

Enclosure E:

**John Adams Academy Response to
Buckeye Union School District's Findings
for Denial of the Charter Petition**

John Adams Academy – El Dorado Hills

DECEMBER 21, 2016

VIA: HAND DELIVERY

Members of the El Dorado County Board of Education
Ed Manansala, Ed.D., Superintendent of Schools
El Dorado County Office of Education
6767 Green Valley Road
Placerville, CA 95667

Re: John Adams Academy – El Dorado Hills Response to Buckeye Union School District Findings for Denial of Charter Petition

Dear Superintendent Manansala and Board Members:

The purpose of this letter is to respond to Buckeye Union School District’s (“BUSD” or the “District”) written factual findings contained in the BUSD Staff Report (“Report”), recommending denial of the John Adams Academy – El Dorado Hills (“JAA” or the “Charter School”) charter petition, and to demonstrate that the Report does not constitute sufficient legal grounds to deny the JAA charter. The petition submitted meets or exceeds a comprehensive description of all 15 required elements under California Education Code section 47605(b), as well as the additional California State Board of Education regulatory guidance under California Code of Regulations Title 5 Section 11967.5.1.

Overview of Law

We point out that the Education Code provides specific guidance to governing boards to approve the establishment of charter schools. Education Code Section 47605(b) states:

In reviewing petitions for the establishment of charter schools, 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 establishment of charter schools should be encouraged. (Emphasis added.)

Education Code Section 47605(b) provides the legal basis for the denial of a charter petition as follows:

The governing board of the school district 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. 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 subdivision (a) [of Education Code Section 47605].

(4) The petition does not contain an affirmation of each of the conditions described in subdivision (d) [of Education Code Section 47605].

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

(6) The petition does not contain a declaration of whether or not the charter school shall be deemed the exclusive public employer of the employees of the charter school for purposes [the Educational Employment Relations Act]. (Emphasis added.)

Accordingly, the law dictates that the default is for a school district board of education to approve a charter petition, unless it makes written factual findings to support a denial.

Timeline of Petition Review Process with the Buckeye Union School District

On September 23, 2016, JAA submitted a petition for the establishment of a public charter school to the Buckeye Union School District. During the petition review process District staff never reached out to the petitioner or any other JAA representatives in order to ask questions or seek clarifications.

JAA representatives made multiple attempts to schedule meetings with Superintendent Roth, Assistant Superintendent McHaney and members of the BUSD Governing Board. After multiple attempts to open dialogue, JAA was only able to secure one meeting which included Superintendent Roth and Assistant Superintendent McHaney; that meeting did not take place until October 17, 2016. JAA representatives sought to discuss the petition and any questions that the BUSD Staff might have regarding the petition. The Superintendent and Assistant Superintendent advised that they had no questions or anything to discuss. They indicated that their review would be restricted only to the petition and its appendices. Contrary to that representation, the Report contains many factually incorrect findings about matters not discussed in the petition nor discussed with the petitioners despite attempts by the petitioner to make themselves available for questions.

The District conducted a public hearing on October 19, 2016. However, JAA was not afforded the opportunity to present at the public hearing, so representatives spoke on their petition during open public comment. The public hearing was attended by approximately 100 supporters of the petition, including parents, teachers, a recent graduate of JAA, community members, and representatives from John Adams Academies, Inc. Comments were thoughtful and inspiring and clearly demonstrated the desire for the JAA charter school in the community as well as the need for additional school choice. There were a handful of opponents at the meeting, but most of them mistakenly believed that petitioner was seeking to open the Charter School in Valley View Elementary School which is a vacant District facility. Once it was made clear that JAA was in negotiations for purchase of a property in the El Dorado Hills Business Park most of those who came out to oppose were no longer against the charter.

Following the public hearing, in an action that may be unprecedented, BUSD Staff organized a meeting with the handful of community members who voiced opposition to JAA at the October 19 public hearing. A letter advertising the meeting and inviting attendees was sent to the residents of the Blackstone Neighborhood raising the concern about the possibility of JAA acquiring Valley View Elementary School despite JAA's indication that it was pursuing acquisition of its own property, not the Valley View Elementary School. The letter sought only those who had concerns about the charter or the future of Valley View to come to the meeting. (See Attachment B –Letter from BUSD)

On November 14, 2016, the District Board held the final vote on the JAA charter petition. The posted agenda for the meeting showed that the staff was recommending a denial of the petition, but the staff Report and written findings for denial was not made public. JAA requested from the District a copy of the Report in order to craft a response, but was advised that the Report would be provided to the Board members at the public meeting. (See Attachment C – Email from Ms. McHaney). Because the Report was not provided to the Board in advance of the meeting, it was also not available to the members of the public. Petitioners were therefore unable to review and respond to the Report. It was not until arriving at the public meeting that JAA was able to obtain a hard copy of the Report.

The District's Findings Fail to Meet the Legal Standard for Denial of a Charter Petition

The Report contains findings that do not meet the legal standard for denial of a charter petition. The findings insert a subjective standard into the review process, as well as misrepresent the Charter Schools Act's purposes. Moreover, many of the District's findings are based on conjecture, or go beyond the requirements set forth in law, and therefore the findings constitute an impermissible and arbitrary basis for denial of the SCCCS charter. As such, the District's Report directly contravenes the guidance of *California School Bds. Assn. v. State Bd. of Education*, where the court found that "[l]ocal school districts are ... mandated to approve charters that meet statutory requirements and are consistent with sound educational practices." (186 Cal. App. 4th 1298, 1319 (Cal. App. 1st Dist. 2010).)

Additionally, as described in the timeline above, many of the factually incorrect findings concern matters that the District could have easily discovered with minimal

communication with the charter petitioners who made themselves available for questions during the petition process and communicated a desire to work with the District regarding their concerns on multiple occasions.

In the table below, please find the summary of the findings from the District Report, in the order in which they were presented, accompanied by the Charter School's response.

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<p>A1. The Parent Signatures That the Charter School Submitted Are Insufficient to Meet the Requirements of Ed Code §47605(a)(1)(A)</p>	<p>The Petition was qualified using teacher signatures.</p> <p>And therefore, it was not necessary to gather parent signatures. But, to show the overwhelming parental support, JAA included parent's signatures on intent to enroll forms and petitions. 359 signatures were gathered electronically on intent to enroll forms. 72 parent petition signatures were gathered during signature gathering events over the course over two days (9/22/16 and 9/23/16). Being able to gather that many signatures in two days shows the tremendous amount of support and desire for a JAA-EDH. This total number of signatures continues to grow.</p> <p>(See Below for Response on Teacher Signatures)</p>
<p>A2. The Teacher Signatures That the Charter School Submitted Are Insufficient to Meet the Requirements of Ed Code §47605(a)(1)(B)</p>	<p>All teacher signatures submitted by Petitioner are valid and are enough to qualify the petition.</p> <p>Based on the projected number of teachers needed the first year, the charter petition only needed 6 signatures of meaningfully interested teachers. The petitioner submitted a list of 21 teacher signatures, not only meeting the needed number to qualify, but far exceeding it.</p> <p>Ed Code §47605(a)(1)(B) states: "The petition is signed by a number of teachers that is equivalent to at least one-half of the number of teachers that the charter school estimates will be employed at the school during its first year of operation."</p> <p>Further, the El Dorado County Office of Education Charter Schools Petition Review Handbook on Page 43 states: "Teachers signing the petition must be properly credentialed to teach one or more core academic classes in the proposed charter school. Teacher signatures mean that the teacher is meaningfully interested in teaching at the charter school.</p> <p>In the Review Matrix on Page 64 of the same handbook is listed the following questions regarding validity of teacher signatures:</p>

