

PETALUMA CITY SCHOOLS
Petaluma, California

October 29, 2021

STAFF REPORT
Magnolia Global Academy for Leaders Charter Petition

I. INTRODUCTION

The Petition for the establishment of Magnolia Global Academy for Leaders Charter School ("Petition") under the authorization of Petaluma City Schools ("District") was submitted to the District on August 27, 2021. Pursuant to Education Code section 47605, subdivision (b), on October 12, 2021, the District's Board held a public hearing regarding the Petition, at which time the Board considered the level of support for the Petition by teachers employed by the District, other employees of the District, and parents/guardians. Per Education Code section 47605, the Board must either grant or deny the Petition within 90 days of receipt. The District will agendize the Petition for Board action at a Special Board meeting on November 15, 2021.

While we appreciate and have a deep respect for the enthusiasm, commitment to Diversity, Equity, and Inclusivity, and interests of the petitioners in submitting the Petition to the District with the commendable goal of improving educational opportunity within our community, for the reasons stated below in this Staff Report, Staff recommends denial of the Petition.

Petaluma City Schools' existing District Goals include: (1) Ensure that all District student scholars experience an excellent, diverse, equitable, and inclusive education, and (2) Create rich academic options to meet the unique needs of our students. We have extended to the petitioners an opportunity to further explore/consider ways to incorporate the proposed program or aspects thereof into our District. We sincerely hope the petitioners will accept our invitation and we look forward to those conversations. District staff will keep the Board apprised of any next steps.

II. STANDARD FOR REVIEW OF CHARTER PETITION

Education Code section 47605 sets forth the following guidelines for school district governing boards to consider in determining whether to grant a petition for the establishment of a charter school:

- The district 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.
- A school district governing board shall grant a charter for the operation of a charter 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 findings, specific to the particular petition, setting forth specific facts to support one or more of the following:

- (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 statute.
- (4) The petition does not contain an affirmation of each of the conditions required by statute.
- (5) The petition does not contain reasonably comprehensive descriptions of the required elements of a charter petition.
- (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 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 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. Charter schools proposed in a school district satisfying one of these conditions shall be subject to a rebuttable presumption of denial.

In addition to the above considerations, the review and analysis of the Petition was guided by the regulations promulgated by the California State Board of Education ("SBE") for the SBE's evaluation of charter petitions (Cal. Code Regs, tit. 5, § 11967.5 et seq. ("Regulations").)

III. STAFF REVIEW TEAM

A team of District staff members and legal counsel conducted a comprehensive review of the Petition and documents submitted with the Petition, and provided input relevant to their areas of expertise in preparation of the findings and recommendation in this Staff Report.

STAFF REPORT

IV. RECOMMENDATION

Based upon its comprehensive review and analysis of the Petition and accompanying documents, District staff recommends that the Petition be **denied**. The following reasons justify denial of the Petition:

- **The petitioners are demonstrably unlikely to successfully implement the program presented in the Petition;**
- **The Petition does not provide a reasonably comprehensive description of all 15 required elements of a charter petition; and**
- **The proposed charter school is demonstrably unlikely to serve the interests of the entire community in which the school is proposing to locate.**

Specific findings supporting each basis for denial are described below under Section V in this Staff Report. This Report does not exhaustively list every concern, error, omission or deficiency in the Petition, but focuses on those believed to most greatly impact the Board's decision on whether to grant or deny the Petition. Should the Board take action to deny the Petition, staff recommends that the Board adopt the Findings in Support of Denial under Section V as its written findings in support of the denial.

V. FINDINGS IN SUPPORT OF DENIAL

Review and analysis of the Petition resulted in the following findings:

A. The Petitioners are Demonstrably Unlikely to Successfully Implement the Program. (Ed. Code, § 47605(c)(2).)

In determining whether petitioners are demonstrably unlikely to succeed in implementing their educational program, the Regulations suggest consideration of, among other items:

- Whether the petitioners have a past unsuccessful history of involvement in charter schools or other education agencies.
- Whether petitioners are unfamiliar with the content of the Petition or the requirements of law that would apply to the proposed Charter School.
- Whether the petitioners personally have the necessary background in areas critical to the Charter School's success or a plan to secure the services of individuals who have the necessary background in these areas.
- Whether petitioners have presented an unrealistic financial and operational plan for the proposed Charter School, including:
 - An administrative services structure that reflects an understanding of school business practices and expertise to carry out the necessary administrative services, or a reasonable plan and timeline to develop and assemble such practices and expertise.
 - The adequacy and reasonableness of the operational budget, start-up costs, and cash flow, and financial projections for the first three years of operation, including reasonable estimates of all anticipated revenues and expenditures necessary to

operate the school, including, but not limited to, special education, which is based when possible, on historical data from schools or school districts of a similar type, size, and location.

- A budget that in its totality appears viable and over a period of no less than two years of operations 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.
- In the area of facilities, a description of the types and potential locations of facilities needed to operate the size and scope of the educational program proposed in the Petition, including evidence of the type and projected cost of the facilities that may be available in the location of the proposed Charter School, as well as reasonable costs for the acquisition or leasing of facilities to house the Charter School, taking into account the facilities the Charter School may be allocated under the provisions of Education Code section 47614.

Based on the following findings, and other deficiencies identified in other portions of this Staff Report, the petitioners are demonstrably unlikely to successfully implement the program set forth in the Petition:

1. Petitioners are Unfamiliar with Petition Content and Requirements of Law.

In the District's judgment, the petitioners are unfamiliar with the content of the Petition and/or the requirements of law that would apply to the proposed Charter School, and this lack of understanding wholly undermines the petitioner's plan for the Charter School to operate in the manner suggested.

The Petition submitted is for the establishment of a district-operated "dependent" charter school. A dependent charter school is one that is created by a school district to operate within and be governed within the District's family of school options. We question the legality of a group of individuals unaffiliated with the District petitioning the Board to open a new school that the Board has not determined it has the financial capability to operate and staff consistent with District standards. Therefore, the concept behind the Petition is legally flawed and thus operationally unsound as proposed.

The petitioner's lack of understanding of the nature of a dependent District-operated charter school is evident throughout the content of the Petition. The Petition in many areas lacks alignment with District practices, policies and standards, including the District's collective bargaining agreements, facilities, and administration, as detailed throughout this Report. Examples of content that is inconsistent with dependent charter status includes for example:

- "Magnolia Global Academy for Leaders is governed by the MGAL Advisory Body, under the oversight of the Petaluma City Schools District Board of Education."
- "The Charter School shall remain, by default, a public school of the District for purposes of Special Education pursuant to Education Code Section 47641(b). However, the Charter School reserves the right to make written verifiable assurances that the Charter School shall become an independent LEA and join a SELPA pursuant to Education Code Section 47641(a) either on its own or with a grouping of charter school LEAs as a consortium."

- “Magnolia Global Academy for Leaders intends to enter into a memorandum of understanding with the District, wherein MGAL shall indemnify the District for the actions of the Charter School under this charter. The Charter School will purchase general liability insurance and fidelity bonding to secure against financial risks.”

2. Deficient and Unrealistic Financial and Operational Plan.

- a. Budget Concerns. The budget documents submitted with the Petition contains unsubstantiated assumptions, understated expenses, and other deficiencies that materially impact the budget and ability of the proposed Charter School to successfully implement its program. For example:
- (1) The education program as described in the Petition is not financially viable given the proposed class-size staffing ratios and the apparent unrealistic understanding of employee salary and benefits costs associated with running a public school of the District. The District’s salary schedules and payroll tax costs would apply to the proposed dependent charter school, but they are not accurately reflected in the budget.
 - (2) The budget submitted with the Petition identifies deficit spending in Year 1 of approximately \$136,000.
 - (3) The salary and payroll taxes reflected in the budget are not reasonable, and for payroll taxes, in some cases are significantly understated.
 - (i) Even though the charter school will operate as a dependent charter school of the district, meaning those employees working at the charter school will be employees of the District and part of the existing collective bargaining units, the salaries for certificated and classified staff reflected in the budget do not appear to be tied to the District salary schedules. For instance, there is no Step and Column factored in to budgeting for subsequent years.
 - (ii) In addition, the projected administrator salaries are unrealistic. The beginning Salary for a Junior High School Principal in the District is \$114,210 and the budget submitted with the Petition list a salary of \$100,000.
 - (iii) While the proposed budget projects payroll taxes at 8% per year, the current payroll taxes for Petaluma City Schools are as follows: 21.6% for certificated employees; and 34.8% for classified employees.
 - (4) Although CalSTRS and CalPERS costs are expected to increase dramatically next year and the following two years for CalPERS, the budget submitted with the Petition does not reflect estimated costs associated with these significant retirement benefit cost increases.
 - (5) The proposed budget assumes a class-size staffing ratio of 25:1 or less for all grades for the first 3 years of operation where the existing Petaluma Federation of Teachers Collective Bargaining Agreement reflects a class-size range of 27-32 students per class in secondary schools. As a dependent charter school the bargained class-size staffing ratios would need to be followed. Furthermore,

