

**INGLEWOOD UNIFIED SCHOOL DISTRICT  
BOARD OF EDUCATION**

**Regular Meeting  
January 15, 2020**

**TRUTH ACADEMY FOR EXCELLENCE  
CHARTER PETITION**

**DISTRICT STAFF REPORT**

**I. BACKGROUND**

On or about November 5, 2019, the County Administrator of the Inglewood Unified School District ("District") formally received a charter petition ("Petition") to establish Truth Academy for Excellence ("Truth Academy" or "Charter School").<sup>1</sup> The Petition was submitted by lead petitioner Dr. Lisa Edwards, Principal of Century Academy for Excellence ("Century Academy"), an existing California public charter school authorized by Lennox School District established in July 2006 and located within the boundaries of the District in Inglewood, California. The Petition proposes the establishment of a new charter school serving grades six (6) through eight (8). The Petition projects to enroll 200 pupils during its first year of operation and 375 pupils by its fifth year of operation.

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).) By agreement between the District and Truth Academy, 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 Truth Academy 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.

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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.

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 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 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, Truth Academy will become a separate legal entity. Under Education Code section 47605(j)(1)(A), 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 Truth Academy 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 Petition does not contain the number of signatures required by statute;**
- **The Petition does not contain an affirmation of each of the conditions required by statute;**

- **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. The Petition Does Not Contain the Number of Signatures Required by Statute**

The Petition must be signed "by a number of parents or legal guardians of pupils that is equivalent to at least one-half of the number of pupils that the charter school estimates will enroll in the charter school for its first year of operation." (Ed. Code, § 47605, subds. (a)(1) & (c)(3).) Truth Academy's Petition projects a first-year enrollment of 200 students. (Petition, p. 11.) Accordingly, Truth Academy's Petition required signatures from no less than 100 parents or guardians.

Truth Academy's Petition was unsigned by any parents or guardians.

Included as an appendix to Truth Academy's Petition were copies of a number of intent to enroll/re-enroll forms signed by parents of students attending Century Academy. The forms do not reference Truth Academy or its Petition. On their face, the Century Academy's intent to enroll/re-enroll forms do not reflect or imply support for the Truth Academy Petition. It is unclear if the persons signing these forms were even aware of the existence of the Truth Academy Petition or its contents. The stated purpose of these forms was to support Century Academy's application for school facilities from the District under Proposition 39. (See generally, Ed. Code, § 47614; Cal. Code Regs., tit. 5, § 11969.1 et seq.) These forms cannot serve as a substitute for the lack of petition signatures supporting Truth Academy's Petition.

Even if the District were able to consider Century Academy's intent to enroll/re-enroll forms, Truth Academy only submitted signatures on behalf of 81 students, which is insufficient to meet the requirement that Truth Academy submit signatures on behalf of half its estimated first year enrollment. (Ed. Code, § 47605, subds. (a)(1) & (c)(3).)

Based on the foregoing, District staff finds the Truth Academy Petition does not contain the number of supporting signatures required by statute.

**B. The Petition Does Not Contain an Affirmation of Each of the Conditions Required by Statute**

The Petition must “contain an affirmation of each of the conditions described in [Education Code, section 47605,] subdivision (e).” (Ed. Code, § 47605(c)(4).) As clarified in the Regulations, the Petition must “include a clear, unequivocal affirmation of each such condition, not a general statement of intention to comply.” (Cal. Code Regs., tit. 5, § 11967.5.1(e).)

Truth Academy’s Petition does not set forth, either generally or specifically, its affirmation of the following:

- Not to discriminate against a pupil on the basis of the pupil’s immigration status. (Ed. Code, § 47605(e)(1); *id.* § 220.)
- Not to discourage a pupil from enrolling or seeking to enroll in the charter school for any reason, including, but not limited to, academic performance of the pupil or because of the pupil’s status as disabled, academically low-achieving, English learner, neglected or delinquent, homeless, economically disadvantaged as determined by eligibility for any free or reduced-price meal program, foster youth, or based on the pupil’s nationality, race, ethnicity, or sexual orientation. (Ed. Code, § 47605, subds. (e)(2)(B)(iii) & (e)(4)(A).)
- Not to request a pupil’s records or require a parent, guardian, or pupil to submit the pupil’s records to the charter school before enrollment. (Ed. Code, § 47605(e)(4)(B).)
- Except as provided by Education Code section 47605(c)(5)(J), not to encourage a pupil currently attending the charter school to disenroll from the charter school or transfer to another school for any reason, including, but not limited to, academic performance of the pupil or because of the pupil’s status as disabled, academically low-achieving, English learner, neglected or delinquent, homeless, economically disadvantaged as determined by eligibility for any free or reduced-price meal program, foster youth, or based on the pupil’s nationality, race, ethnicity, or sexual orientation. (Ed. Code, § 47605(e)(4)(C).)
- To post on its website the California Department of Education’s (“CDE”) notice regarding these affirmations and to provide this notice to parents and guardians when a parent, guardian, or pupil inquires about enrollment; before conducting an enrollment lottery; and (3) before disenrollment of a pupil. (Ed. Code, § 47605(e)(4)(D).)

The purpose of the foregoing affirmations are to guarantee that charter school students and their families are apprised of their rights. The required affirmations are not subject to waiver and are a prerequisite to a complete charter school petition.

Based on the foregoing, District staff finds the Truth Academy Petition does not contain an affirmation of each of the conditions required by statute.

**C. 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. (Cal. Code Regs., tit. 5, § 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. (*Id.*, § 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. (*Id.*, § 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) 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: (1) describe the types and potential location of facilities needed to operate the size and scope of the educational program proposed in the charter; (2) 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 (3) 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. (Cal. Code Regs., tit. 5, § 11967.5.1(c)(1).)

Overall, the statutory and regulatory requirements reflect the need for a detailed operations plan consistent with charter school practices and developed by experienced personnel capable of carrying out the planned charter school.

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: Truth Academy's Petition does not adequately reflect a meaningful intent to serve the Inglewood community. It is apparent from Truth Academy's Petition that its intended audience is the Los Angeles Unified School District ("LAUSD").

Truth Academy initially submitted its charter petition to LAUSD and its Petition is clearly tailored for LAUSD. The Petition contains broad sections designated as "District Required Language." (Petition, pp. 3, 49-53, 59, 66-68, 73, 76-77, 79, 81-83, & 98-103.) These provisions are specific requirements unique to charter petitions submitted to LAUSD, not the District.

Similarly, Truth Academy's targeted enrollment area is located within LAUSD, not the District. According to the Petition, "Truth will seek to enroll students who are traditionally under-served in the P-16 environment: socio-economically challenged Black and Latino students." (Petition, p. 10.) The Charter School further identifies its "targeted enrollment area, the zip code of 90044." (*Ibid.*) The 90044 zip code is located entirely within LAUSD's boundaries.

Prior to submitting the Petition to the District, Petitioners apparently changed their Petition to reflect the District as the authorizing school district using a global search-and-replace of the term "Los Angeles" with "Inglewood." The result is often nonsensical. For instance, the Petition suggests that all notices to the District be sent to the following address:

Inglewood Unified School District  
333 South Beaudry Avenue, 20th Floor  
Inglewood, California 90017

(Petition, pp. 101 & 102.) This is the address for LAUSD's Charter School's Division, not the District. The Petition also makes several references to "Inglewood County." (*Id.*, pp. 17 & 70.) The Petition similarly references the "District Office of the Inspector General," as well as the District's "Office of Environmental Health and Safety," neither of which exist, and are presumably additional remnants of Truth Academy's petition to LAUSD. (*Id.*, p. 52.)

Petitioners also used global search-and-replace of the phrase "charter school" with Truth Academy. This resulted in references to the District's "Truth Academy's Division," instead of LAUSD's Charter School's Division. (See, e.g., Petition, pp. 17, 82, 101, & 102.)

Truth Academy's Petition incorrectly claims that the District is subject to Chanda Smith Modified Consent Decree, applicable to LAUSD, not the District. (Petition, pp. 34-36.) Similarly, the Petition discusses the "*Crawford v. Board of Education, City of*

*Inglewood court order*" (Petition, p. 73), a misnamed case in which neither the District nor the City of Inglewood were parties.