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	<p><u>“50% of the number of appropriately credentialed teachers expected to be employed during its 1st year of operation - Yes No N/A</u> <u>Identifies whether teachers were given a copy of the petition before signing - Yes No N/A</u> <u>Petition includes prominent statement of meaningful interest - Yes No N/A</u></p> <p>All teachers who signed the petition possess a valid CA teaching credential for a grade level proposed to be served by the charter. The petition signature page contains a prominent statement that the signing teacher is meaningfully interested in teaching at the charter school. The charter was attached to the petition signature page.</p> <p>The BUSD staff wrongfully rejected names from the list of teachers using a variety of incorrect assumptions and methods not authorized by law. For example, there is no legal requirement that a petition signer not be a teacher at a current charter school. These teachers have the same right to sign as any school district teacher. In fact, their meaningful interest in teaching at another charter school with the same mission and vision as their current employer actually makes the statement of meaningful interest more likely to be true.</p> <p>All 21 teacher signatures are valid and meet the legal definition of meaningfully interested, therefore there are far in excess of the number of teacher signatures necessary to qualify the petition.</p>
<p>Specific Examples of Disqualification of Teacher Signatures by BUSD Staff: 1) “13 of these signatures come from staff currently teaching at the JAA-Roseville campus and/or who perform other certificated duties on behalf of JAA according to their website and as a result are not considered valid signatures.”</p>	<p>The 13 teachers who signed the charter petition are meaningfully interested in teaching at the new charter, possess a valid California Teaching Credential, signed the petition attached to the charter, and are therefore valid signatures.</p> <p>The law does not allow for the disqualification of signatures based on having a current teaching position at an existing charter school.</p>

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	<p>It makes sense that teachers currently working for an existing charter school would be meaningfully interested in teaching for a new school in the same network that is closer to their residence and local community.</p> <p>It is also beneficial for the newly established charter to have teachers who are experienced not only in the field of education, but also in the same charter model, philosophy and pedagogy.</p> <p>These 13 signatures are legally allowed and by themselves are sufficient to qualify the charter petition.</p>
<p>2) “It is highly improbable that Ms. Slaughter on the same date/time would execute both of these documents, yet have such a discrepancy in the hand printing of her name and related information on the two instruments, if she herself actually completed the forms.</p> <p>Ms. Slaughter's and JAA's Facebook posts coupled with an analysis of the signatures and related information provided, leads the District to find that Ms. Slaughter did not actually complete these forms, but rather the forms were completed by someone else which calls into question the validity and accuracy of all signatures submitted by JAA as well as the signature collection process.”</p> <p>Footnote 6 – “It is significant to note that every signature obtained is dated 9/22 or 9/23, which when coupled with the issue raised by Ms. Slaughter's alleged signature calls into question whether the signature page was actually</p>	<p>BUSD Staff, in making this claim, are accusing the signature gatherers of forgery without even placing an inquiry to the signatories themselves.</p> <p>Ms. Slaughter’s signatures qualifies in all respects.</p> <p>To make such a weighty charge requires a diligent level of investigation and proof. BUSD Staff did not even do as little as contact Mrs. Slaughter to inquire whether or not she signed the document.</p> <p>The signature gatherers confirmed that they were able to get together later in day on 9/22 to obtain Ms. Slaughter’s signatures. (<i>see</i> attached letters, Attachment G). It was in fact, Mrs. Slaughter that printed and signed both forms.</p> <p>If you look at the signatures of Joanne Slaughter on both forms that are called in to question by the BUSD staff, the signatures are identical. There is some variation in the way the data is printed, however, Mrs. Slaughter has confirmed that she completed both forms and signed both forms personally. A letter from Mrs. Slaughter to that effect is attached (Attachment G).</p> <p>The signatures were gathered on 9/22 and 9/23 only. All that can be demonstrated from the BUSD findings regarding Ms. Slaughter’s signatures is that those were indeed the two days that signatures were gathered.</p>

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<p>attached to the petition at the time of signing as required by law and the validity of the signatures.”</p>	<p>As evidenced by the attached letter, Ms. Slaughter does, in fact, meaningfully intend to teach at JAA-EDH. (<i>see</i> Attachment G). Moreover, she did sign the petition prior to it being submitted and she is an accredited teacher.</p>
<p>3) “...one teacher (Ms. Elkow) holds a single subject credential in French and thus would not be eligible to teach in the 2017-2018 school year. Based on the petition as submitted, all teachers employed during the first year would be required to hold a multiple subject teaching credential. As a result, this signature is not considered valid.”</p>	<p>Education Code 47605 does not state that a teacher must hold a multi-subject credential in order to sign the petition. It requires that they be meaningfully interested in teaching at the school. For this reason alone, Ms. Elkow’s signatures qualifies.</p> <p>Additionally, as stated above, the charter proposes to serve grades TK through 12. Therefore, a teacher possessing a valid CA teaching credential with authorization to teach any grades TK through 12 could be meaningfully interested in working for the proposed charter and can sign the petition.</p> <p>Ms. Elkow holds a single subject credential in Chemistry, Biological Sciences, and French. The authorization description for these credentials on the CTC website states “<i>This document authorizes the holder to teach the subject area(s) listed in grades twelve and below, including preschool, and in classes organized primarily for adults.</i>”</p> <p>Programmatically, a teacher with a single subject credential could teach in elementary grades if teaching the single subject within their credential. Therefore, Ms. Elkow’s signature does qualify as a valid signature for the JAA-EDH charter.</p>
<p>4) “... one individual does not appear to hold a teaching credential. On JAA's Facebook page, an individual by the name of Heather Scott Boster frequently posts information concerning the petition...It is reasonable to assume that this is the same Heather Boster that signed the teacher-signature page, however, when reviewing records at CTC there is no record of</p>	<p>Heather Scott Boster and Heather R. Boster are the same person.</p> <p>Ms. Boster holds a teaching credential.</p> <p>Heather Boster has confirmed that she is the same person from the “Bring JAA to Folsom – EDH” Facebook page and on the CTC. When receiving her credential, she did so with the name Heather R. Boster. Please see her attached letter confirming as much. (<i>see</i> Attachment G)</p>

