

**STAFF REPORT, FINDINGS OF FACT & RECOMMENDATION CONCERNING
ACADEMY OF NEXT LEVEL STUDENT ATHLETES**

**FONTANA UNIFIED SCHOOL DISTRICT STAFF REPORT, PROPOSED FINDINGS
OF FACT & RECOMMENDATION CONCERNING ACADEMY OF NEXT LEVEL
STUDENT ATHLETES CHARTER PETITION**

Date Posted: May 16, 2023

The following provides a summary of the Fontana Unified School District’s (“District”) staff report, proposed findings of fact, and recommendation concerning the Academy of Next Level Student Athletes (“ANSLA” or “Charter School”) charter petition (“Petition”).

Introduction and Procedural Background

In March 2023, Academy of Next Level Student Athletes submitted the Petition to the District, along with a signed certification from John Beruman, Jr., Lead Petitioner, deeming the Petition to be complete. Lead Petitioner seeks the approval of the Petition by the District’s Governing Board (“Board”) for a five-year charter term that would begin on July 1, 2023 and end on June 30, 2028.

The Lead Petitioner and the proposed governing board of the Charter School (collectively, “Petitioners”) desire to establish what appears to be a predominantly seat-based high school program for students in grades K-12, starting with grades six through eighth in the first year of operations. The Petition indicates that the Charter School would phase in one to two grade levels each year, with 150 students projected for the first year of enrollment and reaching capacity by the 2030-2031 school year with 675 students.

On May 3, 2023, the District’s Board held a public hearing to determine the level of support for the Petition by teachers, other District employees, and parents/guardians.

On June 7, 2023, the District’s Board will hold a public hearing during which it will consider the admissions preferences in the Petition and will take action to either approve or deny the Petition.

Executive Summary

District staff, in consultation with legal counsel, has conducted an extensive analysis of the Petition and its accompanying exhibits. The District’s review team carefully evaluated the legal grounds articulated in the Education Code for purposes of determining whether the Petition meets the minimum standards for approval. Based on the District’s comprehensive review of the Petition and supporting documents, District staff recommends that the Board **deny** the Petition.

Legal Requirements for the Establishment of a Charter School

The consideration of a petition to establish a charter school requires the District to determine whether the petition meets the standards and criteria set forth in Education Code section 47605. Specifically, under Education Code section 47605(c), in reviewing petitions for the

establishment of charter schools, the governing board of a school district shall grant a charter for the operation of a charter school if it is satisfied that approving 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 shall also consider the academic needs of the students that the charter school proposes to serve. The governing board of the school district shall not deny a petition unless it makes written factual findings specific to the particular petition, setting forth specific facts to support one or more of the following denial findings:

1. The charter school presents an unsound educational program for the students to be enrolled in the charter school.
2. The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition.
3. The petition does not contain the number of signatures required by subdivision (a) of Education Code section 47605.
4. The petition does not contain an affirmation of each of the required conditions.
5. The petition does not contain reasonably comprehensive descriptions of all required elements.
6. The petition does not contain a declaration of whether or not the charter school shall be deemed the exclusive public school employer of the employees of the charter school for purposes of the Educational Employment Relations Act.
7. The charter school is demonstrably unlikely to serve the interests of the entire community in which the school is proposing to locate.
8. The school district is not positioned to absorb the fiscal impact of the proposed charter school.

An analysis of this information is provided below and includes District staff's corresponding findings of fact.

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:

1. The Petition presents an unsound educational program
2. The Petitioners are demonstrably unlikely to successfully implement the program presented in the Petition; and
3. The Petition does not provide a reasonably comprehensive description of all 15 required elements of a charter petition.

Findings of Fact in Support of Denial

The District's review team performed a comprehensive evaluation of the Petition, which included an analysis of the proposed Charter School's educational program, measurable student outcomes, and methods for measuring student progress, fiscal and governance structures, employee qualifications, student admissions, facilities, and legal issues. Below, District staff presents its findings of fact addressing the general categories of review for the Petition, which correspond with the criteria set out in Education Code section 47605.

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 as its written findings in support of the denial.

Finding of Fact No. 1: The Petition presents an unsound educational program for the students enrolled in the Charter School.

