

## **INGLEWOOD UNIFIED SCHOOL DISTRICT**

### **ENVIRONMENTAL CHARTER HIGH SCHOOL #2 CHARTER PETITION**

**DISTRICT STAFF REPORT**  
January 15, 2020

#### **I. BACKGROUND**

On or about November 6, 2019, the County Administrator of the Inglewood Unified School District ("District") formally received a charter petition ("Petition") to establish Environmental Charter High School #2 ("ECHS 2" or "Charter School").<sup>1</sup> The Petition was submitted by Lead Petitioner Farnaz Golshani, Executive Director and Chief Executive Officer of Environmental Charter Schools ("ECS"), a California nonprofit public benefit corporation that operates several middle and high schools in the South Bay Cities region. The Petition proposes the establishment of a charter school serving grades nine (9) through twelve (12) within the boundaries of the District. The Petition proposes to serve 125 pupils during its first year of operation and 500 pupils by its fourth year of operation. ECHS 2 seeks a five (5) year term commencing July 1, 2020, through June 30, 2025.

Within thirty (30) days after receiving a petition, the County Administrator must "hold a public hearing on the provisions of the charter, at which time the [County Administrator] shall consider the level of support for the petition by teachers employed by the school district, other employees of the school district, and parents." (Ed. Code, § 47605(b).) A public hearing was held on December 11, 2019.

After the public hearing, the County Administrator must either grant or deny the charter within sixty (60) days of receipt of the petition, provided, however, that the date may be extended by an additional 30 days if both parties agree to the extension. (Ed. Code, § 47605(b).) The County Administrator will act on the Petition during the January 15, 2020 Board of Education ("Board") meeting.

Effective July 1, 2020, the Education Code will require the County Administrator to "publish all staff recommendations, including the recommended findings and, if applicable, the certification from the county superintendent of schools prepared pursuant to [Education Code section 47605(c)(8)] regarding the petition at least 15 days before the public hearing at which the [County Administrator] will either grant or deny the charter." (Ed. Code, § 47605(b), as amended by AB 1505 (2019).) In light of the fact that ECHS 2 proposes to operate beginning July 1, 2020, the District has complied with this provision by publishing this Staff Report on its website under the "Public Notices" tab on December 31, 2019.

The County Administrator must grant a charter if she is "satisfied that granting the charter is consistent with sound educational practice" (Ed. Code, § 47605(b)) and with the interests of the community in which the school is proposing to locate." (Ed. Code, § 47605(c), as

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<sup>1</sup> The District is currently operating under the authority of the County Administrator, appointed by the County Superintendent of Public Instruction, and has assumed all legal rights, duties, and powers of the District's Board of Education, in accordance with Education Code section 41326.

amended by AB 1505 (2019).) The County Administrator “shall consider the academic needs of the pupils the school proposes to serve.” (*Ibid.*) Nevertheless, the County Administrator may deny a petition for the establishment of a charter school if she finds that the particular petition fails to meet enumerated statutory criteria and adopts written findings in support of the decision to deny the charter. (*Ibid.*) Notably, a charter petition may be denied if the school district is not positioned to absorb the fiscal impact of the proposed charter school. A school district is not positioned to absorb the fiscal impact of a proposed charter school if it is under state receivership. (Ed. Code, § 47605(c)(8), as amended by AB 1505 (2019).) In such an instance, a petition is subject to a rebuttable presumption of denial. (*Ibid.*)

Once authorized, charter schools “are part of the public school system,” but “operate independently from the existing school district structure.” (Ed. Code, §§ 47615(a)(1) and 47601.) If the County Administrator grants the Petition, ECHS 2 will become a separate legal entity. Under Education Code section 47605(j), if the County Administrator denies the Petition, then Petitioners may submit the petition to the Los Angeles County Board of Education (“LACBOE”).

## **II. REVIEW OF THE PETITION**

A team of District staff, with the assistance of legal counsel, conducted a comprehensive review of the Petition.

Education Code section 47605, subdivision (c), sets forth the following guidelines for governing boards to consider in reviewing charter petitions:

- The chartering authority shall be guided by the intent of the Legislature that charter schools are and should become an integral part of the California educational system and that the establishment of charter schools should be encouraged.
- A school district governing board shall grant a charter for the operation of a school under this part if it is satisfied that granting the charter is consistent with sound educational practice and with the interests of the community in which the school is proposing to locate.
- A school district governing board 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 the establishment of a charter school unless it makes written factual findings, specific to the particular petition, setting forth specific facts to support one or more of the following findings:
  - (1) *The charter school presents an unsound educational program for the pupils to be enrolled in the charter school.*
  - (2) *The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition.*
  - (3) *The petition does not contain the number of signatures required by 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 the 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, which includes consideration of the fiscal impact of the proposed charter school.*
- (8) *The school district is not positioned to absorb the fiscal impact of the proposed charter school, which includes a school district that is under state receivership, among other things. 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, and in accordance with District Board Policy ("BP") and Administrative Regulation ("AR") 0420.4, District staff's review and analysis of the Petition was guided by the legislative intent set forth in Education Code section 47601 and by the regulations promulgated for SBE's evaluation of its own charter petition submissions (Cal. Code Regs., tit. 5, section 11967.5.1) ("Regulations"). Although these Regulations are not binding on a school district's review of charter petitions, they provide helpful guidance.