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<p>a Heather Scott Boster holding any credential. “</p> <p>“Footnote 7 - CTC Records show a Heather R. Boster, but not a Heather Scott Boster.”</p>	<p>BUSD staff never called Mrs. Boster to inquire as to whether or not she was the same individual as listed on the CTC website. Had the BUSD staff done any level of communication with the signers, signature gatherers or Petitioner these types of unfortunate errors in the BUSD staff report could have been avoided.</p> <p>Please note that BUSD staff continually represents that the “Bring JAA to Folsom-El Dorado Hills” parent group Facebook page as that of JAA. That is incorrect. JAA does not operate that page. This Facebook page was created and is operated by parents seeking to bring a JAA to their community.</p>
<p>5) “Of the 5 remaining teacher-signatures accompanying the petition, it should be noted that at least two of these individuals already teach and have acquired tenure in other public school districts and it is highly improbable that either one of these individuals are genuinely and meaningfully interested at leaving their higher paying, CalSTRS covered teaching positions”</p>	<p>There is simply no legal basis to disqualify a teacher because that teacher has tenure at another school. Nor is there any legal basis for disqualifying teacher signatures based on a perceived probability. These teachers did sign the petition and are indeed meaningfully interested in teaching at JAA-EDH</p> <p>Not all teachers are simply motivated by money. Teachers in tenured positions often apply and work in charter school environments because of the educational freedom, alignment with mission and vision, and opportunity to build a program, among a multitude of other reasons.</p> <p>In the first year of operation of JAA Roseville, a number of experienced teachers who were currently employed in a district school with STRS left those positions and came to work for a JAA Roseville, a startup charter school. For example, we had two teachers, with over 20 years of teaching experience in a district school, come to work for JAA. And, they are still employed with JAA today.</p> <p>While most teachers who come to work for a charter do so because of mission, and culture, JAA does offer a very robust 403(b) benefit package along with participation in Social Security that is competitive and attractive to teachers. JAA provides an automatic employer contribution of 3% and up to an additional 3%</p>

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	<p>match. With the combination of the robust 403(b) package and Social Security, employees have about 20% salary contribution towards retirement.</p> <p>With the success, growth, and financial stability of the Roseville campus it is even more likely that teachers will be comfortable financially with the decision to leave a tenured position.</p> <p>This further highlights the effort of BUSD staff to disqualify names without any legal basis but for the sole purpose of denying the petition.</p>
<p>B. Failure to Comply with Education Code 47605(d) “However, Education Code §47605(d) provides that preference must first be extended to pupils currently attending the charter school and pupils who reside in the District and after this has been done, other preferences may be permitted in accordance with law. As a result, the affirmation in the Petition regarding what preferences will be extended is inconsistent with law.</p>	<p>BUSD staff paraphrases and misinterprets Ed Code and argues their opinion instead of the actual requirements of Education Code 47605(d)(2)(B).</p> <p>There is no requirement under the Ed Code that requires any particular preference to be “first.” Not even BUSD follows such an extra-legal requirement in its own dependent charters nor has it made such a requirement of other independent charters authorized by BUSD.</p> <p>BUSD staff has added the word “first” in this particular instance when stating that preferences must “first” be extended to pupils currently attending the charter school and pupils who reside in the district and then goes on to opine that only after this is done can any other preference be given.</p> <p>BUSD staff is not quoting Ed Code directly, instead BUSD staff present a false narrative that does not exist in the Ed Code.</p> <p>Education Code 47605(d)(2)(B) actually states the following: “(B) If the number of pupils who wish to attend the charter school exceeds the school's capacity, attendance, except for existing pupils of the charter school, shall be determined by a public random drawing. Preference shall be extended to pupils currently attending the charter school and pupils who reside in the district except as provided for in Section 47614.5. Other preferences may be permitted by the</p>

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	<p>chartering authority on an individual school basis and only if consistent with the law.”</p> <p>A plain reading of the code shows that preference must be given to students currently attending the charter and students who reside in the district, but nowhere in the language does it state that these preferences must be given first priority.</p> <p>Page 115 of the JAA – EDH Charter states “Following the open enrollment period each year, applications are counted to determine whether any grade level has received more applications than availability. In the event that this happens, the Academy holds a public random drawing to determine admission for the impacted grade level, <u>with the exception of existing scholars, who are guaranteed admission</u> in the following school year. Admission preferences in the case of a public random drawing shall be given to the following scholars in the following order:</p> <ol style="list-style-type: none"> 1. Children of staff of the Academy 2. Children and grandchildren of Board members 3. Siblings of existing scholars enrolled in the Academy 4. Children currently enrolled in another John Adams Academies, Inc. school 5. Scholars who reside in the District” <p>The petition meets the requirements of Education Code as it provides for the admission preference of existing students of the academy who are exempted from the lottery and guaranteed admission, and then provides an admission preference for students who reside in the district.</p> <p>Interestingly, another BUSD District approved Charter School, Blue Oak Montessori, authorized and operated by BUSD, does not give first preference to district children but puts children of employees as the first preference, and siblings as the second preference, as seen in the following:</p> <p>“Blue Oak Montessori Charter Renewal Petition Page 44:</p>

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	<p>‘Enrollment preferences in the case of a public random drawing shall be allowed in the following order:</p> <ol style="list-style-type: none"> 1) Children of any certificated employee of the Buckeye Union School District 2) Siblings of existing Charter Montessori or Blue Oak Elementary students 3) Intra-campus transfers 4) Intra-district transfers 5) Children who have at least one-year prior Montessori experience (public or private) 6) All other applicants” <p>Moreover, a charter Renewal Petition recently approved by the BUSD Board submitted by Rising Sun Montessori also does not put students from within the District as first preference. Despite that fact, BUSD staff did <u>not</u> list that as a finding to deny. In fact, the BUSD staff recommended approval of that charter.</p>
<p>C. The Petition Should Be Denied Because It Does Not Comply With Education Code, § 47605(a)(6)</p> <p>Failure to serve Transitional Kindergarten</p> <p>“Charter schools are not exempt from having to serve a TK grade level. The California Department of Education has opined that a charter school must serve a TK grade level if it (i.e., the LEA) operates a kindergarten program, as follows:</p> <p>5. Do charter schools have to offer TK? Yes, if an LEA provides kindergarten, they must also provide TK.</p>	<p>This is a straw man argument by the BUSD Staff as the petition clearly indicates an intention to serve TK.</p> <p>There is no legal basis for this argument from BUSD staff. Under the charter school mega waiver (Education Code section 47610), charters are exempt from any Education Code provision that does not specifically include them. The law which requires school districts to serve Transitional Kindergarten if they serve Kindergarten does not name charter schools in that requirement. Please note that BUSD Staff does not quote any law regarding this issue, but instead quotes a FAQ answer on a California Department of Education webpage. There is also no legal citing referenced on the CDE webpage either.</p> <p>The California Charter Schools Association issued a statement on the topic of charters serving transitional kindergarten:</p> <p>“It is the position of the California Charter Schools Association that the applicable law, SB 1381, regarding Transitional Kindergarten does not require charter</p>