- The Petition's proposed program is inconsistent with sound educational practice. The proposed mission of the Charter School is described below:

Through research and evidenced based practices, rigorous curriculum, onsite athletic training and Mental Health embedded with Social Emotional support, students will be prepared to have a competitive mindset on the field, in life and to become better members of tomorrow's society.

The Petition provides that the Charter School would accomplish its mission through educating students with rigorous academics that challenge them at an individualized level through technology, project based learning and depth of knowledge. Further, the Petition states:

ANLSA's Athletic Training program is designed to maximize the performance level of each student athlete. The Athletic Training curriculum will be developed by the teachers aligned to state and national standards. Our ultimate goal is to develop physically literate students who have knowledge and skills necessary to be prepared for the next level.

- The Petition describes several instructional methodologies that the Charter School would utilize to educate its student population. A key component of the program is the inclusion of 120 minutes per day of athletic training that is ostensibly offered to every student, although there is virtually no discussion as to how the proposed school would adapt the program/provide the athletic training to special needs students or students who may be injured or otherwise unable to participate in the daily two hour athletic training.
- Moreover, the District finds it troubling that since the 120 minutes is counted as part of the instructional minutes, this results in a school day in which only 30 minutes is spent on

science and 30 minutes for English Language Arts. Devoting such a minimal amount of time to these crucial topics is concerning.

- Furthermore, according to ANSLA’s daily schedule with instructional minutes, ANSLA will offer math for a total of only 60 minutes five days a week. This is an inadequate amount of time to teach mathematics effectively. In comparison, the District requires 80 minutes per day, five days a week, for math in grades 4-6. . The Petition does not propose any type of revolutionary and proven math instructional model that would warrant such a limited amount of instructional time committed to mathematics.
- While some parents may be interested in this combination of athletic training and instruction with such a specific emphasis on the athletic training, there is no indication that the Petitioners developed the proposed instructional framework to specifically address the needs of a target population within the District that they believe to be underserved or could otherwise significantly benefit from such a program. Given that the Petition is largely silent on the distinct student groups or learning needs that the Charter School would target as part of its marketing and recruitment efforts, the District cannot evaluate whether the proposed model would provide a meaningful benefit for students.
- Additionally, the Petition indicates that much of the learning during the school day will take place “online” in the classroom. As more fully described in the Petition, students are provided minimal direct instruction by the teaching staff and then “expand learning through independent curricula “(p 65). It is entirely unclear how much time is spent in this self-described “independent study”. Based on the language in the Petition, the District is concerned that the proposed educational program could violate the prohibition against the establishment of nonclassroom-based charter schools that is in place until January 1, 2025, as set forth in Education Code section 47612.7.
- Furthermore, although the Petition states ANSLA will meet the required instructional minutes required by Education Code Section 47612.5, based on ANSLA’s stated school hours, the school will not provide sufficient minutes and therefore not be entitled to full apportionment revenues for that attendance which would translate into a loss of revenue.
- The Petitioners are required to include in the Petition a realistic, workable, legally and educationally sound description of the manner in which the charter school will comply with the requirements of the IDEA and afford a free appropriate public education to charter school students covered by the IDEA.

The Petition states that ANSLA anticipates that a Memorandum of Understanding (“MOU”) will be developed between the school and the District which will delineate “The specific manner in which special education and related services will be provided and funded.” However, ANSLA has not approached District with a proposal regarding such an MOU or the provision of or funding for special education services. Compliance with the IDEA and the provision of special education services to students is a fundamental and essential element of the educational program of any charter school, and ANSLA’s failure to include the proposed MOU is a flaw in the Petition.

In light of the above, District staff finds that the Petition presents an unsound educational model designed to meet the needs of prospective students.

Finding of Fact No. 2: The Petitioners are demonstrably unlikely to successfully implement the program.

After reviewing the Petition, the District has significant concerns regarding the Petitioners' ability to successfully implement the proposed program. Certain components of the proposed financial plan and accompanying projections/assumptions submitted with the Petition appear unrealistic.

A. Enrollment Projections

The enrollment and resultant average daily attendance ("ADA") projections included in the Petition are unreasonably out of line with the current growth trend. In addition, Petitioners also fail to provide any substantiation to support these projections. The Charter anticipates first year enrollment at 150 students, anticipates significant growth for the second year of operations, and projects that enrollment will have more than tripled to 450 students by its fifth year of operations. These are very large enrollment numbers to start with, and increase at a dramatic rate, with no explanation provided as to the basis for the growth estimates. Should the Charter School not achieve these enrollment amounts, it will significantly impact their revenue.

