program affords parents the opportunity to apply to the school that they would like their child to attend.
- The District has four classroom-based span schools (Arroyo Vista K-8, Carl Hankey K-8, Esencia K-8, and Vista del Mar K-8) and one virtual span program (Capistrano Virtual/Home) serving students in kindergarten through eighth grade, which are the grades CRLA proposes to serve.
- CRLA claims that it will provide vigorous competition to other Orange County schools, particularly in foreign language fluency. The District provides five language immersion pathways for its students, including four Spanish and one Mandarin option.
  - The District recently won a Golden Bell award from the California School Boards Association for its language immersion programs.
  - The District offers an International Baccalaureate Program at Carl Hankey, one of its K-8 schools, as well as at San Clemente High School and Capistrano Valley High School.
    - The academic integrity and intellectual rigor of this program is recognized by colleges and universities around the world. The comprehensive curriculum includes courses in language, science, mathematics, individuals and societies, and electives.
- CRLA does not identify any language program other than Latin.
- The District currently has seven charter schools operating within its boundaries, six of which are District-authorized and five of which offer classroom-based education.
  - Three of the classroom-based programs serve students in preschool/transitional kindergarten through eighth grade, as proposed by CRLA. Another classroom-based charter operator has two schools: one



serving students in kindergarten through fifth grade, and another serving students in grades sixth to twelfth.

- These charter schools offer a variety of programming, including Project Based Learning, Waldorf, Multiple Intelligences, and STEAM.
- The petition states that CRLA may have Common Core State Standards-aligned textbooks, but it intends to differentiate itself by using classical and historical texts as its primary means of teaching the curriculum that will meet or exceed the Common Core standards. However, CRLA fails to recognize that the Common Core State Standards also utilize classical and historical texts to teach students.
  - CRLA states on page 24 of its petition that “[s]tudying the classics is not a popular thing to do in school anymore.” The Introduction to Common Core State Standards for English Language Arts & Literacy in History/Social Studies, Science, and Technical Subjects explains, among other things, that students who are college and career ready in reading, writing, speaking and listening, and language, can vicariously inhabit worlds and have experiences much different from their own “through reading great classic and contemporary works of literature representative of a variety of periods, cultures, and worldviews”. (Introduction to Common Core State Standards for English Language Arts & Literacy in History/Social Studies, Science, and Technical Subjects, <https://www.cde.ca.gov/be/st/ss/documents/finaletaccsstandards.pdf>, p. 6.) Additionally, it states that “[t]o become college and career ready, students must grapple with works of exceptional craft and thought whose range extends across genres, cultures, and centuries,” and that texts should be chosen “from among seminal U.S. documents, the classics of American literature, and the timeless dramas of Shakespeare.” (Common Core Standards, p. 46.)
  - Common Core standards include classic texts and writings by the Founding Fathers as exemplars. Specifically, in selecting texts, the work group chose “classic or historically significant texts as well as contemporary works of comparable literary merit, cultural significance, and rich content.” (Common Core State Standards for English Language Arts & Literacy in History/Social Studies, Science, and Technical Subjects, Appendix B (“Appendix B”), p. 2;

[http://www.corestandards.org/assets/Appendix\\_B.pdf](http://www.corestandards.org/assets/Appendix_B.pdf).) Examples are included throughout Appendix B.

- CRLA also claims that it is unique in that students will be trained in study skills such as time management, organization, and note taking; however, those are skills employed as part of the Advancement Via Individual Determination programming offered at sixteen District elementary, middle, high, and K-8 grade span schools.

### **3. District Programs Have Sufficient Capacity to Serve the Proposed CRLA Students**

- CRLA’s charter petition simply states that the school will be located within the District’s boundaries and does not identify a particular area within which it wishes to be located. District schools serving grades kindergarten through grade eight, as well as District elementary schools and middle schools, have sufficient capacity to accommodate all of CRLA’s proposed students.