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<p>[http://www.cde.ca.gov/ci/gs/em/kinderfaq.asp]</p> <p>According to the Petition, JAA will not be serving the TK grade level in the 2017-2018 school year and may be "adding TK in year two (2)" (Petition, p, 34.). The failure to serve a TK grade level, while operating a kindergarten program, is in itself a violation of law requiring denial of the Petition.</p>	<p>schools to offer Transitional Kindergarten. CCSA has arrived at this position after considerable analysis by our legal team and policy analysts. Transitional Kindergarten is not a requirement on all public schools; it is a requirement on school districts. The law only requires offering transitional kindergarten as a condition of receiving apportionment for it. If a charter school wants to receive apportionment for Transitional Kindergarten, then it must offer Transitional Kindergarten. However, because it is not required, it is up to individual schools to determine whether to offer it.”</p> <p>While not required to do so, the JAA-EDH petition states that it will serve grades TK through 12. The law does not require the charter school to serve TK, but the issue is moot as JAA-EDH has chosen to do so and has clearly described that in the petition. The argument by BUSD staff that JAA must serve TK in year one is also unfounded and is addressed below.</p>
<p>Failure to serve all grades served by the district</p> <p>“However, for purposes of Section 47605(a)(6) it is important to note that the Buckeye Union School District does serve a TK grade level and as a result, since JAA's Petition is not serving a TK grade level in the 2017-2018 school year, it is in effect requesting this Governing Board approve a Petition for a K-12 charter school, at a time when it does not serve all grade levels currently served by the Buckeye Union School District, which is prohibited by the provisions of Education Code §47605(a)(6).</p>	<p>John Adams Academy – EDH does serve all grades served by BUSD.</p> <p>BUSD Staff are again misinterpreting law and the JAA-EDH charter.</p> <p>First, the JAA-EDH charter petition proposes to serve pupils in all of the grade levels served by that school district, including TK, and therefore is also allowed to propose serving pupils in a grade level that are not served by the school district (i.e., pupils in grades 9-12), which it has done.</p> <p>Education Code Section 47605 (a)(6) states: “Commencing January 1, 2003, a petition to establish a charter school may not be approved to serve pupils in a grade level that is not served by the school district of the governing board considering the petition, unless the petition proposes to serve pupils in all of the grade levels served by that school district.”</p> <p>The JAA-EDH petition clearly outlines the school as a TK-12 grade model. The petition is in concert with the law as all grades served by the District (TK through 8) are also proposed in the petition to be served by the charter school.</p>

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	<p>To be clear, the statute does not require that all grades be served in the first year of charter school operation. It is common for not only charters, but district schools as well, to open a few grades within their first year and grow as demand materializes and as grade levels matriculate, just as JAA is proposing to begin operations serving grades k-6 and grow each year to serve all grades, including TK in the second year.</p> <p>There is simply no legal basis to deny a charter petition because it did not open serving all grades the first year. Moreover, this approach is educationally sound because it ensures that students in the upper grades have adequate preparation in the lower grades to allow them to be successful in a rigorous educational model.</p>
<p>D. The Petition Presents an Unsound Educational Program</p> <p>1) “The educational program set forth in the Petition is only described in theoretical frameworks. The Petition provides only general information about the program and instructional strategies, and is written primarily in boilerplate language that lacks reasonably comprehensive descriptions specific or unique to the proposed Charter School.”</p>	<p>By claiming that the petition presents and “Unsound Educational Program” BUSD Staff is making the claim that a child who enrolls at JAA will actually be harmed as a result or would receive no educational benefit. Both positions are without foundation.</p> <p>JAA-EDH charter includes over 149 pages of details about its program. The BUSD authorized Charter School, Blue Oak Montessori, had a mere 49 pages.</p> <p>This argument of the BUSD Staff further highlights a fundamental misunderstanding and misapplication of the Ed Code. The standard is basically that the proposal not harm pupils and be likely to provide educational benefit: CALIFORNIA CODE OF REGULATIONS SECTION 11967.5.1 (b) defines the State Board of Education’s position on what determines an “unsound educational program”</p> <p>“(b) For purposes of Education Code section 47605(b)(1), a charter petition shall be “an unsound educational program” if it is either of the following:</p> <p>(1) A program that involves activities that the State Board of Education determines would present the likelihood of physical, educational, or psychological harm to the affected pupils.</p> <p>(2) A program that the State Board of Education determines not to be likely to be of educational benefit to the pupils who attend.</p>

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	<p>BUSD Staff do not provide any details or information regarding how this proposed charter would “harm or present a likelihood of harm to children” or to have “no likelihood educational benefit” to pupils. The JAA-EDH charter petitions 149 pages of detail speak for themselves. In addition to that, JAA has a proven track record of providing benefit to the pupils it serves, including:</p> <ul style="list-style-type: none"> (1) JAA’s last reported API score of 902, (2) a 6-year accreditation term from WASC through June of 2022, and (3) high college acceptance rates for graduates. These are just a few tangible examples of the academic success of the existing Roseville campus and educational value that will be conveyed to scholars enrolled in the EDH program. (2) JAA’s mean PSAT scores for 2015 were: Grade 10 – 995 and Grade 11 – 1061. California state wide mean score was 895 and 980 respectively. For 10th grade, 52% of JAA pupils met both PSAT summary of performance benchmarks whereas only 31% of state pupils met those benchmarks. For 11th grade, 56% of JAA pupils met both PSAT summary of performance benchmarks whereas only 36% of state pupils met those benchmarks (3) JAA’s 2015 CAASPP reports had the following results: For math, JAA had 57% of pupils met or exceeded standards compared to California where only 33% met or exceeded standards. For language arts, JAA had 59% meeting or exceeding standards and the state of California only had 44% meeting or exceeding standards.
<p>2)“the Petition fails to provide a reasonably comprehensive description of the proposed transitional kindergarten ("TK") program. According to the Petition, the Charter School will be "adding TK in year two (2)" (Petition, p, 34.) However, Petitioner fails to provide any further insight into its potential TK program.</p>	<p>Petition provides a comprehensive description of the entire educational program for all grades served. (Petition Pages 24 – 58) The discussion of the classical leadership education model includes TK as it pertains to all grades.</p>

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<p>For example, Petitioner fails to describe a targeted differentiated curriculum, policies and procedures for the identification and enrollment of students eligible for TK, and the staffing of the program.”</p>	
<p>3) “...when JAA decides to serve the TK grade level JAA does not indicate what enrollment methodology JAA is using to form its enrollment projections, and the projections appear to be overly optimistic and unlikely to materialize. As submitted, JAA contemplates by the second year of its operation of a TK program it will consistently enroll sixty (60) TK students in each school year, in a school with a total enrollment at that time of 570 students.”</p>	<p>The proposed TK enrollment is derived from JAA administration’s experience running a TK program at their current Roseville campus.</p> <p>In the initial year of operation of TK at the Roseville campus there were 38 scholars enrolled in TK. The second year of operation there were 48 enrolled scholars with a waitlist of 38. These increases were all achieved without the need for marketing. Based on the number of families completing intent to enroll forms, the outreach and marketing that JAA will do in the EDH and surrounding communities and the relationships that JAA will build with neighborhood pre-schools and daycare facilities, these projections are more than sound.</p> <p>Moreover, the BUSD Staff fails to provide any evidence that these projections are unreasonable or would constitute any reason for denial other than to state they think the projections are unreasonable. BUSD staff did not, for example, provide any data showing that TK programs were not full at other charter schools in the area.</p>
<p>4)“By comparison, Buckeye Union School District serving approximately 4,656 students and their families, has a total TK enrollment of 82 students for the 2016-2017 school year.”</p>	<p>BUSD Staff’s failure to grow their TK program is not indicative of JAAs future success serving the whole community of El Dorado Hills.</p> <p>BUSD Staff creates a false comparison as the District is limited in a way that JAA will not be. As a public Charter School, JAA will be able to enroll scholars from outside of the District’s attendance boundaries. While BUSD has demonstrated an inability to serve additional families in the TK grades and has been experiencing declining enrollment overall, JAA will bring a new, fresh and unique program that will attract families not only from within the District, but from surrounding communities.</p>