B. Staffing Plan

Concerns and deficiencies regarding the Charter School's staffing plan include, but are not limited to, the following:

1. The District anticipates the Charter School's ability to attract teachers will be impacted by the Charter School's non-competitive compensation package. Their cap for benefits is low in comparison to the District and other school districts in the area. Also, the Charter School's teachers will not be covered by CalSTRS which will likely impact its ability to attract teachers who are already in the CalSTRS system and desire to continue accruing retirement service credit.
2. The fact that the Charter School's salaries and benefits are budgeted at little more than 50% of their LCFF Revenue is an indication that something has been miscalculated. Most local education agencies, including the District, expend 80-85% of their budget on employee salaries and benefits.
3. The Petition identifies a number of days before and during the school for training of all ANSLA employees, yet we could not identify anything in the budget for these training days.
4. It is unclear as to when the Charter expects to employ a Director of Business Services. Per Element 5 of the Petition, it specifies that the Director of Business responsibilities include "Plans, organizes and directs the business services functions involving: accounting, budgeting, and reporting functions as required by California Education Code and the policies and regulations of the Board and

Directors.” The Petition does not specify who will provide these essential services until such time as the Director of Business is hired.

5. The Budget and Petition fail to clearly identify the teaching ratios/staffing and instead states that “allocations for employee salaries and benefits will be calculated and determined based on the current budget conditions at the time of each budget submittal.” The Petition does mention that they will need 15 classrooms, and will offer 3 grades in the first year, with 8 periods including with EL and SPED. The District does not believe that petitioners have adequately budgeted for staffing levels needed for the proposed grade levels. Additionally, the Petition notes (pgs. 172/173) all of the certificated and classified staffing that is needed for the school, but it is clear that the budget had not accounted for all of these positions, and it is unclear when the school intends to hire individuals in the administrative roles.
6. The Petitioners used Delta Management Solutions-DMS, a Charter Business Service Provider, to prepare the Charter School’s first-year operational budget, including start-up costs, cash flow, and financial projections for the first five years of operation, and will likely utilize a back-office service provider to support financial and operational needs of the school-budgeting. However, the Petitioners do not specifically identify which back-office service provider will be utilized, or provide any information about how the functions of the Director of Business, that will be critical to the successful operation of the Charter School, will be performed until that individual is hired.
7. The Petition states that “Academy of Next Level Student athletes will receive financial, human resources, technology, data analysis support, facilities, professional development and other services from outside providers,” but provides no detail as to how it will procure these services. Thus, the District has significant concerns regarding the manner in which the Charter School would procure the myriad of services that are needed to effectively operate.

C. Unduplicated Count

The budget assumes enrollment of 128 out of 150 (85.33%). Unduplicated Count (Low Income Students, English Language Learners, and Foster Youth) in Year 1 based on the demographics of District where the Charter School intends to locate. This assumed percentage is unrealistic and overinflated. While the District may have individual schools with a similar Unduplicated Count percentage rate reflective of the neighborhood in which those schools are located, enrollment at the proposed Charter School is not limited by District school attendance areas. Therefore, it is less likely the Charter School will only get students from their surrounding area which is corroborated by the Petition’s description of their expectations and recruitment strategies. Should the Charter School not achieve the 85.33% Unduplicated Count percentage its budget assumes, it will significantly lower the amount of state revenue it receives impacting its ability to successfully implement its program and jeopardize its solvency. Furthermore, the District believes that Petitioners’ outreach efforts described in the Petition will impact the ability of the Charter School to achieve the assumed Unduplicated Count percentage.

D. Facility Cost

The start-up budget does not include a realistic budgeted amount for the leasing of facilities to house the Charter School program. If negotiations with the owners of the three facilities identified in the Petition are unsuccessful, or if the facilities are no longer available for lease, it is likely that the cost for an alternative location would be significantly higher. Also, the budget includes an item for “Other State Revenues,” which the District assumes to be in reference to funding under the Charter School Facility Grant Program (SB 740). If this is the case, to qualify for such funding, a charter school must obtain an appraisal to determine fair market rent for the area, and awards are dependent upon this amount.