#### **B. The Charter School Presents an Unsound Educational Program for the Pupils to be Enrolled in the Charter School (Ed. Code, § 47605, subd. (c)(1))**

- CRLA states that it intends to improve learning through an innovative educational program designed to teach state standards through servant leadership education, but it does not provide a clear description of what this program will look like or how it will be implemented.
- The petition states that “scholars must be genuinely dedicated to their own education,” but does not explain how it will attend to students who are not “genuinely dedicated.”
- The program relies heavily on the use of “mentors,” which CRLA defines as individuals “of high moral character,” to guide students’ learning, but the petition does not adequately explain how the mentors will be vetted, trained, and utilized, or how the program will proceed if the mentors do not materialize. It is of concern that “mentors” who are not trained as teachers or credentialed will be teaching students.
- Although the charter petition repeatedly references CRLA’s focus on the “classics” and use of a “classical” approach to educating its students, during their interview, the petitioners were unable to define what a “classical” approach is and suggested that District staff visit a “classical charter” to gain an understanding.

- The petition confuses curriculum and instruction, and while some curriculum is mentioned, the petition primarily references standards rather than instructional design.
- CRLA plans to use Common Core State Standards-aligned textbooks as supplemental curriculum, which raises a concern as to whether the core content will meet the rigor of the standards.
- CRLA’s focus on the “classics” raises a question as to whether the instructional materials it is adopting will accurately portray the cultural and racial diversity of society, as required by the Fair Education Act (Senate Bill 48) <https://www.cde.ca.gov/ci/cr/cf/senatebill48faq.asp>.
- CRLA states that it will provide vigorous competition to other Orange County schools in foreign language fluency, yet the program does not appear to offer any foreign language other than Latin.
- The Executive Director of the proposed charter school resides in Elk Grove, California, in Sacramento County, rather than in or near the District, where the charter school hopes to operate. This potentially limits the executive director’s ability to respond to community concerns and ensure an effective opening of the school.

**C. The Petitioners Are Demonstrably Unlikely to Successfully Implement the Program Set Forth in the Petition (Ed. Code, § 47605, subd. (c)(2))**

**1. The Petitioners Are Unfamiliar with the Content of the Petition and the Educational Program they Plan to Operate**

- Although the charter petition repeatedly references CRLA’s focus on the “classics” and use of a “classical” approach to educating its students, during their interview, the petitioners were unable to define what a “classical” approach is and suggested that District staff visit a “classical charter” to gain an understanding.
- The petitioners were unable to explain how their model differed substantially from the offerings at other District schools.
- The petition confuses curriculum and instruction. During the interview, the petitioners were unable to answer questions about CRLA’s curriculum and could not answer specific questions about the difference between standards, curriculum, and instruction.

- CRLA’s charter petition states that the school intends to teach state standards through “servant leadership” and that it will provide vigorous competition to other Orange County schools in the area of servant leadership education, but neither the petition nor the petitioners provided a thorough explanation of what “servant leadership” means.
  - Petitioners were unable to answer when asked how a leadership education is a valuable alternative to traditional methods and how students would learn foundational skills.
- Petitioners admitted to copying portions of the petition from John Adams Academy and Harvard University.

**2. The Petitioners Have Presented an Unrealistic Financial and Operational Plan**

- The charter school’s initial budget assumes that a \$600,000 investor loan will be secured. However, at the time of the petitioner interview it had not been secured, and petitioners have provided the District with no information as to when the investment will materialize. Additionally, CRLA has provided no back-up plan for if the loan does not materialize.
  - The charter school’s cash flow for the month of July 2023 shows an ending cash balance of \$304,000, which includes the assumption that the school will receive the \$600,000 loan. Without the loan, the school cannot operate.
  - On October 24, 2022, CRLA provided the District with a letter from Herbert J. Sims & Co., Inc., a broker-dealer and investment bank in the business of providing taxable and tax-exempt financing for charter schools and other non-profit entities. The letter generically states that the school “could potentially raise these funds from multiple sources, including the possibility of a taxable financing or loan, in one of the following ways: (1) through the sale or placement of a senior and/or subordinated debt securities (the “Securities”) or, in the event market conditions do not permit the issuance of the Securities, interim financing in lieu thereof (the “Bridge Facility”) and/or (2) under a senior credit facility (the “Credit Facility”) and/or (3) an accounts receivable securitization facility (the “A/R Facility”).” There is no commitment in the letter to provide the financing. In fact, the letter unequivocally states that “*this letter is not a commitment* to place or purchase the Securities or to place, purchase or provide any loans under the Credit Facility or the Bridge Facility