### **III. STAFF RECOMMENDATION**

Based upon its comprehensive review and analysis of the Petition, District staff recommends that the Petition be **denied**. This Staff Report contains staff's analysis of the Petition, and the written findings supporting staff's recommendation. Accordingly, staff also recommends that the County Administrator adopt this Staff Report as the written findings in support of denial.

The following reasons justify denial of the Petition:

- **The Petitioners are demonstrably unlikely to successfully implement the program presented in the Petition;**
- **The Petition fails to provide a reasonably comprehensive description of all required elements of a charter petition;**
- **The Charter School presents an unsound educational program for the pupils to be enrolled in the Charter School;**
- **The charter school is demonstrably unlikely to serve the interests of the entire community in which the school is proposing to locate, which includes consideration of the fiscal impact of the proposed charter school; and**

- **The District is not positioned to absorb the fiscal impact of the proposed charter school because the District is under state/county receivership.**

More specific findings with regard to each basis for denial are described under Section IV in the enumerated paragraphs below.

#### **IV. FINDINGS IN SUPPORT OF DENIAL OF PETITION**

Staff's evaluation and analysis of the Petition have resulted in the following factual findings:

##### **A. Petitioners Are Demonstrably Unlikely To Successfully Implement The Program Pursuant To Education Code Section 47605(c)(2)**

The Education Code requires Petitioners to show they are demonstrably likely to successfully implement the program set forth in the Petition. (Ed. Code, § 47605(c)(2).) The Regulations require consideration of whether a petition has presented a realistic financial and operational plan, including the areas of administrative services, financial administration, insurance and facilities. (Regulations, § 11967.5.1(c)(3).)

In the area of administrative services, the charter or supporting documents must adequately describe: the structure for providing administrative services, accounting and payroll that reflects an understanding of school business practices and expertise to carry out the necessary administrative services, or a reasonable plan and time line to develop and assemble such practices and expertise. (Regulations, § 11967.5.1(c)(3)(A)(1).) For any contract services, the Regulations require a description of the criteria for the selection of a contractor or contractors that demonstrate necessary expertise and the procedure for selection of the contractor or contractors. (Regulations, § 11967.5.1(c)(3)(A)(2).)

Under section 11967.5.1(c)(3)(B), an unrealistic financial and operational plan for the proposed charter exists when the charter does not adequately include: a) the first year operational budget, start-up costs, and cash flow, and financial projections for the first three years; b) reasonable estimates of all anticipated revenues and expenditures necessary to operate the school including, but not limited to, special education, based, when possible, on historical data from schools or districts of similar type, size, and location; c) include budget notes that clearly describe assumptions on revenue estimates, including, but not limited to, the basis for average daily attendance estimates and staffing levels; and d) present 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. Education Code section 47605(g), and Regulations, section 11967.5.1(c)(3)(B) also require Petitioners "to provide financial statements that include a proposed first year operational budget, including start-up costs, and cash flow, and financial projections for the first three years of operation."

Under section 11967.5.1(c)(3)(C), the Regulations require, in the area of insurance, for the charter and supporting documents to adequately provide for the acquisition of and budgeting for general liability, workers compensation, and other necessary insurance of the type and in the amounts required for an enterprise of similar purpose and circumstance.

Finally, under section 11967.5.1(c)(3)(D), the Regulations require, in the area of facilities, for the charter and supporting documents to adequately: describe the types and potential location of facilities needed to operate the size and scope of the educational program

proposed in the charter; in the event a specific facility has not been secured, provide evidence of the type and projected cost of the facilities that may be available in the location of the proposed charter school; and reflect 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.

The Regulations further require consideration of whether petitioners have a past and/or successful history of involvement in charter schools or other education agencies (public or private), such as whether petitioners have been associated with a charter school of which the charter has been revoked. (Regulations, § 11967.5.1(c)(1).)

Based on the following findings, and the findings below relating to the inadequate description of the Petition, District staff concludes Petitioners are demonstrably unlikely to successfully implement the program set forth in the Petition:

1. Target Population/Community Served: According to the Petition, “[t]he community that ECHS 2 will serve is a densely populated, ethnically diverse, urban, working-class locality.” (Petition, p. 12.) The Charter School states that it expects to serve students “primarily from Inglewood and secondarily from the communities south of Inglewood – Gardena and Harbor/Gateway.” (*Id.*) However, as detailed below, the Petition does not adequately reflect a meaningful intent to serve the Inglewood community and the representations made in the Petition regarding the Charter School’s intent to serve the stated populations are not credible.