E. Civil Liability

The Petition’s provisions on insurance and indemnification are not adequate to protect the Charter School or the District from potential liability for ANSLA’s acts or omissions, despite the fact that ANSLA will be operated by a 501(c) (3) nonprofit public benefit corporation.

There is no specific commitment to minimum insurance levels or quality of coverage; rather, the Petition specifies that its “[c] insurance amounts shall be determined by recommendation of the District and the Charter School’s insurance company for schools of similar size, location, and student population.” This does not constitute an assurance that the Charter School will acquire and maintain coverage in amounts and types that comply with the District’s standards and expectations in order to protect the District and its stakeholders, as well as the Charter School and its stakeholders, from potential liabilities created by ANSLA’s operations.

The Petition states that the Charter School intends to enter into a memorandum of understanding with the District, wherein the Charter School shall indemnify the District for the actions of the Charter School under this charter, but no MOU was presented to the District for consideration.

Thus, the Charter’s required description of the potential civil liability effects on the Charter School and the District is insufficient.

For these reasons, District staff has determined that the Petitioners are demonstrably unlikely to successfully implement the proposed charter program.

Finding of Fact No. 3: The Petition does not provide reasonably comprehensive descriptions of the required elements set forth in Education Code section 47605.

Based on an analysis of the Petition by the District’s review team, the Petition lacks reasonably comprehensive descriptions of several of the required elements set forth in Education Code section 47605. The District has identified the deficient items below.

A. Governance Structure

The Petition and corporate bylaws describe the governance structure of the Charter School. However, the bylaws contain certain components that do not align with legal requirements applicable to charter schools.

While Article 7 of the corporate bylaws may address the conflict requirements of the law governing nonprofit corporations, they are inadequate to address the prohibitions against conflicts of interest applicable to ANSLA and the ANSLA Corporation pursuant to Education Code Section 47604.1, the Political Reform Act of 1974 (Gov. Code § 81000 et seq.), and Government Code Section 1090 et seq. Contrary to the provisions of the bylaws, these legal prohibitions are not limited only to persons who are designated reporters pursuant to ANSLA's conflict of interest code, and the conflict of interest code is adopted pursuant to and addresses requirements of the Political Reform Act, but not Section 1090 et seq. Additionally, Section 1090 does not only cover contracts in which a public official has a material financial interest, as specified in Article 7 of the bylaws.

Article 7 Section 1.3, of the bylaws state: "No more than 49 percent of the persons serving on the board of directors may be interested persons." By definition within the bylaws, an "interested person" is (a) any person compensated by the corporation for services rendered to it within the previous 12 months, whether as a full- or part-time employee, independent contractor, or otherwise. . . ." Although Education Code section 47604.1 allows an employee of the charter school to serve as a member of the governing body, this authorization does not extend to independent contractors of the Charter School. Permitting independent contractors, who would presumably receive financial compensation from the Charter School, to also serve as members of the Board of Directors could constitute an impermissible financial conflict of interest under Government Code sections 1090 et seq., the Political Reform Act, and other public transparency laws applicable to charter schools.

The bylaws also include inconsistent statements that indicate a lack of familiarity with the Brown Act and general charter school governance. For instance, Article 2, Section 1, states that the principal office for the transaction of the business of the Corporation is located in Fontana, State of California (the specific address is left blank). Yet, this same section then provides that the Board of Directors may change the location of the principal office and Article 2, Section 2.2 provides the Board may at any time establish branch or subordinate offices at any place or places where the Corporation is qualified to transact business.

Given that the Charter School would be restricted to operating within the boundaries of the District, it is unclear why the bylaws afford the ANSLA Charter School nonprofit corporation the ability to establish its principal office outside of the boundaries of the District.

Similarly, Article 7, Section 7.10, of the bylaws includes contradictory language. The first sentence states:

Regular and special meetings of the Board may be held at the principal office of the Corporation unless the Board of Directors designates another location in accordance with these Bylaws.

Yet, the second sentence states:

Notwithstanding the foregoing, at all times that the Corporation has a valid charter to operate a charter school all meetings of the Board shall be held at any

place within the physical boundaries of the county in which the charter school is located.

To align with the requirements of the Brown Act, the nonprofit corporation's regular and special meetings would need to be held within the boundaries over which the governing body has jurisdiction. Therefore, it is unclear why the bylaws include statements about meeting locations outside the boundaries of the District. Although the bylaws reference compliance with the Brown Act, the contradictory language therein nevertheless reflects a lack of understanding of open meeting laws applicable to the Charter School and the ANSLA Corporation.