or provide any advances under the A/R Facility and there can be no assurance that the sale and placement of the Securities and/or the structuring and syndication of the Credit Facility, the Bridge Facility or the A/R Facility will in fact be accomplished.” (Emphasis added.) The letter does not discuss any timeline to provide CRLA with a \$600,000 loan prior to the school opening. Further, prior to opening, the school would not have any receivables to securitize.

- CRLA’s first-year budget for textbooks appears to be low, as it is based on average daily attendance rather than enrollment. All students must have textbooks.
- The budget also has the following deficiencies:
  - It includes one full-time equivalent Education Specialist in the first and second years, which does not correlate to caseload maximums in the Education Code.
  - The petition states that teachers supplement classroom study with field trips, and the budget identifies a wide range of after school activities, yet the school has budgeted only \$75 per unit of average daily attendance which does not seem sufficient.
  - Only \$10,000 is budgeted for all additional certificated assignments, including after school instruction and activities, tutoring and professional development.
  - No allowance is included for substitute teachers.
  - There is no specific allowance for the transportation of Special Education students, as may be required by their IEPs.
  - CRLA states in its petition that its preference is to locate in a private facility. However, the amount budgeted for facilities is insufficient to cover the cost of a private facility.
  - The budget does not identify any costs for LCAP preparation.
  - The budget does not specifically identify any start-up costs.

- The charter states that teachers will be offered at least 80 hours annually of professional development training. The \$58,000 budgeted for professional development does not appear to be sufficient.
- CRLA's cash flow assumes the 1% oversight fee to the District is paid at the end of the year, but in actuality it is paid monthly.
- The budget narrative states that in each fiscal year, CRLA plans to exceed a reserve equal to 5% of total annual operating expenditures or \$50,000, but the reserve is only 3.4% in the first year.
- CRLA's cash flow for state and federal revenue reflects a 10% accrual at year end, yet it is typical to experience at least a 30% accrual each year, which reduces the operating cash available during the fiscal year from what is projected..
- The Local Control Funding Formula calculator does not include an add-on for transitional kindergarten average daily attendance.

**3. The Charter and Supporting Documents Do Not Adequately Provide for the Acquisition and Budgeting for Necessary Insurance**

- The petition states that CRLA will acquire and maintain and finance general liability, workers' compensation, and other necessary insurance of the types and in the amounts required for a school of similar size, location, and scholar population, however, CRLA does not specify the types of insurance it intends to obtain and therefore impossible to determine whether CRLA has included a sufficient budget to accommodate its insurance needs.

**4. Petitioners Fail to Provide Sufficient Information About Facilities to be Utilized by the School**

- The petition states that CRLA prefers to be located in a private facility, but it fails to describe the type and potential location of facilities needed to operate the size and scope of the educational program proposed in the charter.
- The petition does not provide evidence of the type and projected cost of the facilities that may be available in an area in which CRLA proposes to operate.
- While it appears unlikely that the amount budgeted would be sufficient to enable CRLA to occupy a private facility, it is difficult to make a definitive determination as

to whether the amount budgeted is reasonable, given CRLA's failure to provide sufficient detail about the type and potential location of facilities needed to operate its program.