ECS currently operates three (3) charter schools: (1) Environmental Charter High School (“ECHS 1”), which is located in Lawndale and authorized by the Lawndale Elementary School District; (2) Environmental Charter Middle School, which is located in Gardena and authorized by the Los Angeles County Office of Education (“LACOE”); and (3) Environmental Charter Middle School, which is located in Inglewood and also authorized by LACOE.

At or about the same time ECS submitted the instant Petition, in September 2019, ECS submitted two (2) separate petitions to establish ECHS 2 to the Los Angeles Unified School District (“LAUSD”) and to the Centinela Valley Union High School District (“CVUHSD”), for the same term sought here – July 1, 2020, through June 20, 2025. Each proposal sought to serve a different population than the ones presented here – namely, the LAUSD proposal sought to serve students from Gardena, Harbor/Gateway, and southern Inglewood, and the CVUHSD proposal sought to serve students from Hawthorne, with limited students from Inglewood and Los Angeles. Both LAUSD and CVUHSD denied the ECHS 2 petitions.

In essence, ECS submitted three (3) separate but nearly-identical petitions to establish the same school for the same term from three (3) separate authorizing agencies, and simply modified the petition language to indicate ECS’s purported intent to serve the communities of the applicable agencies without otherwise providing any meaningful distinction between the three (3) proposals or any description tailoring its program specifically to the Inglewood community.

Accordingly, the Petition does not reflect a meaningful intent to establish a program that is dedicated to serve the students in Inglewood, which is further compounded by the fact that, as further detailed below, the Petition fails to identify a specific location and/or facility to house its program. It is evident that Petitioners do not have a clear

plan regarding which community they seek to serve, which school district will authorize the Charter School, and in which neighborhood they intend to locate. To the degree ECHS 2 asserts its intent to serve the District community, it has failed to demonstrate any plan to serve the interests of the entire community in which the school is proposing to locate.

2. No Location: The Charter Schools Act ("CSA") states that "[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." (Ed. Code, § 47605(a)(1).) Petitioners must describe the facilities to be used by the charter school and specify where the charter school intends to locate. (Ed. Code, § 47605(h).)

The Petition neither identifies a location nor the facilities to be used to house a program that will ostensibly serve up to 500 pupils. In fact, the Petition confirms the nonexistence of a location or facility, and states that "ECS is actively seeking a facility that would accommodate the entire high school program and is located in the Inglewood area." (Petition, p. 193.) The Petition does not otherwise provide any information reflecting that the Charter School has secured or will secure a valid location to house its educational program for its entire five (5) year term. In addition to failing to provide a reasonably comprehensive description, without the identification of a valid location or description of facilities, Petitioners cannot successfully implement their program or demonstrate any plan to serve the interests of the entire community where it plans to locate.

3. Prior History of Unsuccessful Operations: District staff finds that ECS possesses a history of unsuccessful operations demonstrating numerous violations of law and various incidents of noncompliance with their charters.

Upon review of public records, LACOE issued eight (8) Notices of Concern to Environmental Charter Middle School, Inglewood ("ECMS-I") from March 2018, through October 2019. The notices documented ECMS-I's violations of state credentialing requirements, lack of alignment with the admission requirements outlined in the charter, and failure to comply with geographic and site limitations of the CSA by virtue of its location within the boundaries of Hawthorne School District, among other things.

LACOE also issued nine (9) Notices of Concern to Environmental Charter Middle School, Gardena ("ECMS-G") from March 2018, through October 2019. Similarly, these notices also documented various violations of state credentialing requirements, lack of alignment with charter admission requirements, and failure to verify and/or provide mandated clearances, such as Tuberculosis clearances and food handling certifications, among other things.

While ECS operates ECHS 1 in Lawndale, that 9-12 program is authorized by an *elementary* school district, which does not serve the grade levels provided by ECHS 1. Accordingly, it cannot be determined whether ECHS 1 is being provided with adequate oversight.

The repeated violations of law and charter on fundamental educational and operational issues such as credentialing, admissions, and clearances raises

significant concerns regarding Petitioners' ability to successfully implement its proposed program.

4. **Budget:** The Budget Narrative (Petition, p. 360) and Budget (Petition, p. 364) rely significantly upon "Donations" to account for the Charter School's revenue without adequate description or other information substantiating this potential and significant source of revenue. The narrative vaguely states that donations "are based on the organization's strong historical fundraising record." However, for example, the Budget projects \$250,000 of private donations, without identifying the sources of the contributions, which constitutes nearly 10% of the Charter School's second year estimated revenues of \$2.6 million. This significant reliance upon unsupported donations overstates the Charter School's revenues and is inconsistent with District BP 0420.4.

The Budget also does not match the program offerings of the Charter School or the descriptions provided in the Petition. For example, the Petition does not provide or describe a physical education program. However, the Budget estimates approximately \$3,000 per year for "PE Supplies." The Petition states that "[t]he Charter School will not provide transportation to and from school, except as required by law for students with disabilities in accordance with a student's IEP." (Petition, p. 197.) However, the Budget allocates between \$6,250 and \$26,015 in "Transportation" expenses during the five (5) year term.