existing funding will not support a 25:1 ratio making it financially unsustainable.

- (6) As shared at the public hearing regarding the Petition, petitioners assume that they will have the same attendance as the District's Junior High and high schools that have very high attendance. However, this is not the norm, and the petitioners should more reasonably assume 95-96% attendance which staff believes is closer to the statewide average for secondary schools.

Furthermore, the petitioners do not address/account for the potential for natural attrition between the grade levels that occurs regardless of the strength of an education program.

- (7) The petitioners budget \$2,000 per year for "Office Expense" which is not reasonable and seriously understated.
- (8) The Petition states: "MGAL has a separate non-profit public benefit corporation for fundraising purposes, to support our pedagogy, curriculum and experiential learning programs;" and "It is assumed that the MGAL Foundation will incur all start-up costs for the creation of the school, including but not limited to the start-up costs listed in the first budget in Appendix A, as well as any other costs deemed necessary in our start-up year." (pp. 238, 239.) (Underlines added.) The Start-Up Budget submitted with the Petition assumes receipt of \$250,000 in revenue for start-up costs from local fundraising activities presumably by the Foundation. That source of fundraising income is speculative at best. Since the assumed receipt of fundraising revenue is significant portion of the Charter School's budget, should the school not receive the amount of funds it assumes, the likelihood of the Charter School to be able to successfully implement its program will be impacted, especially considering the uncertainty of the revenue source identified.

- b. Facilities. The Petition does not sufficiently identify where the Charter School will locate within the geographic boundaries of the District. Per Education Code section 47605, "A petition for the establishment of a charter school shall identify a single charter school that will operate within the geographic boundaries of that school district." Additionally, the petitioners must provide information regarding the proposed operation and potential effects of the Charter School, including, but not limited to, the facilities to be used by the Charter School. The description of the facilities to be used by the Charter School must specify where the Charter School intends to locate.

The description of the facilities to be used by the Charter School in the Petition states the following:

"MGAL's "Plan A" for facilities is to work with the Petaluma City Schools District to find a facility with a minimum of 10,000 square feet for Year 1. For Years 1-3, as MGAL will be serving a smaller number of students, the facility could be co-located with another school in the Petaluma City Schools District, or co-located with another non-profit organization, local business or community organization, provided that the facility adheres to all applicable legal requirements for the operations of a public school, including any zoning and use requirements. By Year 5, we hope to move into a permanent facility, with a minimum of 15,000 square feet to

accommodate 600 students. Ideally, the facility will be centrally located in the Petaluma City Schools District, with easy access to public transportation.

In the event that the Petaluma City Schools District is unable to provide us with a facility, as an alternate plan, MGAL will work with PCSD and the brokers at Corcoran Global Living to secure a private facility. The MGAL team has already begun working with Corcoran Global Living and exploring different leasing/purchasing options within the Petaluma City Schools District (see Appendix E). Our goal is to negotiate a 5-year lease and be able to take possession by June 2022 for tenant improvements and building code compliance work, in the event that suitable District facilities are not available.”

First, as a dependent, District-operated charter school, MGAL could not legally operate in most private facilities. School facilities for public school districts are highly regulated as to location, condition and safety, and the kind of space available in the local community does not meet applicable legal standards as dictated by the Field Act. Petitioners seem unaware of the restrictions that would be placed on their location as a dependent charter school run by the District.