**5. The School's Proposed Executive Director Does Not Reside Anywhere Near the District**

- CRLA's proposed Executive Director resides in Elk Grove, California, which is in Sacramento County. The petition states at page 65 that it is the Executive Director's responsibility to implement the strategy of the organization and to ensure day to day operations are in line with those strategies. Among the Executive Director's listed qualifications are the ability to lead in a collaborative manner with the Principal and teachers to implement the goals and policies of the Board of Directors, to establish teams and model effective teamwork, and to communicate effectively with co-workers, families, community members, and school boards. It will be difficult for an Executive Director residing hundreds of miles away to accomplish these tasks, and the District is concerned about the efficacy of a brand new charter school without local leadership.

**D. The Petition Does Not Contain Reasonably Comprehensive Descriptions of the 15 Required Elements (Ed. Code, § 47605, subd. (c)(5))**

**1. Educational Program – Education Code section 47605, Subdivision (c)(5)(A)**

- The petition states that its target population is homeschooled students and students attending private schools, yet the school is seeking to attract a diverse cross-section of the community. Those statements are inconsistent, as families with the ability to home school or send their children to private schools are not likely to present as diverse.
- The petition states that CRLA will provide a "leadership education" designed to develop "servant leaders" as a valuable alternative to the traditional methods of teaching state standards, however, it does not provide details about what a leadership education is or how it will be provided.
- CRLA states on page 13 of its petition that it made its enrollment and grade level projections based upon community and parent demand, "but reserves the right to

make adjustments so the grade levels being served each year as scholar demand and facilities allow.” CRLA fails to acknowledge that it may not make any such changes to its program, enrollment limits, or grade levels without requesting a material revision to its charter.

- The petition does not provide goals for any ethnic subgroups, socioeconomically disadvantaged students, English learners, or students with disabilities, as required by Education Code section 52052.
- The “Educational Philosophy” portion of the petition beginning on page 14, and including a subheading entitled “Servant Leadership,” is plagiarized from John Adams Academy without attribution.
- CRLA states that it intends to utilize mentors to teach students. On page 17 of the petition, CRLA states that mentors are individuals of “high moral character” who can guide the student’s learning. However, the petition also states that “[a]nyone can be a mentor,” which seemingly contradicts the statement that mentors must have “high moral character.” Additionally, the reliance on mentors who are not trained, credentialed educators to teach students is of concern.
- Although the petition mentions some curriculum, for the most part it references standards rather than actual instructional design, making it difficult to determine precisely what curriculum will be offered.
  - In explaining the school’s elementary program, CRLA identifies standards or learning targets such as Core Knowledge sequence for Social Studies and Science, Next Generation Science Standards, Systematic Phonics Instruction, Well Ordered Language, Writing and Rhetoric, Singapore Math, Novel Studies, Core Knowledge Sequence Music/Art, Physical Education, Latin, and Words Their Way, but has not fully articulated what curriculum will be used for all content areas.
- CRLA states on page 20 of its petition that its education program is subject to modification as required by law, by requirements of accrediting organizations and as further refined by the Board and the academic team. However, the petition fails to acknowledge that CRLA cannot make these modifications without first requesting a material revision of its charter from the District.



- The petition includes three different dates as the last day of school (June 6, 2024; June 7, 2024; and June 16, 2024 (a Sunday), making it difficult to determine whether the charter school will be providing a sufficient number of instructional days.
- CRLA’s petition states that daily essay writing and essay exams test not only the knowledge a scholar has acquired but the ability to organize and communicate that knowledge and apply it; however, the petition does not explain how it will teach those skills to students.
- The petition includes a list of “skills that are built upon the foundation of virtue and which a leader and statesman must acquire” on pages 18-19, which is largely plagiarized from an article about Harvard University’s list of skills of an educated person without attribution.
- The petition does not include the process for notifying the district of residence and the authorizing local educational agency when a special education student enrolls, becomes eligible, becomes ineligible and/or leaves the charter.
- Although the petition states that the charter school will apply for membership in the El Dorado County Charter Special Education Local Plan Area (“SELPA”) or in another SELPA if denied, it has provided no evidence that it has consulted with a SELPA.
- The petition does not specify which English Language Development (“ELD”) materials CRLA will utilize, whether they are aligned to the ELD standards as opposed to English Language Acquisition (“ELA”) standards, and when English Learners will receive this instruction which is characterized as “supplemental” on page 29 of the petition.
  - ELD is not an “intervention” as the petition states on page 28 but must instead be included as part of the school’s core programming.
  - The petition states that “interventions” may include utilization of directed, structured, and research-based instruction; structured, targeted, and rigorous standards-based instruction integrating the Theory of Multiple Intelligences which centers on scholars’ learning strengths; and Scholar Success Team process to analyze current interventions being utilized within the classroom, put in place new interventions, and monitor all interventions to determine effectiveness. However, none of these relate to the ELD standards.