The Budget also does not provide adequate support for its expense estimates. For example, the Budget indicates that it will expend between \$150,000 and \$624,000 in rent during its five (5) year term. However, as stated in the Petition, the Charter School does not have a location and neither the Petition nor the Budget Narrative describe or provide support for this significant expense or how it was calculated. As another example, the Petition states that ECHS 2 will pay for the costs for each student to apply to one college/university of the student's choosing. (Petition, p. 27.) However, the Budget does not provide for any itemized expense or otherwise account for the expenses associated with paying for the college application fees for each of the more than one hundred (100) students per grade level. The Budget also does not account for the more than 20 after-school program offerings that the Charter School states will be "available" for ECHS 2 pupils. For example, the Charter School intends to provide such programs as robotics and concert band; however, the Budget does not provide any estimates for resources and instrument costs associated with such programs, which renders them operationally unviable.

**B. The Petition Fails To Provide A Reasonably Comprehensive Description Of All Required Elements Of A Charter Petition Pursuant To Education Code Section 47605(c)(5)**

Education Code section 47605, subdivision (c)(5)(A-O), requires a charter petition to include reasonably comprehensive descriptions of numerous elements of the proposed charter school. The Regulations require the "reasonably comprehensive" descriptions required by Education Code section 47605(c)(5) to include, but not be limited to, information that:

- 1) Is substantive and is not, for example, a listing of topics with little elaboration.
- 2) For elements that have multiple aspects, addresses essentially all aspects of the elements, not just selected aspects.

- 3) Is specific to the charter petition being proposed, not to charter schools or charter petitions generally.
- 4) Describes, as applicable among the different elements, how the charter school will:
  - a. Improve pupil learning.
  - b. Increase learning opportunities for its pupils, particularly pupils who have been identified as academically low achieving.
  - c. Provide parents, guardians, and pupils with expanded educational opportunities.
  - d. Hold itself accountable for measurable, performance-based pupil outcomes.
  - e. Provide vigorous competition with other public school options available to parents, guardians, and students.

(Regulations, § 11967.5.1(g).) Staff finds that the Petition does not provide reasonably comprehensive descriptions of many of the required elements as described below.

### **Element 1 – Educational Program**

The Education Code and Regulations provide various factors for considering whether a charter petition provides 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, and 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 school will provide or access special education programs and services, the 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); Regulations, § 11967.5.1(f)(1).)

Staff finds that the Petition does not provide a reasonably comprehensive description of the Charter School’s educational program for the following reasons:

1. **SED Students**: The Petition’s plan for serving socio-economically disadvantaged students is not tailored to serving the pupils of the District. Namely, the Petition make numerous references to CVUHSD, and only provides college going rate statistics for Hawthorne, Lawndale and Leuzinger High Schools, which are schools of CVUHSD. (Petition, p. 67-69.) The Petition does not otherwise describe or discuss the Charter School’s plan for meeting the needs of the socio-economically disadvantaged student population of the District.
2. **Foster and Homeless Students**: Petitioners do not include information to demonstrate they are aware of the foster and homeless student population within

the District. The Petition's description for serving foster and homeless students is stated in generalities and does not provide adequate description regarding how the Charter School will support this underserved population. The Petition summarily concludes: "ECHS 2's instructional design, including our small learning environment and our social-emotional learning program, makes it easier for us to quickly identify student needs, provide needed resources and coordinate wrap around services. Unlike most small schools, ECHS 2 employs a team of counselors for the students." (Petition, p. 72.)

3. Physical Education: Despite the Charter School's emphases upon healthy lifestyle choices (Petition, p. 68), the Petition does not commit to or provide any description of the Charter School's physical education program. Rather than providing physical education as part of its curriculum, the Charter School generally states that "[o]pportunities for physical activity occur in the after school program, which will include athletic and exercise-oriented course offerings." (Petition, p. 52.) However, the Charter School indicates that it will develop its athletic program depending upon "available funding and our ability to locate willing partners with appropriate facilities," which simply does not commit ECHS 2 to providing any physical or athletic education or programming for its pupils. (*Id.*) Physical education differs from physical activity, is required to meet state standards, is required for graduation, and the state mandates a minimum of 400 minutes of physical education every ten (10) school days for all four (4) years of high school. (See, Ed. Code, § 51225.3.)
4. Low-Achieving Students: While the Petition indicates its plan for serving "Advanced Learners," the Petition does not otherwise provide or describe a plan for serving students who are not meeting academic achievements standards. (Petition, p. 82.)
5. Course Descriptions: The Petition does not adequately describe its English Language Arts program and/or curriculum. The Petition does not provide any course descriptions for its ELA program, and does not identify what pupils will be expected to learn in each grade level during their four (4) years at the Charter School. (Petition, p. 33-34.)
6. College Application Fees: The Petition states that, "All students shall apply to at least one college or university" and that, "ECHS 2 shall be responsible for the costs for each student to apply to one college/university of the student's choosing, and no student shall be required to pay such application costs." (Petition, p. 27.) However, the Budget does not provide for any itemized expense or otherwise account for the costs associated with paying for the college application fees for each of the more than one hundred (100) students per grade level.
7. After-School Program: The Petition states that the Charter School will provide an after-school program to expand learning opportunities. The Petition states that the "possible" after-school programs that are available for all ECHS 2 students include: Dance; Math Science Engineering in Achievement (MESA); Robotics; Solar Boat; Bike Shop; Concert Band; Social Enterprise; Leadership; Speech; Green Ambassador II Internship; Internships; Organic Gardening; Recycled Fashion; Basketball; Soccer; Baseball; Softball; Cross Country; Yearbook; Math Literacy Lab; and English Literacy Lab. (Petition, p. 52.) Despite the plethora of after-school program options, the Petition does not describe any operational specifics for implementing these programs, such as descriptions of the programs, staffing, or budgeting. For example, "Internships" is listed as an after-school activity without any further