In essence, Truth Academy drafted a charter petition specifically for LAUSD's consideration to serve a student population residing within LAUSD's boundaries. Truth Academy then carelessly changed the names and submitted a duplicate petition to the District as a back-up. Accordingly, the Petition does not reflect a meaningful intent to establish a program that is dedicated to serve the students in Inglewood, an issue further compounded by the fact that, as detailed below, the Petition fails to identify a specific location and/or facility to house its program. To the degree Truth Academy 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. It is evident that Petitioners do not have a clear plan to operate in and to serve the Inglewood community.

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 375 pupils.

Truth Academy makes several indirect references to a potential application for use of District facilities pursuant to Proposition 39. (See, e.g. Petition, pp. 100-01 [dispute resolution for Proposition 39 requests] & Appendix of Proposition 39 signatures.) Despite this, the Petition does not specify that Truth Academy intended to submit a Proposition 39 application for facilities and, in fact, Truth Academy has not submitted any application for facilities for the 2020-21 school year by the November 1st deadline.

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. 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.

3. Prior History of Unsuccessful Operations: District staff finds that Petitioners possess a history of unsuccessful charter school operations with regards to Century Academy, which failed to meet minimal academic standards and operated for years in open violation of the Charter Schools Act of 1992 ("CSA").

Petitioners currently operate Century Academy, which has not yielded academic success despite operating for over a decade. For 2019, Century Academy's academic metrics fell far below State and District averages, for all students as well as for all numerically significant subgroups reported by Century Academy.

California Department of Education's California's Smarter Balanced Summative Assessments 2019		
	English Language Arts	Mathematics
<b>State</b>	3 Points Below Standard	33.5 Points Below Standard
African American	48 Points Below Standard	87.9 Points Below Standard
Socio-Economically Disadvantaged	30.5 Points Below Standard	63.7 Points Below Standard
<b>District</b>	52.1 Points Below Standard	87.3 Points Below Standard
African American	61 Points Below Standard	100.3 Points Below Standard
Socio-Economically Disadvantaged	53.5 Points Below Standard	87.3 Points Below Standard
<b>Truth Academy</b>	131.4 Points Below Standard	184.2 Points Below Standard
African American	138.4 Points Below Standard	196.3 Points Below Standard
Socio-Economically Disadvantaged	132.2 Points Below Standard	185.8 Points Below Standard

Century Academy's performance has also declined significantly year-over-year since 2017. Century Academy's suspension rate of 24.3% is shockingly high and its chronic absenteeism rate is also of concern and well above the District's rate. Century Academy's legacy is one of poor academic performance, a lack of academic engagement, and problematic educational conditions and climate.

Century Academy has also been operating within the District's boundaries in violation of the location requirements of the CSA. Charter schools must locate within the geographic boundaries of the school district which approved its charter, subject to narrow exception. (Ed. Code, § 47605(a); *Anderson Union High School Dist. v. Shasta Secondary Home School* (2016) 4 Cal.App.5th 262, 276 ["This language evinces the unambiguous legislative intent that a charter school authorized by a school district shall be located and operate entirely within the boundaries of the authorizing school district, whether at one or multiple locations".]) Despite this clear requirement, Century Academy operated illegally within the District's boundaries for nearly a decade over protest from the District. Truth Academy is proposing to keep Century Academy's administration in place. But the willingness of Century Academy's administration to operate in violation of the CSA raises serious concern as to their professional judgment and ability to effectively operate a successful charter school program.

Century Academy's poor academic performance and the tolerance of its administration to ongoing violation of the CSA suggest an inability to successfully implement its proposed program.

4. **Budget:** Truth Academy does not contain a budget except for an appendix including Century Academy's multi-year budget forecast. As a preliminary matter, Truth Academy does not suggest Century Academy's budget applies to Truth Academy's proposed charter school program. Even accepting Century Academy's budget applies to Truth Academy, there are concerns.

For Century Academy's 2019-20 school year, the budget projects an operational deficit of \$280,008. For the 2020-21 school year (Truth Academy's first year of operation), the budget projects a budget surplus of \$239,968. But this surplus is premised on at least two implausible assumptions. First, the budget includes additional State Aid revenue of approximately \$353,504 for the 2020-21 school year. This is implausible because Century Academy's 2018-19 enrollment was 212 students and Truth Academy is only projecting to enroll 200 students.