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<p>5) "Because JAA's enrollment projections are unsupported and unrealistic, the financial stability of Petitioner's budget is, as a whole, also called into question."</p>	<p>JAA-EDH already has exceeded its projected opening enrollment of 360 pupils with its intent to enroll signatures. BUSD Staff provide no substantiation for their claim that JAA-EDH will not reach its projections.</p> <p>As discussed previously, JAA's enrollment projections are fully supported by intent to enroll forms, waitlist data and enrollment trends in the existing campus. At the time of submission, JAA-EDH had 359 electronic intent-to-enroll signatures. In addition to that, in just two days of signature gathering just prior to submission, it gathered 72 signatures on petitions. Since submission, those numbers have only continued to swell well beyond our projected 360 pupils. As of today, JAA-EDH has intent to enroll signatures from families representing 449 pupils.</p> <p>Given these interest forms, coupled with the fact that this is a unique program is not duplicated in the county, we expect the enrollment numbers to be achieved.</p> <p>In the unlikely scenario that our enrollment somehow falls below the overwhelming number of intent to enroll signatures, there would not be the negative impact on the budget as suggested by the BUSD Staff because costs are directly related to the number of scholars served. BUSD staff should understand that if there is not enough demand to open another class then you do not hire additional teaching staff, instructional aides or incur any other ancillary costs.</p> <p>JAA has demonstrated its ability to manage its budget. Its first campus opened at the start of the worst economic downturn since the Great Depression. Nevertheless, JAA carefully managed its budget so that it ended its first year with a 16% reserve and an increase in net assets (income) of \$577,406. Net assets (equity) have grown each year and JAA currently has a reserve of 11%, even with the growth in facilities and other associated expenses. An 11% reserve is more than three times higher than the CDE recommendation of a 3% reserve for a school of its size. (See e.g., CDE Reserve Guidance at http://www.cde.ca.gov/fg/fi/ss/distbudgetcsfy1516.asp, sub-point 10.)</p>

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	<p>JAA's currently intent to enroll signature list continues to grow, suggesting that not only are the initial projections will be met but that enrollment will likely exceed those projections.</p>
<p>6) "Moreover, with respect to the operation of its special education program, JAA clearly contemplates a policy of exclusion for students with disabilities who require a level of service beyond resource assistance. It is anticipated that these students will not be housed or served by the staff of JAA or given any opportunities to mainstream into the JAA educational program, as they will be sent to unidentified off-campus programs. The failure of JAA to provide meaningful opportunities to include this segment of its student population within its program raises a serious question as to whether JAA is educating students with disabilities in the least restrictive environment as required by state and federal law."</p>	<p>BUSD Staff does not substantiate this argument with any evidence.</p> <p>On the contrary, JAA-EDH petition and JAA's track record provides clear evidence that JAA provides an exemplary special education program. JAA is a member in good standing with the EDCOE Charter SELPA and offers a wide-range of Special Education services to a diverse population of scholars.</p> <p>Petitioner's IEP services include academic support, Speech and Language, Occupational Therapy, Physical Therapy, Behavior Intervention, Orthopedic Impairment services and mental health supports. Scholars are served according to their specific IEP and in all areas of need. JAA provides education in the least restrictive environment. Service models include push-in and pull-out supports depending on level of need. JAA teaches scholars with varying levels of ability and with varying settings and methods.</p>
<p>7) "Finally, while the Petition contains broad statements as to the Petitioner's understanding of the legal duties and responsibilities under the Individuals with Disabilities Education Improvement Act of 2004 ("IDEA"), it does not fully address many key aspects of a comprehensive special education plan. (Petition, p. 54-58.)</p> <p>For example, the Petition does not include any language that suggests that the Charter School is familiar with its "child find" obligations and</p>	<p>The JAA Charter Petition contains a comprehensive description of the plan for serving scholars with disabilities. See, for example, pages beginning on the bottom of page 52 and ending on page 58.</p> <p>Identification and Assessment is discussed beginning at the bottom of page 55 of the petition and Page 56 of this same section in the JAA charter contains a discussion of "Child-Find"</p>

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<p>other processes under the IDEA or the California Education Code to identify students who may qualify for special education programs or services.</p> <p>While the Petition indicates " ... Charter School implements SELPA policies and procedures to ensure timely identification and referral of students who have, or may have, such exceptional needs..." it fails to demonstrate an understanding of what these SELPA policies are, who is responsible for following them, and what specific and individual duties are required by Staff members and the Charter School as a whole. (Petition, p. 56)"</p>	<p>Not only does the JAA-EDH make a sufficient showing of key aspects of a special education plan, JAA currently has a robust Child Find policy in place and demonstrates a comprehensive program to identify struggling scholars and direct them to the appropriate program. Through use of a school wide response to intervention policy and SST planning, JAA actively seeks to help scholars who are struggling. JAA follows IDEA and CA Ed Code to identify scholars who qualify for Special Education programs and services. We comply with all SELPA guidelines and legal timelines with assessment and IEP planning. Our highly qualified Special Education team strictly adheres to legal guidelines surrounding identification as well as services to scholars with special needs.</p> <p>Responsible JAA staff are identified on page 56 in the section on IEP Meetings and the responsibilities and processes are discussed further in the following sections.</p> <p>In contrast, review of the petition for BUSD dependent charter, Blue Oak Montessori Charter School, authorized and operated by BUSD, shows that their entire plan for special education does not take even a full page in their petition. (BUSD Petition Page 26)</p> <p>Further while the Blue Oak Montessori Charter provides assurances regarding compliance with federal and state law it has no clear description of what the special education services at the school would look like and absolutely no discussion of IDEIA implementation or child-find processes. It has no description of what staff will be involved with the implementation of IDEIA.</p>
<p>In the event that the Charter School became its own LEA for special education, its staffing would need to change, and no special education</p>	<p>BUSD Staff demonstrate their lack of knowledge regarding JAAs current special education services.</p>

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<p>staff appear to be budgeted within the proposed first term of the charter.</p>	<p>JAA is currently operating as its own LEA and is fully staffed to serve the unique population of scholars with IEP's. JAA staff is prepared to grow and evolve to serve a new population within a new school site and will be based upon numbers of scholars and their service needs.</p>
<p>Footnote 9 - As discussed herein, although Petitioners assert they will be a member of the El Dorado County Charter SELPA, Petitioner is obviously not aware of the SELPA rule that does not permit a charter school in El Dorado County from being a member of the Charter SELPA.</p>	<p>There is absolutely no reference in any of the EDCOE Charter SELPA membership application documents that refers or validates this statement by BUSD Staff.</p> <p>BUSD Staff points to no law, regulation or SELPA document to support their claim.</p> <p>EDCOE SELPA actually has confirmed that JAA is able to apply as a SELPA partner for the new JAA-EDH.</p> <p>In the budget submitted with the petition, projected revenue and expenses is shown separately for special education for every year of operation. For example, special education revenue for the first year of operation is \$215,000. The projected expenses for special education include budgets for various categories such as salaries, benefits, textbooks, materials, equipment, contracted services, etc. <i>See e.g.</i>, Budget Worksheets 5, 7, and 9.</p>
<p>In terms of substantive content, the majority of the Petition's proposal for serving students with disabilities is boilerplate language and a restatement of the law. The Petition fails to provide any description of the intervention materials or programs that will be used to serve the needs of its special education students or otherwise at-risk students. For example, Petitioner fails to describe a targeted differentiated curriculum to be used for students who need an English Language intervention program, such as Barton, Voyager, Read 180, Language Live, etc. or who need a</p>	<p>The petition outlines a comprehensive description of the plan for serving scholars with disabilities. (Pages 52 – 58). The description in the JAA-EDH petition is significantly more detailed than BUSD put into their own dependent charter petition (Blue Oaks Montessori) where they do not list any curriculum for their program for special education students.</p> <p>JAA uses a variety of research-based interventions to provide differentiated instruction. While a charter petition is not bound to list each intervention, some examples of current intervention materials include Fountas and Pinnell, Barton Reading and Spelling, Core Reading, Diebels and school-wide PBIS. JAA is adept at serving specific scholar deficits and has a clear understanding of the IDEA laws surrounding intervention. We currently serve students with a variety of disabilities eligible for services under the IDEA and our services meet all IDEA guidelines. We</p>