- Although the petition states that English Learners will have access to “rigorous standards-aligned instruction in content areas and English Language Development,” that does not appear to be the case, as the school is not following California ELA/ELD standards.
  - The petition incorrectly refers to ELD as “part of a Structured English Immersion program,” rather than as integrated ELD, on page 28.
  - The examples of the instructional strategies to be utilized to support ELD identified in the middle of page 29 of the petition do not reflect a thorough understanding of ELD instruction.
- When discussing ELD, the petition states that “[a]ll teachers of EL scholars will receive professional development in order to better understand the instructional steps and approaches necessary for English Language acquisition,” yet ELD is not included in the listing of staff professional development topics on page 25 of the petition.
  - Although CRLA states that it will provide targeted intervention for academically low-achieving students, and that remedial intervention before and after school, as well as on Saturdays may be provided, the school only budgets \$10,000 for the first year and nothing for subsequent years. There is no option offered for students unable to attend before school, after school, or on Saturdays.
  - Although the petition emphasizes the 21st century skills of critical thinking, problem solving, and communication, there is little reference to collaboration and creativity.
  - In the applicant’s petition, Appendix H is not cohesive and difficult to understand. It is listed as “Sample Curriculum and Reading List Documents” but is in fact lists of academic standards from various sources including: California standards on visual arts, scope and sequence from Core Knowledge on Language Arts and history, a fourth grade history unit, a middle school grammar and vocabulary program from John Adams Academy, a teacher's guide from the CPM math program, a list of summer reading for grades TK through 8, a science scope and sequence from Oakland Unified School District, a scope and sequence from Singapore Math, and a scope and sequence from Valley Life Charter School on leadership. The appendix does not include curriculum or a coherent plan for all subjects K-8.
  - Staff reviewed the responses to District questions about CRLA’s educational program that CRLA provided on October 24, 2022, the day before the staff report was to be posted. The District appreciates CRLA’s efforts to clarify certain aspects of its

petition, but this presentation of information at the last minute does not change the District's assessment of the petition.

**2. Measurable Student Outcomes – Education Code section 47605, Subdivision (c)(5)(B)**

- The petition does not include information about exit outcomes aligning to the mission and instructional design of the program.
- CRLA only projects 1% targeted annual growth in the percentage of English Learner scholars who will be classified as fluent English proficient as measured by the ELPAC exam within five years of their initial classification as an English Learner scholar.
- The petition states that the LCAP, and any revisions necessary to implement the LCAP, shall not be considered a material revision to the charter. However, the California Department of Education makes it clear that if in completing an LCAP the charter school or its authorizer determines that changes to the charter petition are necessary, a material revision may be required. Therefore, it is inaccurate for the petition to state that no changes necessary to implement the LCAP will require a material revision. (<https://www.cde.ca.gov/fg/aa/lc/lcffffaq.asp>.)

**3. Method by Which Pupil Progress in Meeting Student Outcomes is to be Measured – Education Code section 47605, Subdivision (c)(5)(C)**

- The petition again states in this portion of the petition that the LCAP, and any revisions necessary to implement the LCAP, shall not be considered a material revision to the charter. However, the California Department of Education makes it clear that if in completing an LCAP the charter school or its authorizer determines that changes to the charter petition are necessary, a material revision may be required. Therefore, it is inaccurate for the petition to state that no changes necessary to implement the LCAP will require a material revision. (<https://www.cde.ca.gov/fg/aa/lc/lcffffaq.asp>.)
- CRLA states that it will use a “verified data” assessment for its scholars, but it does not provide a definition of “verified data.”