Far more problematic, however, is Truth Academy's omission of all rent from its 2020-21 projected expenses. By contrast, Century Academy included \$275,306 in rent and additional rent for the 2019-20 school year. This is an unreasonable assumption that underscores the Petition's failure to adequately describe its facilities plan.

These same questionable assumptions are carried forward year-over-year through the 2024-25 school year. Compounding this problem is Truth Academy's ambitious enrollment growth projections from 200 students in 2020-21 to 375 students in 2024-25. But Century Academy's poor academic outcomes are unlikely to spur such growth, particularly as Century Academy, the District, and most of Southern California are experiencing declining enrollment.

Truth Academy's budget projections are not reasonable.

5. Lack of Support for Petition: Education Code section 47605(b) requires the District to hold a public hearing to "consider the level of support for the petition by teachers employed by the school district, other employees of the school district, and parents." No one showed up in support of the Petition. Not only was there a complete lack of support among the District and community for the Truth Academy Petition, but Petitioners themselves failed to attend the hearing to offer their support despite having agreed to the hearing date.

Petitioners have demonstrated both a lack of care in preparing the Petition and a lack of engagement in supporting their proposed charter school. As discussed in section IV(C)(1), *supra*, Petitioners appear to have prepared this Petition for LAUSD's consideration and sloppily adapted it for the District as a backup plan. More systemically though, the Petition itself reflects an overall thoughtlessness and lack of care. For example, Truth Academy repeatedly refers to itself as Century Academy. (Petition, pp. 53, 69, 70, 85, 92, 94-97, & 99.) The Petition references in a footnote that the District is compiling a list of policies for "its authorized Truth Academics. The list will be finalized by April 1, 2018." (*Id.*, p. 51.) This statement makes no sense as the District has never authorized a charter petition from Truth Academy, has not been asked or agreed to provide a list of potentially applicable policies, and 2018 has come and gone.

It seems Truth Academy took the charter renewal petition from Century Academy's 2016 renewal petition, quickly and haphazardly revised it to serve as a new petition, did not bother to proofread it, and then submitted it to the District for the purposes of establishing a public school to operate within the District. (See, *id.*, p. 53 [agreeing to indemnify Lennox School District]; see also, *id.*, p. 58 ["[t]he duration of the charter petition renewal will be for five years. The term of this charter will begin July 1, 2016 and expire on June 30, 2021."].)

The Petition lacks a cover page, contains blank and/or missing pages, attaches appendices to another charter school, and references appendices that were never included. Then, after submitting a Petition to the District which has created more questions than answers, Petitioners themselves fail to send anyone to support the Petition and answer questions from the District's Board.

A charter petition is not a fill in the blank form. Strict compliance with the terms of a charter petition maintains the constitutionally-required connection between charter schools and elected school boards that authorize and then are charged with overseeing their operations. (*Wilson v. State Board of Education* (1999) 75 Cal.App.4th 1125, 1136-42; accord, *California School Boards Ass'n v. State Bd. of Educ.* (2010) 186 Cal.App.4th 1298, 1326.)

The overall lack of care reflected in the Petition and lack of concern demonstrated by Petitioners strongly suggest an inability to successfully implement the proposed charter school program.

**D. 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, subdivisions (c)(5)(A) through (c)(5)(O), require a charter petition to include reasonably comprehensive descriptions of numerous elements of the proposed charter school. The Regulations specify that the "reasonably comprehensive" descriptions include 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.

(Cal. Code Regs., tit. 5, § 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); Cal. Code Regs., tit. 5, § 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. Dropout Rates: The Petition's "Urgent Need #1" is to lower dropout rates among students of color. (Petition, p. 6.) But at no point does the Petition discuss Century Academy's dropout rate or present a finite plan for reducing the rate. Rather, the Petition is limited to generalized representations about the need for culturally-relevant teaching and social-emotional development. Many of the articles referenced in the Petition discuss high school programs, graduation rates, and career training. But there is no discussion of what this looks like in a middle school classroom.
2. Enrollment Projections: The Petition sets ambitious enrollment projections, planning to grow from 200 students its first year to 375 students by year 5. To accomplish this, the Petition proposes 8 marketing strategies. But Truth Academy's administration has been operating Century Academy for nearly a decade using these same strategies and, in recent years, enrollment has declined. The Petition has not set forth how Truth Academy will succeed using the same strategies that did not work for Century Academy.