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<p>Math intervention program, such as Making Math Real, Math Links et cetera. The use of classical text based instruction in all probability will not be found to meet the standard required of using "scientifically based research" interventions and curriculum that are designed to address the specific deficits a student presents with as required by the IDEA.</p>	<p>actively search and serve scholars with disabilities and pride ourselves on maintaining positive and healthy relationships with our families to provide all encompassing services.</p>
<p>The contents of the Petition, does not instill confidence that Petitioners understand their obligations to students with disabilities under the Individuals with Disabilities Education Act and corresponding state law, the implementation of which can become very complex for charter schools that must coordinate services with the District</p>	<p>JAA is competent and serves all aspects of the IDEA.</p> <p>Because JAA operates as its own LEA, JAA offers Special Education services to its scholars through qualified academy staff as well as SELPA approved outside qualified contractors. JAA is versed in the laws surrounding charter schools and understand its obligation as a public school entity as it relates to the IDE</p> <p>Again, in contrast, the petition for BUSD dependent charter, Blue Oak Montessori Charter School, authorized and operated by BUSD shows that their entire plan for special education does not take even a full page in their petition. (BUSD Petition Page 26)</p>
<p>Further highlighting this concern is the practice of JAA not to include students who need more than resource support on its current school sites, which arguably is a violation of state and federal law.</p> <p>All special education student needs are not capable of being met within the general education classroom with the support of a special education teacher. JAA currently operates a school of 1,293 students and proposes to operate this school at 720 students,</p>	<p>BUSD Staff provides absolutely no factual basis for this assertion which is patently incorrect.</p> <p>JAA serves all of its scholars on our campus with a robust range of services and teaching models to support them in the least restrictive environment. As a result, JAA does not have a scholar at this time who needs to be served through an NPS or NPA. We employ a variety of supports such as push-in and pull-out services, specifically designed instruction, additional classroom staffing, accommodations and modifications to the general education curriculum to provide supports in the least restrictive environment.</p>

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<p>and as such is required to provide a full continuum of alternative services, placements, and supports to meet the needs of eligible students, and allows them to the extent possible to participate in the JAA instructional program (mainstream).</p> <p>JAA's practice of sending SOC students to an NPS or NPA would appear to violate the least restrictive placement mandate that is placed on public schools. (Exhibit 4)</p>	
<p>Petitioner's proposed Petition also identifies online-based instruction and learning opportunities, yet the Petition fails to discuss how it will ensure all students with disabilities will be able to continually access the online-based program. For example, the Petition does not address how the Charter School will ensure that students with visual or hearing impairments will have equal access to the Charter School's computer- based content in compliance with state and federal law.</p>	<p>The petition describes that scholars will be afforded the opportunity to receive curriculum and instruction in whatever method is required to serve their individual needs.</p> <p>In cases when a scholar with an IEP has utilized online learning opportunities, appropriate accommodations and modifications have been offered by qualified Education Specialists.</p>
<p>The Petition lacks any discussion or plan for how JAA will address some of the unique needs of other student populations within the community, including undocumented students, immigrant students/newcomers, teenage mothers or pregnant teens, McKinney-Vento students and foster youth. Lack of sensitivity or programming for these student groups in the</p>	<p>BUSD Staff is again attempting to create a requirement that does not exist in the Education Code.</p> <p>The student populations listed by the BUSD Staff are not found either in the Charter Schools Act, or in the State Board regulations on approval of charters. There is no requirement for Petitioner to single out these populations within the petition.</p>

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<p>Petition suggests a lack of preparation for the needs of a population as diverse as the community served by the schools in El Dorado County.</p>	<p>A review of the BUSD dependent charter, Blue Oak Montessori Charter School, authorized and operated by BUSD shows that none of these student populations are addressed anywhere in their petition. Beyond a lack of discussion on these sub groups, even the terms “undocumented”, “immigrant”, “teenage”, “mother”, “pregnant”, “McKinney-Vento”, “foster youth” are never even found anywhere in the BUSD District petition.</p> <p>Certainly JAA-EDH will meet all legal requirements regarding these student populations. However, there is simply no requirement to include such a discussion in a charter petition.</p>
<p>E. Petitioners Are Demonstrably Unlikely To Successfully Implement The Program Set Forth In Charter Petition</p>	<p>Petitioners are currently operating a successful charter school with the same model, philosophy and structure.</p> <p>CA Code of Regulations title 5 section 11967.5.1 subsection (c) states:</p> <p>For purposes of Education Code section 47605(b)(2), the SBE shall take the following factors into consideration in determining whether charter petitioners are “demonstrably unlikely to successfully implement the program.”</p> <p>(1) If the petitioners have a past history of involvement in charter schools or other education agencies (public or private), the history is one that the SBE regards as unsuccessful, <i>e.g., the petitioners have been associated with a charter school of which the charter has been revoked</i> or a private school that has ceased operation for reasons within the petitioners' control.</p> <p>Petitioner does not have a history of charter revocation. On the contrary petitioner has a successful charter program that is continuing to grow and is financially stable. Petitioners would not be found to be demonstrably unlikely based on SBE definition.</p> <p>CA Code of Regulations title 5 section 11967.5.1 subsection (c) continues:</p>

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	<p>(2) The petitioners are unfamiliar in the SBE's judgment with the content of the petition or the requirements of law that would apply to the proposed charter school.</p> <p>Since the petitioners drafted and submitted the petition themselves they are intimately familiar with the content of the petition. The petition contains all of the legal assurances and meets all of the elements required under the law for the establishment of a public charter school. Petitioners would not be found to be demonstrably unlikely based on SBE definition.</p> <p>(A)(1) describe structure for providing administrative services</p> <p>(A)(2) criteria for selection of contractors (Charter Petition page 96-104 and Charter Petition pages 145-146)</p> <p>(B)(1) first year budget, start-up costs, cash flow, financial projections for 3 years. (see Charter Budget, Appendix D)</p> <p>(B)(2) included in budget reasonable estimates of anticipated revenues and expenditures necessary (see Charter Budget, Appendix D)</p> <p>(B)(3) Budget notes that clearly describe assumptions (see Charter Appendix D I-IV: Assumptions, Enrollment and Funding Sources, Revenue Projections, and Staffing; Charter pg. 146; see also Appendix E herewith "Budget Narrative");</p> <p>(B)(4) present budget that appear viable and over two years provides for reserve fund (see Charter Appendix D V-X; see also Attachment E herewith "Budget Narrative")</p> <p>(B)(5) demonstrate understanding of timing of receipt of revenues and expenditures (See Charter Budget, Charter Appendix D)</p>