description, such as what the participating student is interning for. Indeed, neither the Budget nor Budget Narrative accounts for the additional expenses and resources required to effectuate these activities. Not only is the after-school program deficiently described, the lack of specificity makes it unlikely for it to be implemented and/or succeed.

8. **Instructional Design:** Petitioners do not demonstrate that the instructional design is research or evidence-based and presents a likelihood of success for the student populations the school states it will serve, which is in large part because the Petition is not prepared with the students of the District in mind. (See, e.g., section IV.A.1.) As such, the Petition does not provide an adequate description of how the school will meet the needs of students with disabilities, English learners, students achieving substantially above or below grade level expectations, and other special student populations specific to the District.

### **Element 2/3 – Measurable Pupil Outcomes and Methods of Assessing Outcomes**

The Education Code and Regulations provide for a charter petition to identify the specific skills, knowledge and attitudes that reflect the school’s educational objectives and that can be assessed frequently and sufficiently by objective means to determine satisfactory progress and provide for the frequency of the objective means for measuring outcomes to vary by factors such as grade level, subject matter, and previous outcomes. (Ed. Code, § 47605(c)(5)(B); Regulations, § 11967.5.1(f)(2).) Pupil outcomes must include outcomes that address increases in pupil academic achievement both schoolwide and for all pupil subgroups served by the charter school. (Ed. Code, § 47605(c)(5)(B).) To be sufficiently detailed, objective means of measuring pupil outcomes must be capable of being used readily to evaluate the effectiveness of, and to modify, instruction for individual students and for groups of students during the school year. (Regulations, § 11967.5.1(f)(2)(A).)

The Education Code and Regulations also require a charter petition to identify the methods by which pupil progress in meeting pupil outcomes is to be measured. To be sufficiently described, a petition must include a variety of assessment tools appropriate to the skills, knowledge, or attitudes being assessed, include the annual assessment results from the Statewide Testing and Reporting (“STAR”) program, and outline a plan for collecting, analyzing, and reporting data on pupil achievement to school staff and to parents and guardians, and for utilizing the data continuously to monitor and improve the charter school. (Ed. Code, § 47605(c)(5)(C); Regulations, § 11967.5.1(f)(3).)

Staff finds that the Petition fails to reasonably describe the Charter School’s measurable pupil outcomes and methods of measurement for the following reasons:

1. **No Outcomes:** The Petition does not establish actual outcomes for measuring achievement of educational objectives. As an example, the Petition does not identify actual outcomes for all students and numerically significant student subgroups for the California Assessment of Student Performance and Progress (“CAASPP”) English Language Arts (“ELA”) and mathematics assessments; instead, the Petition states that outcomes will be based upon certain increases from a “baseline from 2019-20 8th grade scores as reported in CALPADS.” (Petition, p. 97.) The Petition does not otherwise provide a fixed goal or outcome based upon the percentage of pupils meeting or exceeding standards on the CAASPP assessments.

2. No Data: The Petition fails to meet the requirement that measurable outcomes must be based on data that can be verified by District.

#### **Element 4 – Governance**

The Education Code and Regulations provide for a charter petition to identify the governance structure including, at a minimum, evidence of the charter school's incorporation as a non-profit public benefit corporation, if applicable, the organizational and technical designs to reflect a seriousness of purposes to ensure that the school will become and remain a viable enterprise; there will be active and effective representation of interested parties; and, the educational program will be successful. (Ed. Code, § 47605(c)(5)(D); Regulations, § 11967.5.1(f)(4).) The Education Code and Regulations also provide for evidence that parental involvement is encouraged in various ways. (*Ibid.*)

In accordance with BP/AR 0420.4, a petition must provide evidence the school has established a governing board or governance structure as described in its charter that is effectively engaged in policy making and fiscal and administrative oversight and compliance with specific laws applicable to charter school governance including the Brown Act, the Political Reform Act, Government Code section 1090, and the California Public Records Act; applicable sections of the Corporations Code including the Nonprofit Integrity Act. The petition is to include a copy of the articles of incorporation and bylaws, an organizational chart, and evidence that the school's governing board has adopted internal controls policies to prevent fraud, embezzlement, and conflict of interest and ensures the implementation and monitoring of those policies. Petitioner must provide resumes for each board member together with a certification that the information is current and accurate and that the board member intends to remain in the role of board member for the full term of the seat as set forth in the bylaws.