Second, accommodating the Charter School with the identified amount of dedicated space starting in Year 1 for only 160 students in grades 7 and 9 is unrealistic. There is no appropriate, additional space at any existing school site to house a small, self-contained District school to serve grades 7-12 without significant disruption to existing schools and programs.

Further, even if it were possible for the Charter School to operate at a leased site, the information provided in the budget does not sufficiently detail how the estimated \$210,000 annual facility lease costs will be paid.

While the start-up budget submitted with the petition assumes receipt of \$15,000 in fundraising monies to pay for facilities potential lease deposit and rent costs, not only is that amount insufficient, but as discussed, that source of fundraising income is speculative, and cannot be relied upon for budgeting purposes without an alternative source of revenue. The District’s budget cannot absorb these kinds of costs.

B. The Petition Does Not Contain Reasonably Comprehensive Descriptions of All Required Charter Elements (Ed. Code, § 47605(c)(5).)

Education Code section 47605, subdivision (c)(5)(A)-(O), requires a charter petition to include “reasonably comprehensive” descriptions of 15 elements of the proposed Charter School. Per the Regulations, a “reasonably comprehensive” description required by Education Code section 47605(c)(5) should include, but not be limited to, information that:

- Is substantive and is not, for example, a listing of topics with little elaboration.
- For elements that have multiple aspects, addresses essentially all aspects of the elements, not just selected aspects.
- Is specific to the charter petition being proposed, not to charter schools or charter petitions generally.

- Describes, as applicable among the different elements, how the charter school will:
 - Improve pupil learning.
 - Increase learning opportunities for its pupils, particularly pupils who have been identified as academically low achieving.
 - Provide parents, guardians, and pupils with expanded educational opportunities.
 - Hold itself accountable for measurable, performance-based pupil outcomes.
 - Provide vigorous competition with other public school options available to parents, guardians, and students.

(Regulations § 11967.5.1(g).)

The Petition does not provide reasonably comprehensive descriptions of the following elements for reasons including those identified below.

Element 1 – Educational Program
<p>Education Code Section 47605 (“Statute”) requires a petition to contain a reasonably comprehensive description of the educational program of the school including, but not limited to, a description of the following: the charter school’s target student population, including, at a minimum, grade levels; approximate numbers of pupils, and specific educational interests, backgrounds, or challenges; the charter school’s mission statement with which all elements and programs of the school are in alignment and which conveys the petitioners’ definition of an educated person in the 21st century; belief of how learning best occurs; goals consistent with enabling pupils to become or remain self-motivated, competent, and lifelong learners; the instructional approach of the charter school; the basic learning environment or environments; the curriculum and teaching methods that will enable the school’s students to meet state standards; how the charter school will identify and respond to the needs of pupils who are not achieving at or above expected levels; how the charter school will meet the needs of student with disabilities, English learners, students achieving substantially above or below grade level expectations; and the charter school’s special education plan, to include the means by which the charter school will comply with the provisions of Education Code section 47641; the process to be used to identify students who may qualify for special education programs and services; how the charter school will provide or access special education programs and services; the charter school’s understanding of its responsibilities under law for special education pupils; and how the school intends to meet those responsibilities. (Ed. Code, § 47605(c)(5)(A).)</p>

The Petition does not contain a reasonably comprehensive description of the Charter School’s educational program, based on findings including the following:

- (a) English Learners. The Petition does not adequately address how the Charter School will serve the needs of English Learners (“ELs”) students, for reasons including the following:
- While the Petition includes a lot of details regarding how the Charter School will address Long-term English Learners (“LTELS”), it is unclear what will be implemented programmatically for students who are ELs and LTELS to ensure college and career readiness. For Instance, if students need ELD support in

grades 9-12, how will that work programmatically? Will they have to give up one of their A-G courses?