- CRLA states that teachers will determine the most appropriate types of assessments to measure scholar mastery of a given standard. This may result in a wide variation in the measurement of progress.
- The petition states that staff will be trained in how to interpret standardized test data and engaged in critical analysis of the data in order to determine how to address any performance deficiencies or negative data trends. CRLA claims that the data analysis will be tied to professional development on standards-based instruction, and that staff will participate in professional development to enhance instructional practices and methods. However, the discussion of professional development in the petition does not include these topics.

**4. Governance Structure – Education Code section 47605, Subdivision (c)(5)(D)**

- The Conflict of Interest Code CRLA provided with its petition states that it shall apply to all governing board members and all other designated employees of Synergy Academies, which is defined as “Charter School.” It does not appear to be CRLA’s Conflict of Interest Code.
- The petition states that CRLA’s Board of Directors will meet at least quarterly, except in the summer months. It is not clear from the petition when these meetings will take place and how the charter school will comply with Education Code deadlines for budget and LCAP adoption, as well as unaudited actuals, first interim report, second interim report, and audit presentation.
- The organizational chart CRLA includes with the petition is top-heavy for a small school, in that it includes an Executive Director, Principal, Vice Principal, Campus Business Manager, Director of Campus Operations, and a back office provider.
  - CRLA states that its Support Services Team will provide support services in the areas of finance, compliance, human resources, safety, and information technology; however, no positions in those areas are identified.
  - The petition states that the organizational chart is attached as Exhibit “E,” but it is in fact attached as Exhibit “I.”

**5. Employee Qualifications – Education Code section 47605, Subdivision (c)(5)(E)**

- A charter school is required, among other things, to identify general qualifications for the various categories the school anticipates and those positions that the charter school regards as key in each category. CRLA fails to identify or provide position descriptions for any human resources staff or a facilities supervisor.

**6. Procedures to Ensure Health and Safety of Pupils and Staff – Education Code section 47605, Subdivision (c)(5)(F)**

- A charter school is required to develop a school safety plan which includes the safety topics identified in Education Code section 32282, subdivision (a)(2)(A)-(J). Although CRLA stated that it would develop a school safety plan, no such plan was provided for the District to evaluate.
- CRLA did not provide a full draft of its health and safety related policies and procedures for students and staff for the District’s review.
- The petition is inconsistent in that on page 71 it states both that CRLA will “provide each needy student...with one nutritionally adequate free or reduced price meal...during each school day,” and that it “shall provide two school meals free of charge during each school day to any pupil who requests a meal without consideration of the pupil’s eligibility for a federally funded free or reduced-price meal, with a maximum of one free meal for each meal service period. The meals provided under this paragraph shall be nutritionally adequate meals that qualify for federal reimbursement.”

**7. Means by which the Charter School Will Achieve Balance – Education Code Section 47605, Subdivision (c)(5)(G)**

- CRLA fails to demonstrate how it will achieve a balance of racial and ethnic pupils, special education pupils, and English learner pupils, including redesignated fluent English proficient pupils, that is reflective of the general population residing within the territorial jurisdiction of the District.
  - CRLA’s statement in its petition that since its target scholar population reflects a cross section of the community, it is anticipated that the racial, ethnic, socioeconomic, English learner and special education populations will reflect balance with that of the District, is inconsistent with its statement that its target population is students who are home schooled and who attend private schools.

- The petition states that marketing materials *may* be translated as appropriate into the language for the specific targeted ethnic group or activity rather than making it clear that it *will* provide such materials to attract diverse learners.