If petitioner intends to be operated in whole or in part by a charter management organization ("CMO"), information regarding the CMO must be provided with the charter petition including but not limited to: (1) contract or other agreement between charter school and CMO; (2) names, titles, and locations of principals of CMO and any individual that will be assigned or otherwise working regularly with charter school; (3) documents demonstrating compliance/commitment to compliance with conflict of interest laws (including policies and Form 700s), the Brown Act, and California Public Records Act.

Independent operation for charter schools authorized by the District is required. It is the intent of this authorizer that all funds allocated to each charter school be used exclusively for the benefit of the charter school operating under the District's authorization. Neither the charter school board nor the administration may allocate, loan, or otherwise provide revenue allocated to the District authorized charter school to any other charter school or CMO. Neither the charter school board nor the administration may be allocated, borrow, or otherwise receive revenue that has been allocated to another charter school or from a CMO.

Staff finds that the Petition does not provide a reasonably comprehensive description of the Charter School's proposed governance for the following reasons:

1. Organizational Structure: As stated above, ECS operates three (3) other charter schools, which are overseen by other authorizers, and the Petition indicates that ECHS 2 will be a "distinct LEA" from the other charter schools. (Petition, p. 189.) However, the Petition does not provide an adequate description regarding how ECS will manage all of the charter schools under its operation while keeping the best

interests of the Inglewood community in mind for ECHS 2. For example, the Petition states that "ECHS 2 leverages resources and offsets costs by sharing employees with other ECS schools" and "[t]he Executive Director/CEO and other key school staff positions are shared employees of each of ECS charter entities." (Petition, p. 122.) However, the Petition does not adequately describe how conflicts between ECHS 2 and the other three (3) charter schools, such as issues relating to funding, staffing, or other resources, will be managed to ensure the ECS's Board will act in the best interest of ECHS 2. Indeed, the other ECS charter schools and their relationships with the ECS Board are not identified in the Organization Charts. (Petition, p. 122.)

2. **Board of Directors:** According to the Petition, the ECS Board has, as a rotating Board member, a representative from "Lawndale Elementary School District." (Petition, p. 119.) According to the resumes of Board members, this "Lawndale" Board member is Dr. Elizabeth Hamilton, Lawndale Elementary School District Superintendent. This is problematic as Dr. Hamilton is affiliated with another school district with interests separate and potentially adverse to the District. While the Petition and Bylaws provide an authorizing agency the right to appoint a member to the ECS Board, other provisions of the Bylaws reflect governance imbalances. For example, Article XII of the Fourth Amended Bylaws states that, "so long as the corporation is operating [ECHS 1] under a Charter approved by the Lawndale Elementary School District ("LESD"), the corporation shall provide written notice to the LESD Superintendent or designee of any proposed revision(s) to these Bylaws..." Furthermore, the Bylaws give the Lawndale Superintendent the sole authority to determine whether a proposed revision to the Bylaws is a material revision to the governance structure of ECHS and/or the ECHS Charter. These issues are made more problematic by the fact that the Lawndale Superintendent is a member of the ECS Board. The Board of Directors as structured by the Petition and the Bylaws do not adequately represent Inglewood's interests.
3. **Representative Board:** The Petition fails to include in its governance any individual who is associated with, a representative of, or a resident of the Inglewood community. This is another failure to tailor the Petition to the interests of this community.
4. **Independent Operation:** The Petition does not otherwise ensure the independent operation of the charter school authorized by the District, that all funds allocated to the charter school are used exclusively for the benefit of the charter school operating under the District's authorization. The Petition does not ensure that neither the Board nor the administration will allocate, loan, or otherwise provide revenue allocated to the District authorized charter school to any other charter school or CMO.

### **Element 5 – School Employee Qualifications**

The Education Code and Regulations provide for a charter petition to identify general qualifications for various categories of employees the 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); Regulations, § 11967.5.1(f)(5).)

Staff finds that the Petition fails to provide a reasonably comprehensive description of the Charter School's employee qualifications for the following reasons:

1. **Credentials:** The Petition indicates that the principal position does not require an administrative credential, despite the fact that he/she is responsible for overseeing and evaluating certificated staff. (Petition, p. 129.) Specifically, the Petition states that the principal needs an advanced degree and/or an administrative credential. Furthermore, the Petition indicates that a special education credential is only "desired" rather than required for its special education teachers. (Petition, 131.)
2. **Physical Education:** In addition to an inadequate physical education program, as described above, the credentials for such program are not provided for.