#### **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); Cal. Code Regs., tit. 5, § 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: The Petition states that "Truth Academy of Excellence is organized as a nonprofit public benefit" and that "[t]ax-exempt status has been granted." (Petition, p. 54.) Neither of these representations appear to be true at this time. If Petitioner intends to operate under another non-profit corporation, the entity is not identified in the Petition and Petitioners have not provided the District with the applicable articles of incorporation and bylaws.
2. Charter Management Organization: The Petition make a vague reference to a charter management organization ("CMO") utilized by Truth Academy. (Petition, p. 54.) The powers of this CMO purportedly include confirming appointment to Truth Academy's board of directors. Despite this, the Petition does not identify the CMO by name and Petitioners have not provided the District with the applicable agreement between Truth Academy and its CMO.
3. Board of Directors: According to the Petition, the Truth Academy board of directors will initially consist of Dr. Lisa M. Edwards, Dr. Stephany L. Glover, and Brandon Salaam Bailey. (Petition, p. 30.) Dr. Edwards and Dr. Glover are also identified as Truth Academy's principal/CEO and assistant principal of curriculum and instruction. (*Id.*, pp. 6 & 60.) By holding these concurrent positions, Truth Academy's executive officers are effectively overseeing themselves, creating a potential, if not actual, conflict of interest.

Although listed in the Petition's table of appendices, the Petition also did not include board member resumes, due diligence forms, or the questionnaires. (*Id.*, p. 125.)

### **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); Cal. Code Regs., tit. 5, § 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/CEO position does not require an administrative credential, despite the fact that he/she is responsible for overseeing and evaluating certificated staff. (Petition, p. 60.)

### **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); Cal. Code Regs., tit. 5, § 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); Cal. Code Regs., tit. 5, § 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. Reference to Inapplicable Court Order: As discussed in section IV(C)(1), *supra*, the Petition inaccurately refers to a misnamed lawsuit against LAUSD and purports to establish court-ordered integration ratios that are not reflective of the community in which Truth Academy is proposing to locate and operate. (Petition, p. 73.) The ratios of non-white to white students called for in the LAUSD integration order (70:30 & 60:40) are inconsistent with the actual population to be served. (See, Petition, pp. 10-11.) These targets are unreasonable within the District and the order itself is inapplicable to the District.
2. Disproportionate Balance of Students: The Petition states that Truth Academy's current student body (presumably intending to reference Century Academy) consists of students that are 83.6% African American, 15.9% Latino, and 2.8% English Learners. (Petition, pp. 3-4.) By contrast, the population Truth Academy is proposing to serve is comprised of 27.2% African American, and 71.4% Latino. (*Id.*, pp. 10-11.) Additionally, the English Learner rate of the District's closest school is 24.7%. These statistics reflect a significant disconnect between the student population being served by Century Academy and the underlying community. Petitioners have not adequately addressed their plan to achieve a racial and ethnic balance with the community Truth Academy intends to serve.

### **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); Cal. Code Regs., tit. 5, § 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. Material Revision: The Petition authorizes the Charter School to unilaterally revise its expulsion policies and procedures without seeking a material revision. (Petition, p. 84.) The Petition does not adequately 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.
2. Willful Defiance: The Petition's suspension and expulsion offenses are not consistent with current law prohibiting suspension and expulsion for willful defiance. (Petition, pp. 86 & 89; see also, Ed. Code, § 48900, as amend. by SB 419 (2019).)

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

For the reasons provided above under Sections IV(C) and IV (D), *supra*, District staff finds the Petition presents an unsound educational program for pupils to be enrolled in the Charter School.

**F. 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.

**G. 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 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 the Petition does not contain the number of signatures required by statute; the Petition does not contain an affirmation of each of the conditions required by statute; 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 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. 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.