- Although the Charter School plans to directly recruit EL students and may anticipate that ELs will be a significant subgroup and the Petition references a lot of the language reflected in the EL Roadmap, there is no mention in the Petition about the EL Roadmap itself. While not necessarily required, the California English Learner Roadmap State Board of Education Policy: Educational Programs and Services for English Learners (“EL Roadmap Policy”) was approved by the California State Board of Education and is intended to provide guidance on welcoming, understanding, and educating the diverse population of English Learners.
 - An EL Master Plan (guided by the EL Roadmap) would typically address all aspects of the monitoring, programming, intervention, compliance, goals/actions including obtaining Seal of Biliteracy. However, there does not seem to be any mention of an EL Master Plan or development of one that could help strengthen the systems that would be in place to support, monitor, and align to best practices in regards to ELs.
- (b) Career Technical Education (“CTE”). Per the Petition documents, CTE will be offered through the Charter School’s “Meals Program.” Typically, there are three courses for the CTE pathway - an introduction course, a concentrator, and a capstone. What is unclear from the Petition is how the CTE program will be funded and will students have multi-CTE pathways. The Petition mentions Culinary Arts and Digital Design as pathways, but there appears to be some inconsistency with the explanation and course offerings.
- (c) Science Courses. As to Science courses, it is unclear whether the Charter School will adhere to the Next Generation Science Standards (“NGSS”) required course models. Typically, a 3-course or 4-course model is determined. It appears that the Charter School will implement a 3-course model but that would require them to integrate earth space science (ESS) in each of the sciences offered. Though there is mention of NGSS alignment in the Petition, it also references areas of study around the “scientific method” which is not necessarily aligned to NGSS. NGSS focuses on learning science concepts rather than learning about them and follows the three Dimensions: The Science and Engineering Practices, Cross-cutting concepts, and Disciplinary Core Ideas.
- (d) A-G. It is unclear from the Petition whether the courses to be offered by the Charter School meet college and career ready A-G requirements. For instance, while it is our understanding that US History, World History, and Economics must be offered, the courses the Charter School will offer under social sciences do not seem to include those courses. US History seems to be integrated with Ethnic Studies but unclear if this will ensure the Charter School will meet the required standards for US History and whether it will be accepted as meeting the requirements by the State and/or by the UCs/CSUs. The Charter School does not make clear how students will also meet the College and Career Indicators or plan to have any goals around ensuring students will meet College and Career Readiness.

- (e) Elective Course Offerings. There is also concern that the Charter School will not offer an adequate selection of electives especially around Visual and Performing Arts (“VAPA”). It appears that the only VAPA course to be offered will be Digital and Media Arts which is under the guidance of the CTE department.

Element 4 – Governance

The Statute requires a petition to identify 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. This includes at a minimum (1) evidence of the charter school’s incorporation as a non-profit public benefit corporation; (2) evidence that the organizational and technical designs of the governance structure reflect a seriousness of purpose necessary to ensure that the charter school will become and remain a viable enterprise; and (3) evidence there will be active and effective representation of interested parties including parents. (Ed. Code, § 47605(c)(5)(D).)

The Petition does not contain a reasonably comprehensive description of the Charter School’s governance structure, based on findings including the following:

- (a) The Petition states that the proposed Charter School will be a dependent charter school of the District and the “Advisory Body will support the Charter School by providing non-binding, strategic advice to the MGAL Leadership Team and the Petaluma City Schools District Board of Education”; but confusingly states at multiple locations that: “Magnolia Global Academy for Leaders shall be governed by an Advisory Body.”

The duties and responsibilities of the MGAL Advisory Body described in the Petition are also inconsistent with its described role as only an advisory body and the status of the charter school as a dependent school of the District. For instance, the Petition states that the Advisory Body will be responsible for crafting the Charter School’s LCAP and for “taking necessary action to ensure the Charter School remains true to its mission, charter and applicable laws.” Furthermore, the Petition states that Advisory Body members will possess personal and professional skills and attributes including: “An understanding of the Advisory Body’s obligation to act as an effective and vigilant steward of public funds and private funds.”

Element 5 – Employee Qualifications

The Statute requires a petition to identify general qualifications for various categories of employees the charter school anticipates, 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, and specify that all employment requirements set forth in applicable provisions of law will be met including, but not limited to, credentials as necessary. (Ed. Code, § 47605(c)(5)(E).)