The adopted conflict of interest code fails to designate newly created positions as required reporters, as required by the terms of the Political Reform Act of 1974 and its implementing regulations (see, Cal. Code Regs., Tit. 2, § 18219). Additionally, it does not comport with the requirements of Education Code 47604.1 as it includes the following language:

The Corporation may not enter into a related party transaction unless, after good faith disclosure of the material facts by the director, officer or key person, the board or a committee authorized by the board determines that the transaction is fair, reasonable and in the Corporation's best interest at the time of such determination.

Including language that states that a conflict of interest can be cured by a determination that the contract is fair and reasonable demonstrates a lack of understanding and familiarity with the conflict of interest provisions applicable to charter schools.

The Charter bylaws provide that a majority of Directors then in office constitutes a quorum, and further provides that an act by a majority of the Directors present at a meeting at which there is a quorum is adequate to constitute an act of the Board. The result is that ANSLA may take action with approval of less than a majority of the members of the Board of Directors then in office. For example, ANSLA currently has five Directors in office, but pursuant to this provision, ANSLA can take action – including fiscal, educational, and/or operational decisions – with the approval of only two of those five Directors. The District Board finds this to be an unacceptable means of governing the proposed public charter school.

B. Balance of Students from Different Subgroups

The Petition does not adequately address the means by which the Charter School will achieve a balance of students from different subgroups that is reflective of the general population residing within the territorial jurisdiction of the District. Rather, the Petition includes vague references to targeting non-English speakers and diverse groups of learners and families, but there is no evidence that the Charter School seeks to achieve a balance of subgroups that is reflective of the District's population, or that the Charter School even has an understanding of the makeup of the District's population. One of the overarching legislative purposes for the establishment of a charter school is to offer increased learning opportunities for students, with particular emphasis on expanded learning experiences for students who have been identified as academically low-achieving. In addition, when considering whether to approve or deny a petition, a district governing board is charged with the responsibility of considering the academic needs of the

students that the charter school proposes to serve. Consequently, without a clear, focused assessment or understanding of the Charter School's target population, the District cannot meaningfully determine whether the proposed program would effectively address the educational and social-emotional needs of students in a manner that aligns with the District's student demographics.

C. Employee Qualifications

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

For those positions that are identified, the Petition does not sufficiently describe the qualifications for the various categories of employees the Charter School anticipate employing. For instance in Element 5, the Petition lists "specific qualifications" for all staff, but these qualifications are actually so general in nature - i.e. commitment of time, energy and effort in developing and implementing ANLSA's educational program and abide by federal, state and local laws - that they actually cannot be considered qualifications. Moreover, while the responsibilities of many of the administrative functions are noted, the only qualifications noted for the Chief Executive Officer of Academics and Athletics include:

The CEO of Academics and Athletics at Academy of Next Level Student Athletes will possess leadership abilities and an educational vision that aligns with the school's mission and educational program. In addition, the CEO shall possess skills in hiring and supervising excellent teachers and if possible, business experience. It is desirable that ANLSA's administrators possess a Master's degree or higher in an education or related field and have at least demonstrated at least three years of successful teaching experience. ANLSA will give preference to individuals holding a valid California Administrative Services Credential. Administrators will also show proficiency in California Professional Standards for Educational Leaders.

For the very important role of Director of Business Services, the only qualification listed is CPA or MPA preferred. As to the Principal position, the Petition states that the Principal will "develop and administer ANSLA's budget in accordance with generally accepted accounting principles", yet the only qualification listed for this position is MA and Administrative credential preferred.

Further, even though the Petition under Element 6 states that the Site Principal shall monitor the Charter School's compliance with the criminal background check policy and reporting requirement, the responsibilities for that position under Element 5 do not include that responsibility.

D. Admissions & Lottery Procedures

The Petition includes admissions and lottery procedures, but the procedures are not reasonably comprehensive. For example, the Petition does not state (1) the method the Charter School will use to communicate to *all* interested parties the rules to be followed during the lottery process, (2) the method the Charter School will use to verify lottery procedures are fairly executed, (3)

the location where the lottery will occur and the efforts the Charter School will undertake to ensure all interested parties may observe the lottery, and (4) the means by which the Charter School will contact the parents/guardians of students who have been promoted off of the waiting list and timelines under which parents/guardians must respond in order to secure admission, among other procedures and processes. The omission of this information limits the District's ability to evaluate whether the admissions procedures are legally-compliant and ensure equity and access to all students who may be interested in enrolling in the Charter School.