**8. Admission Policies and Procedures – Education Code Section 47605, Subdivision (c)(5)(H)**

- A charter school’s admissions policies and procedures must be consistent with Education Code section 47605, subdivision (e). CRLA’s intention to provide admissions preference to an unlimited number of children and grandchildren of employees and Board members of the school is inconsistent with Education Code section 200 and will likely limit enrollment access for pupils with disabilities, academically low-achieving pupils, English learners, neglected or delinquent pupils, homeless pupils, or pupils who are economically disadvantaged, as determined by eligibility for any free or reduced-price meal program, foster youth, or pupils based on nationality, race, ethnicity, or sexual orientation in contravention of Education Code section 47605, subdivision (e)(2)(B)(iii).
- Combined with a failure to provide preference to students residing in the community where the school will be located, the petition does not demonstrate how students in that community will be given an equal opportunity to attend the school.
- The petition provides no indication that promotional materials for the school will clearly state that CRLA will serve all students because the petition only states that it *may* translate marketing materials.
- The petition fails to include a clear description of how CRLA will notify the superintendent of the school district of the student’s last known address within 30 days if a student is expelled or leaves the charter school without graduating or completing the school year.
- Although the petition states that parental involvement is not a requirement, statements such as the following make it appear that it is a requirement: “A parent does not need to be an expert to inspire great education but we strongly encourage parents to set the example for self-improvement. It is unlikely that scholars will desire or be inspired to pursue a better education than what is modeled for them. As parents participate in these activities, they will build capacity to access and be involved in the curriculum, modeling for their children and partnering with the Academy for the success of the scholar.”

**9. Annual, Independent Financial Audits – Education Code Section 47605, Subdivision (c)(5)(I)**

- The petition fails to identify a process and timeline that the charter will follow to address any audit findings and/or resolve any audit exceptions.
- The petition does not identify anyone responsible for overseeing the independent audit.

**10. Manner by Which Staff Members Will be Covered by State Teachers’ Retirement System, Public Employees’ Retirement System, or Federal Social Security – Education Code Section 47605, Subdivision (c)(5)(K)**

- The petition is inconsistent in its explanation of retirement programs available to staff.
  - Page 98 of the petition states that all employees will participate in the federal Social Security system and that teachers and qualifying non-certificated staff “may participate in a 403(b) retirement plan according to employee policies developed and adopted by the Board of Directors.”
  - There is no mention of the State Teachers’ Retirement System (“STRS”) or Public Employees’ Retirement System (“PERS”) in the body of the petition. However, the Budget Report Assumptions included in Appendix “E” suggest coverage by both STRS and PERS. Therefore, it is unclear which retirement programs will be available to CRLA staff.

**11. Dispute Resolution Procedures – Education Code Section 47605, Subdivision (c)(5)(N)**

- Although the petition states that CRLA will create an internal dispute resolution policy, no policy was provided for the District to review.
- The petition asks the District to agree to refer all complaints regarding CRLA’s operations to CRLA’s Executive Director for resolution in accordance with CRLA’s adopted policies, and states that in the event the policies and processes fail to resolve the dispute, the District and its governing Board agree not to intervene in the dispute without the consent of CRLA’s governing board unless the matter directly relates to one of the reasons specified in law for which a charter may be revoked. CRLA has not provided the District with any “adopted policies” to review. The District cannot unequivocally state at this time that there will be no instance in which it would be appropriate for it to intervene in an internal CRLA dispute. Accordingly, the District does not agree to this proposal.

- The petition does not explain how the Uniform Complaint Procedure process will be communicated to parents, staff, and the community.

## **VI. CONCLUSION**

Based on the foregoing, CRLA's charter petition should be denied under Education Code section 47605, subdivision (c) on the following grounds:

(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.

(5) The petition does not contain reasonably comprehensive descriptions of the 15 required charter elements.

(7) The charter school is demonstrably unlikely to serve the interests of the entire community in which the school is proposing to locate because

(A) the proposed charter school would substantially undermine existing services, academic offerings, or programmatic offerings; and

(B) the proposed charter school would duplicate a program/programs currently offered within the school district and the existing program(s) has/have sufficient capacity for the pupils proposed to be served within reasonable proximity to where the charter school intends to locate.