The Petition does not contain a reasonably comprehensive description of the Charter School’s employee qualifications, based on findings including the following:

- (a) The Petition states: During Operational Year 1, the Director of Pedagogy and Innovation and the Director of Community Engagement will work as part of the teacher team, each teaching a CTE pathway course. The Director of Pedagogy and Innovation will teach Digital Design in the Upper School (Grades 9-12), and the Director of Community Engagement will teach Business and Entrepreneurship in the 7th Grade. While teaching, these individuals will also be responsible for significant

administrative duties.” However, the description of the qualifications and requirements for these administrator positions in the Petition does not include the possession of a valid teaching credential.

- (b) The Petition identifies two administrator level “Director of Pedagogy and Innovation” and “Director of Community Engagement” positions that will be employed to work at the Charter School starting in year 1, the even though these positions do not currently exist in the District. Additionally, the petitioners plan on working with the District to hire a “Director of Middle School Affairs” in its third year of operation.
- (c) The Petition inconsistently identifies who will be responsible for hiring employees to the Charter School. For instance, the Petition states that the District will recruit and hire staff to the Charter School and the Charter School’s Leadership Team will work together with the District to make those staffing decisions, but elsewhere it states the Charter School “will work to recruit and hire teachers.” Not only does this inconsistency cause confusion about who is responsible for Charter School employee hiring and other decisions, but the Charter School’s hiring of employees is inconsistent with the proposed Charter Schools status as a dependent charter school where all of the employees working at the Charter School will be employees of the District.

Element 6 – Health and Safety

The Statute requires a petition to identify the procedures that the charter school will follow to ensure the health and safety of students and staff. These procedures shall require all of the following:

- (i) That each employee of the charter school furnish the charter school with a criminal record summary as described in Section 44237.
- (ii) The development of a school safety plan, which shall include the safety topics listed in subparagraphs (A) to (J), inclusive, of paragraph (2) of subdivision (a) of Section 32282.
- (iii) That the school safety plan be reviewed and updated by March 1 of every year by the charter school. (Ed. Code, § 47605(c)(5)(F).)

The Petition does not contain a reasonably comprehensive description of the Charter School’s health and safety procedures based on findings, including the following:

- (a) The Petition states the following regarding the provision of transportation services:

“During the MGAL enrollment season, we will provide free transportation for students and families via vans from specific areas of Sonoma County: Boyes Hot Springs, Russian River, Roseland, and other high-need areas, to ensure that any family that is interested in visiting the Charter School is able to do so. Working with our partner organizations, we will advertise free transportation for school visits, and organize groups to come and visit our site.

MGAL will also work to ensure that any student who needs transportation to our school site throughout the academic year is able to access it, free of charge. This includes providing bus and train passes for students who choose to take Sonoma County public transportation from locations such as Roseland, as well as chartering private buses and vans for students in more

rural areas who do not have easy access to public transportation, such as the Guerneville and Russian River areas.”

First, it is unclear how the costs for the referenced transportation services will be paid for as such services are not reflected in the budget documents submitted with the petition. Additionally, the Petition does not include any discussion about how the safety of students will be ensured during their transportation to the Charter School via private buses, vans, and other forms of subsidized transportation, including how the described transportation services (different from what is currently provided by the District) will be incorporated into the District’s Transportation Safety Plan.

Element 8 – Admissions Policies and Procedures

The Statute requires a petition to identify admission policies and procedures that are in compliance with subdivision (e). (Ed. Code, § 47605(c)(5)(H).)

The Petition does not contain a reasonably comprehensive description of the Charter School’s admissions policies and procedures, based on findings including the following:

- (a) The Petition identifies the admission preference categories to be implemented in the case a public random is needed, including “Children who qualify for Free and Reduced-Price Meal,” but does not describe how it will ascertain the information needed to implement this admission preference as part of the pre-admission process. Identification of students falling in this category may be particularly difficult/challenging given the State’s implementation of the universal school meals program for all students regardless of whether they meet eligibility requirements for Free and Reduced-Price meals. As a result, this will impact the ability of the Charter School to effectively implement this admission preference.
- (b) While the Petition assures that the Charter School’s admission preferences will not require mandatory parental volunteer hours as a criterion for admission or continued enrollment, it does not provide any assurance or representation in the Petition or description of how parents/guardians will be notified that parental involvement is not a requirement for acceptance to, or continued enrollment at, the Charter School. This is of particular concern since the Petition indicate that parental involvement will be a “vital role in the effectiveness of our program” without describing what level or type of parental involvement will be expected, other than referencing participation on the Advisory Body.