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	<p>(C)Charter or supporting docs don't adequately provide for acquisition of and budgeting for various required insurances. (See Charter Budget, Appendix DV-X, line item for insurance).</p> <p>(D)(1) Describe potential location of facilities (Charter Petition Page 146; see also Attachment E "Budget Narrative")</p> <p>(D)(2) provide evidence of the type and projected cost of the facilities that may be available in the location (Charter Petition Page 146; see also Attachment E "Budget Narrative")</p> <p>(D)(3) Reflect reasonable costs for the acquisition or leasing of facilities to house charter. (Charter Petition Page 146; see also Attachment E "Budget Narrative"),</p> <p>(4) The petitioners personally lack the necessary background in the following areas critical to the charter school's success, and the petitioners do not have a plan to secure the services of individuals who have the necessary background in these areas: (A) Curriculum, instruction, and assessment. (B) Finance and business management. (Demonstrated in Charter Petition on pages 12-22)</p>
<p>1. Petitioners Past History of Involvement In Charter Schools Evidences Numerous Violations of the Charter Petition and an Unfamiliarity With the Requirements of Law Governing Charters and Special Education</p>	<p>JAA explored various options for opening a potential independent study resource center in Auburn at the request of some parents there. One option that was explored was to operate a resource center under its Loomis Charter. However, after JAA carefully researched the law and consulted with counsel for Loomis Elementary School District, JAA determined that it would not go forward with the request from the Auburn area parents. In part, this was due to the fact that the law was unclear about whether or not a resource center could be operated outside the Loomis District but within the same county. This issue demonstrates that the petitioners are</p>

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<p>a. Unlawful Attempt to Open the John Adams Academy - Auburn Hybrid Homeschool Program</p>	<p>committed to running a program that is in full legal compliance and demonstrates that they carefully research, consult, and deliberate prior to taking action. .</p>
<p>b. Unlawful Attempt to Open the John Adams Academy Misrepresentation to El Dorado County Charter SELPA - Auburn Hybrid Homeschool Program</p>	<p>JAA did not make any misrepresentations to El Dorado County Charter SELPA.</p> <p>It is common practice for SELPA applicants to actually apply to SELPA in advance of receiving other requisite approvals for operation. For example, SELPA applications are commonly submitted in advance of charter petition approvals, in order to prevent any delays in opening of operations.</p> <p>As described above, JAA never actually operated any resource center but merely explored options to do so. SELPA was made aware that JAA was exploring these various options, including the option described above. JAA did so, to make sure it had the necessary approvals to prevent any delays in the event that it moved forward with operation of a resource center.</p> <p>The BUSD staff report is attempting to cast in a negative light JAA's diligent efforts to research and comply with all requirements for conducting potential operations.</p>
<p>2. Petitioners Past History of Involvement In Charter Schools Evidences Numerous Violations of the Laws Governing Special Education "In or about October 2014, it was discovered that the JAA had misused restricted special education funding to hire consultants that did not have required state certification and/or had used non-qualified independent contractors to perform special education services for its pupils, in violation of state and federal laws.</p>	<p>At no time was JAA ever found by the CDE to be in violation of laws governing special education.</p> <p>BUSD Staff again have the facts wrong. It was JAA that became aware of the need to address the use of independent contractors during the course of its normal communications and trainings through EDCOE SELPA.</p> <p>BUSD Staff is also wrong on the dates. It was not in October, but around February of 2014.</p> <p>The email dated February 3, 2014 that is included as exhibit 4 in the staff report was in response by the SELPA for a request for additional clarification of the governing</p>

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<p>(See, Exhibit 4) Both actions could have resulted in a loss of apportionments and both actions violate the IDEA and exposed JAA to denial of FAPE claims from its students.”</p>	<p>education code and specific clarification on how to fill out NPA Individual Master Agreements by JAA. This issue had been part of an ongoing conversation between JAA and the SELPA discussed in previous meetings. This demonstrates JAA’s ability to utilize the resources of the SELPA to better understand the law and provide the best services possible. The Academy immediately began to use a State Certified NPA for speech services and to replace services by independent contractors with JAA employees.</p> <p>The email shown dated October 1, 2014 was an email communication between JAA and the Superintendent of Loomis USD about this issue while JAA was being reviewed by the LUSD for renewal.</p> <p>Again, BUSD is attempting to cast in a negative light JAA’s diligent efforts to fully understand and comply with legal requirements. Currently, JAA’s special education program is a robust program with fully compliant staff and third party providers offering a full continuum of services to our scholar with special needs. There is no basis here for denial of petitioner’s charter petition.</p>
<p>“Furthermore, in its current program of almost 1300 students, JAA does not operate a special day class or any other separate classroom program for its special needs students. Rather, JAA contends that these students will be placed in an outside unidentified placement which it considers to be an extension of JAA. (See, Exhibit 4) In other words, beyond minimal RSP services, JAA offers no other special education program opportunities for disabled students who qualify as SOC students as part of its educational program, nor are they given the opportunity to mainstream into the classes offered by JAA - these students are sent off-</p>	<p>BUSD Staff takes a single sentence from an email dating back to October of 2014 and uses that to incorrectly infer what special education services are provided.</p> <p>These allegations are completely incorrect. JAA offers services to scholars with IEPs in a variety of settings and with a variety of services. While it is accurate that we do not operate a completely separated SDC class, best practice does not call for one. Instead, scholars who may be placed in an SDC on other school campuses are served in a variety of ways here at JAA, including the mainstream classroom setting with supports as needed. These may include 1:1 aides, additional classroom support, push-in and pull-out support, small group instruction and specifically designed academic instruction with research based methods. At no time are scholars ‘sent-off campus’ when we can appropriately serve their unique needs. In the history of JAA, there was only one instance when an alternate placement was</p>

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<p>campus and are not mainstreamed into the existing program/classes operated by JAA. This practice as a whole, in a school of almost 1300 students, raises a serious question as to whether JAA is offering an appropriate "continuum" of program options for special education students or is educating students with disabilities in the least restrictive environment as required by state and federal law.”</p>	<p>determined to be the least restrictive environment for a scholar with very unique needs. In all other cases, we have worked to serve all scholars in a variety of ways meeting all IDEA laws and best practice methods.</p>
<p>Likewise in the pending Petition, although JAA states on page 7 of the Petition, that the "Academy shall serve students with disabilities in the same manner as such students are served in other public schools," JAA clearly contemplates a policy of exclusion for students with disabilities who require a level of service beyond minimal resource assistance. It is anticipated that these students will not be housed or served by the staff of JAA or given any opportunities to mainstream into the JAA educational program to the extent they are capable of doing, as they will be sent to unidentified off- campus programs. A public school of over 1300 and some far smaller, will have a full continuum of services on site for its special education students. JAA's history of failing to do so at its current campus supports the finding that JAA does not intend to serve special education students in the same manner that other public schools do.</p>	<p>There is nothing in the charter petition or in the Petitioner's history of running the existing charter program which would support the claim by BUSD Staff that JAA contemplates a policy of exclusion.</p> <p>As answered previously JAA does offer a full continuum of services for enrolled scholars and the current petition for JAA-EDH clearly represents that also. (see answer above)</p> <p>BUSD Staff is again incorrect regarding the courses offered in the academic program as JAA offers a non-honors option for every A-G approved Honors or AP course further demonstrating the ability for all enrolled scholars to access the curriculum.</p>