### **Element 6 – Health and Safety**

The Education Code and Regulations provide for a charter petition to include the procedures that the school will follow to ensure the health and safety of pupils and staff, including but not limited to requiring that each employee of the school furnish the school with a criminal record summary, including the examination of faculty and staff for tuberculosis, requiring immunization of pupils as a condition of school attendance to the same extent as would apply if the pupils attended a non-charter public school, and providing for the screening of pupils' vision and hearing and the screening of pupils for scoliosis to the same extent as would be required if the pupils attended a non-charter public school. (Ed. Code, § 47605(c)(5)(F); Regulations, § 11967.5.1(f)(6).)

Staff finds that the Petition fails to provide a reasonably comprehensive description of the Charter School's health and safety policies for the following reasons:

1. **Sexual Harassment:** The Petition does not include or describe the requirement for sexual harassment prevention training to be provided to supervisors once every two (2) years or the new requirement under SB 1343 that requires employers with five or more employees to provide at least one (1) hour of sexual harassment prevention training to all nonsupervisory employees by January 1, 2020.

### **Element 7 – Means to Achieve a Balance of Racial and Ethnic Pupils, Special Education Pupils, and English Learner Pupils**

The Education Code and Regulations provide for the charter petition to identify 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(c)(5)(G); Regulations, § 11967.5.1(f)(7).)

Staff finds that the Petition fails to provide a reasonably comprehensive description of the Charter School's plan to achieve an appropriate 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 for the following reasons:

1. **Lack of Description:** The Petition states that the Charter School will recruit students of various racial and ethnic groups to achieve a balance that is reflective of the

general population residing within the neighborhood surrounding the school, among other things. However, the Charter School states that it "expect[s] our enrollment to be similar to...Morningside High School," despite the fact that the Charter School does not currently have a location and could potentially locate in a different neighborhood of Inglewood. (Petition, p. 136.)

2. Failure to Include English Learner and Special Education Students: The Petition fails to include any description to address the obligation to achieve a balance of special education pupils, and English learner pupils, including redesignated fluent English proficient pupils, that is reflective of the general population residing within the District.

### **Element 8 – Admission Policies and Procedures**

The Education Code and Regulations require the charter petition to identify admission requirements that are in compliance with applicable law. (Ed. Code, § 47605(c)(5)(H); Regulations, § 11967.5.1(f)(8).)

Staff finds that the Petition fails to reasonably describe the Charter School's admission requirements for the following reasons:

1. Preferences: The Petition's admissions preferences make clear that ECS intends to give preferential treatment to those pupils who have attended ECS's already-existing middle schools, regardless of whether they reside in or otherwise would have attended a public school in Gardena or another city, and prioritizes their attendance over the students in the Inglewood community. Of the six (6) categories of pupils granted admissions preferences, the first three (3) preferences are provided to pupils who already have a connection to ECS, whether they are a child of an ECS employee, a sibling of a student admitted to or attending ECHS 2, or a student who culminates from one of ECS's middle schools. Residents of the District are given second to the last priority, which again reflects that the Petition is not designed for or intended to serve the Inglewood community. (Petition, p. 143.)

Furthermore, the admissions preferences are overbroad as students do not need to actually attend ECHS 2 to confer the admissions benefit to their siblings. For example, the Petition grants second (2nd) priority to "[s]iblings of students *admitted to or attending the Charter School.*" (Emphasis added.) Accordingly, admissions preferences are granted to siblings of students who are simply "admitted" to ECHS 2, even if they do not attend ECHS 2, over pupils who are actual residents of the District. The preferences are inadequately described to demonstrate ECHS 2's stated intent on serving the Inglewood community.

There is no information provided in the Petition to demonstrate that the admissions process will not be discriminatory with respect to protected classes and groups, or will not otherwise undermine the obligation to serve 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 District. The process for conducting the lottery is not clearly defined and observable and the Petition includes a provision for unilateral change. The Petition does not adequately describe information to be collected through the interest form, application form, and/or enrollment form.

2. Material Revision: The Petition authorizes the Charter School to unilaterally revise its lottery policies and procedures and does not require a material revision to the policies unless the Charter School determines, in its own discretion, that such change constitutes a material revision. Namely, the Petition states, "the Charter School may refine lottery policies and procedures during the charter term in accordance with a written policy adopted by the governing board of the Charter School....If refinement of policies and procedures arises to a level that a material revision is required, the Charter School will submit a request for a material revision." (Petition, p. 145.) The Petition does not otherwise describe how the Charter School will determine whether a change in its policies constitutes a material revision, which would require the procedures set forth under Education Code section 47607 to be followed. This is inconsistent with law and District BP 0420.4.

### **Element 10 – Suspensions and Expulsions**

The Education Code and Regulations require the Petition to describe the procedures by which students can be suspended or expelled from the charter school for disciplinary reasons or otherwise involuntarily removed from the charter school for any reason. (Ed. Code, § 47605(c)(5)(J); Regulations, § 11967.5.1(f)(10).)