E. Student Discipline Procedures

The Petition does not comprehensively describe the Charter School's proposed student discipline procedures. Specifically, the Petition fails to detail a preliminary list of offenses for which students must (non-discretionary) and may (discretionary) be suspended or expelled. Rather, the Petition conflates the enumerated offenses for suspension and expulsion. Given that these are two distinct levels of discipline, the Petition should delineate specific disciplinary procedures for distinct offenses. In addition, while the Petition contains a statement that in preparing the list of offenses and disciplinary procedures, the Petitioners reviewed the lists of offenses and procedures that apply to students attending non-charter public schools, but fails to include evidence or affirmation that the Petitioners believe their proposed lists of offenses and procedures provide adequate safety for students, staff, and visitors to the Charter School and serve the best interests of the Charter School's students and their parents/guardians.

The Petition inconsistently identifies how parents/guardians and students will be informed about the Charter School's discipline policies and procedures raising concern whether students will be notified of the discipline policies and procedures they should follow. The Petition also includes the following language:

In addition to these policies, included in the handbook, students and parents will **receive the school expectations** that include: behavior, attendance, respect, substance abuse, violence, safety, work habits and other items critical to student behavioral success. **Each student and his or her parent or guardian will be required to submit verification and acceptance** of school policies prior to enrollment.

Emphasis added

It is entirely unclear what expectations are set forth in these policies as the Petition does not contain a sample, raising due process concerns.

The Petition states that a student may be expelled "by the administrative panel or the charter school board of directors. The administrative panel should consist of at least three members who are certificated and neither a teacher of the people or a board member." Due process concerns are raised by the fact that the Petition fails to explain how the Administrative panel is selected. These due process concerns are compounded by the fact that the Charter School does not afford students any appeal rights following a decision to expel by the Charter School.

The Petition does not sufficiently describe the responsibilities of the Charter School for facilitating post-expulsion placements for expelled students. For instance, the Charter School

will place the burden on parents/guardians to find an alternative placement for their child following expulsion. The Petition indicates that the Charter School will work cooperatively with parents/guardians to assist with locating alternative placements during expulsion “as requested.

F. Dispute Resolution Procedures

The Petition includes proposed dispute resolution procedures, but the process for resolution of internal disputes is unclear. Specifically, the Petition states on page 233 that “Academy of Next Level Student Athletes shall have an internal dispute resolution process to be used for all internal disputes related to Academy of Next Level Student Athletes’ operations. Parents, students, Board Members, volunteers and staff at Academy of Next Level Student Athletes will be provided with a copy of Academy of Next Level Student Athletes’ policies and internal dispute resolution process.” However, there is no discussion of the process leaving the District to wonder how exactly disputes would be resolved. Additionally, the Petition appears to lack any meaningful discussion of how the Charter School would comply with Uniform Complaint Procedures (“UCP”) as there is simply no reference to UCP in the Petition.

Moreover, the dispute resolution provision for disputes between the District and Charter, as drafted in the proposed Charter, contemplates numerous meetings and submission of the matter to a mediator if the process does not result in a resolution of the matter. This process does not provide for a prompt resolution of differences between a chartering entity and the Charter School and therefore, may contribute to a failure in governance. Moreover, engaging in these numerous steps, which may take several months to complete, places the safety and health of students needlessly at risk and impedes the District’s ability to effectively oversee the Charter School.

Given the significance of opening and operating a charter school and the District’s oversight obligations as well as the issues and problems that have arisen in the operation of some charter schools in California in the past, having a clear and workable dispute resolution process is fundamental to any charter proposal.

Conclusion/Recommendation

Based on the above findings of fact, the District’s review team has concluded that the Petition, as presented, does not meet the minimum legal standards under the Education Code to qualify for approval for the requested five-year term, beginning on July 1, 2023 through June 30, 2028.

For these reasons, and based on District staff’s analysis of the above-described criteria for establishment of a charter school and the corresponding Findings of Fact, District staff recommends that the Governing Board take action to deny the Petition.