As a result, there is uncertainty as to whether the Charter School’s parental/guardian participation expectations may result in deterring certain families, e.g., migrant, English Learner, and socioeconomically disadvantaged, from seeking admission to the Charter School potentially resulting in a discriminatory impact on those student subgroups in contravention of Education Code section 47605 and impact the ability of the charter school to serve the needs of the student groups identified in the Petition.

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Element 9 – Independent Financial Audit Procedures

The Statute requires a petition to identify the manner in which annual, independent financial audits will 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(c)(5)(I).)

The Petition does not contain a reasonably comprehensive description of the Charter School’s financial audit procedures, based on findings including the following:

- (a) The Petition states that the Advisory Body will be responsible for overseeing the independent audit and related functions, and a copy of the auditor’s findings will be forwarded to the District. This is inconsistent with the Charter School’s status as a dependent charter school and the described advisory function/responsibilities of the Advisory Body.

Element 10 - Student Suspension and Expulsion Procedures

The Statute require a petition to describe the procedures by which students can be suspended or expelled. (Ed. Code, § 47605(c)(5)(J).)

The Petition does not contain a reasonably comprehensive description of the procedures by which students can be suspended or expelled, based on findings including the following:

- (a) The Petition describes the specific student discipline procedures to be implemented at the Charter School, but then inconsistently states: “MGAL will follow PCSD suspension and expulsion policies.” As a dependent charter school, MGAL students will be students of the District and the District’s student discipline policies and procedures should apply as it would to all District schools.

C. 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).)

In determining whether petitioners are demonstrably unlikely to serve the interests of the entire community in which the charter school is proposing to locate, the law requires consideration of the fiscal impact of the proposed charter school on the District, and a written factual finding 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 of the District; and
- (B) Whether the proposed charter school would duplicate a program currently offered within the District and whether the existing program has sufficient capacity for the pupils proposed to be served within reasonable proximity to where the charter school intends to locate.

Based on the following findings, the petitioners are demonstrably unlikely to serve the interests of the entire community in which the charter school is proposing to locate giving consideration the fiscal impact of the proposed charter school on the District:

- (a) The petitioners propose the establishment of a dependent charter school. While the full cost of this endeavor has not been fully determined at this time, the District will incur significant costs associated with the start-up and operation of a new charter school of the District, including staffing, facilities, and other operational costs, to the detriment of existing services, academic offerings, and/or programmatic offerings of the District. While the District may receive some additional revenue based on the Average Daily Attendance received for students enrolled in the Charter School who would not otherwise attend a District school (e.g., reside in a different school district, or an independent charter school), such new funding received would not be sufficient to offset the costs associated with the operation of this new school.
- (b) The District anticipates there will be challenges to its ability to fully staff the proposed dependent charter school, particularly given that the proposed education program will require at least nine (9) teachers and five (5) aides in its 2022-23 first year of operation to serve a maximum enrollment of 160 students in only grades 7 and 9 at a new self-contained school. These staffing challenges will be exacerbated by the existing teacher and staff shortages throughout the County and state. It is foreseeable that these staffing challenges will impact the staffing types and levels needed for existing District schools, services, and programs.

VI. CONCLUSION

For the reasons stated above in this Staff Report, it has been determined that the petitioners are demonstrably unlikely to successfully implement the program set for in the Petition, the Petition does not contain a reasonably comprehensive description of all the statutorily required charter elements, and the petitioners are demonstrably unlikely to serve the interests of the entire community in which the Charter School is proposing to locate for reasons including the fiscal impact the proposed Charter School will have on the District to the detriment of existing services, academic and programmatic offerings of the District.

Accordingly, it is recommended that the Petition be denied, and the Board adopt the Findings in Support of Denial under Section V of this Staff Report as the Board's written findings in support of the denial.