Staff finds that the Petition fails to reasonably describe the Charter School's suspension and expulsion procedures for the following reasons:

1. Disruption of School Activities: The Petition states that "substantially disrupt[ing] school activities" is a ground for student expulsion, which is vague and could be utilized by the Charter School to justify the expulsion of a student for willfully defying the valid authority of supervisors, teachers, administrators, other school officials, or other school personnel engaged in the performance of their duties, which was removed from the Education Code as a permissible ground for suspension or expulsion by AB 420. (Petition, p. 156.)
2. Suspension Procedure: The Petition does not provide a clear timeline for notifying parents of suspension, does not ensure that written notices of suspension will be prepared in the native language of the parent of the suspended pupil, does not provide a clear timeline for holding a conference with the parent of the suspended pupil, and does not provide any details regarding the administrative hearing that may be held to determine if the suspension should be extended pending an expulsion hearing. (Petition, p. 161.)
3. Expulsion Procedure: The Petition states that, "[a] student may be expelled by the neutral and impartial ECS Board-appointed Expulsion Committee following a hearing before it upon the recommendation of the neutral and impartial Principal or Principal's designee. The Expulsion Committee will be a fair and impartial panel of representatives assigned by the ECS Board of Directors." (Petition, p. 162.) However, the Petition does not otherwise describe the procedures for selecting committee members and does not adequately describe how the selection will ensure the committee will be neutral and impartial.

Additionally, the Petition does not adequately describe expulsion appeal procedures. While the Petition states that a pupil or their parent may, within (10) calendar days after the written notice to expel, file a written appeal requesting the governing board to reconsider the expulsion determination (Petition, p. 165), the Petition does not

otherwise provide any details regarding to whom the appeal must be filed, whether the pupil or parents have a right or opportunity to appear before the governing board in person, and/or any other provision indicating that the governing board's review of an expulsion appeal will be meaningful.

### **Other Operational Issues**

Staff finds that the Petition does not provide a reasonably comprehensive description of the following miscellaneous operational provisions for the following reasons:

As stated above, the Petition neither identifies a location nor the facilities to be used to house a program that will ostensibly serve up to 500 pupils. The CSA states that "[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." (Ed. Code, § 47605(a)(1).) Petitioners must describe the facilities to be used by the charter school and specify where the charter school intends to locate. (Ed. Code, § 47605(h).) The Petition confirms the nonexistence of a location or facility, and states that "ECS is actively seeking a facility that would accommodate the entire high school program and is located in the Inglewood area." (Petition, p. 193.) The Petition does not otherwise provide any information reflecting that the Charter School has secured or will secure a valid location to house its educational program for its entire five (5) year term.

#### **C. The Charter School Presents An Unsound Educational Program Pursuant To Education Code Section 47605(c)(1)**

For the reasons provided above under Sections IV.A and B, District staff finds the Petition presents an unsound educational program for pupils to be enrolled in the Charter School.

#### **D. The Charter School Is Demonstrably Unlikely To Serve The Interests Of The Entire Community In Which The School Is Proposing To Locate**

As described above with respect to the Charter School's lack of location and the Petition's lack of meaningful intent to establish a program that is dedicated to serve the students in Inglewood, the Charter School is demonstrably unlikely to serve the interests of the entire community in which the school is proposing to locate. As detailed below with respect to the fact that the District is not positioned to absorb the fiscal impact of the Charter School because of its State/County receivership status, the Charter School would undermine existing services, academic offerings, and/or programmatic offerings.

#### **E. The District Is Under State/County Receivership**

A charter petition may be denied if 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 1240 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 1240, has a negative interim certification pursuant to Section 1240, or is under state receivership." (Ed. Code, § 47605(c)(8).) "Charter schools proposed in a school district satisfying one of these conditions shall be subject to a rebuttable presumption of denial." (*Ibid.*)

Staff finds that the District has been in receivership within the meaning of Education Code section 47605(c)(8), since then-Governor Brown signed SB 533 in 2012. The District continues under receivership status pursuant to SB 533 and AB 1840, which was signed into law in September 2018. As a result, the staff finds the District is not positioned to absorb the fiscal impact of the initial term of the Charter School as the District is currently under state/county receivership.

**V. CONCLUSION**

For the reasons stated above, District staff finds that Petitioners are demonstrably unlikely to successfully implement their program as presented in the Petition and its supporting documents; the Petition fails to provide a reasonably comprehensive description of all required elements of a charter petition; the Charter School presents an unsound educational program; the Petition is demonstrably unlikely to serve the interests of the entire community in which the school is proposing to locate; and the District is not positioned to absorb the fiscal impact of the proposed charter school because the District is under state/county receivership. Accordingly, District staff recommends that the Petition be denied and the County Administrator adopt this Staff Report as its written findings in support of denial.