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<p>It is also apparent that the vast majority of courses offered will not be academically accessible to students with disabilities as the focus of the curriculum appears to be in honors or AP type classes. There is no evidence of any programs being offered for students who will not be on the college track.</p>	
<p>Again, the failure of JAA to include this segment of its student population within its program raises a serious question as to whether JAA is educating students with disabilities in the least restrictive environment as required by state and federal law.</p> <p>Again, by undertaking these types of actions JAA has not persuasively demonstrated that it has had a successful history of compliance with its charter or the requirements of the law that apply to charter schools.</p>	<p>As pointed out in multiple responses throughout this document, JAA is a member in good standing of the EDCOE Charter SELPA, employs a dedicated and skilled special education staff, and provides a full continuum of services to identified scholars. JAA has provided a comprehensive description of services to be provided at JAA-EDH within the petition as well as in practice at its current site.</p>
<p>3. JAA Is Not Familiar With the Laws Governing Special Education or the Rules of the El Dorado County Charter SELPA.</p> <p>It is very clear that JAA is unfamiliar with the SELPA rule that you cannot operate a charter school in El Dorado County and as such be a member of the El Dorado County Charter SELPA. In other words, JAA is not eligible for membership in the El Dorado County Charter SELPA and as a result, if chartered would become a school site required to be serviced by the Buckeye Union School District for special</p>	<p>There is absolutely no reference in any of the EDCOE Charter SELPA membership application documents that refers or validates this statement by BUSD Staff. JAA is not just familiar with the laws governing special education, it runs a comprehensive special education program.</p> <p>BUSD Staff points to no law, regulation or SELPA document to support their claim.</p> <p>Conversations with the EDCOE SELPA confirm that JAA is able to apply as a SELPA partner for the new JAA-EDH.</p>

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<p>education services or would have to apply independently for LEA status.</p>	
<p>In the event that JAA applied to become its own LEA for special education, its staffing would need to change, and no special education staff appear to be budgeted within the proposed first term of the charter.</p>	<p>The budget document does indicate that there will be staff budgeted to Special Education. Specifically, for year 1, under the Special Education Expenditure column it shows \$50k under Object code 1200 which would be used for the lead SPED staff member. Additionally, FTE of one Instructional Aide is also provided for in the 1st year. In year 2, a second FTE instructional aide is budgeted for. In Year 3 a third FTE aide is budgeted for. (See Charter Petition Appendix D V-X)</p>
<p>JAA's Petition also does not demonstrate any knowledge or understanding of the Buckeye Union School District's special education program or services, nor does it plan in its budget for the fair share costs of the encroachment it will be responsible for in the event JAA is not able to obtain its own LEA status.</p> <p>Footnote 12 - For the 2015-16 school year, the excess costs were calculated at \$733 per student, which for the first year of planned operation, would be a charge of \$263,880 to JAA that is not contemplated in its proposed budget.</p>	<p>The JAA charter petition includes a comprehensive description of the special education services and model that it intends to use. It clearly states on page 55 of the petition that John Adams Academy - EDH will be its own LEA for purposes of special education and will be a member of the EDCOE Charter SELPA. The requirement for the petitioner is to include a description of how special education services will be provided. That is clearly done.</p> <p>There is no requirement, as BUSD Staff tries to imply, to describe in the charter petition any and all possibilities regarding how a school might possibly provide special education services.</p> <p>Petitioner has a full understanding of fair share costs, otherwise commonly referred to as "encroachment" and how it relates to expenses. If JAA-EDH was intending to serve its special education population by being a school of the district, then it would have been essential to include fair share costs in our provided budget. JAA-EDH will NOT be a school of the district for purposes of special education services. Therefore, these fair share costs are not included in the budget as they will not be incurred.</p>
<p>4. JAA Is In Violation of Its Current Charter and State Law By Failing to File Annual SARC</p>	<p>JAA is not in violation of its charter or state law.</p> <p>Although it was discovered during an internal review process by JAA that the SARC for 2014-15 had not been filed by Feb 1 of 2016 for the 2014-15 school year, JAA's SARC filing was completed and filed in November.</p>

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<p>In a review of State records, it has been discovered that JAA has not filed a SARC for the 14-15 school year by the deadline of February 1st or from that time to present.</p>	<p>Every prior year SARC had been filed. The current year SARC will also be filed prior to February 1, 2017.</p> <p>While BUSD Staff is able to point to one instance of a SARC not being filed timely that is in no way evidence of being demonstrably unlikely to successfully implement the proposed charter program.</p>
<p>5. JAA Is In Violation of Its Current Charter and State Law By Failing to File Annual Immunization Reports</p> <p>For the 2015-16 school year, the Loomis Union School District was notified that the John Adams Academy Charter School had failed to comply with the provisions of law in failing to file the report. (See, Exhibit 6) A question is also raised as to whether JAA is following the law with respect to the policy of exclusion of students who do not meet the vaccination requirements. For the 2016-2017 school year, a review of the State's website evidences that to date JAA has not filed the required immunization reporting reports.</p>	<p>Petitioner did in fact file the required Immunization Reporting.</p> <p>Immunization reporting was all filed. Such reports were filed with Shots for School for last year and this year. After receiving this claim from BUSD Staff, Petitioner contacted Shots For School. Shots for School has a record of JAA filing both the required grades--kindergarten and 7th grade reports—for 2015-16. Shots for School indicated that they could not locate the record of our filing this year, but they duly record such filing on their website as indicated in the attached printouts from the website showing both Kindergarten and 7th grade reports were filed in timely manner. (see Attachment D). BUSD Staff's claiming that John Adams Academy did not report as required is not accurate.</p>
<p>6. JAA's Attempt to Amend Its Bylaws to Allow a Former Employee's Spouse to Sit on the Board Demonstrates a Lack of Knowledge on JAA's Part Regarding the Conflict of Interest Laws.</p> <p>On April 27, 2016, JAA notified the Loomis USO of its intent to amend its Bylaws to allow JAA to appoint the spouse of a current</p>	<p>There is simply no legal basis for denying a charter petition because a charter school lodged a formal inquiry with its currently authorizing school district.</p> <p>BUSD Staff portrays JAA reaching out to the authorizer of their Roseville campus to discuss an item as a reason to deny. Charter schools and their authorizers should be able to have an open dialogue and to communicate about questions or concerns in order to avoid misunderstandings or challenges.</p>

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<p>employee, immediately upon their resignation versus waiting the twelve months required by the laws that govern conflicts of interest. JAA's analysis of the request is that such a change does not constitute a material revision to the terms of the charter. The failure of JAA to recognize the request would involve a material revision is concerning in and of itself because it demonstrates a lack of knowledge on JAA's part regarding what is required by its own charter and the laws governing charter schools.</p>	<p>There was a desire to add a new member to the governing board and it was seen that there was a potential conflict with the bylaws as written. The issue was brought to the authorizer for review and comment. Based on conversations and feedback from the authorizer, petitioner decided not to move forward with amending the bylaws or seating this prospective board member. This is clearly an example of a positive and successful interaction. To view it otherwise would create a chilling effect on positive interactions between districts and charters.</p>
<p>7. JAA's Business Involvement With Current or Former Employees or Consultants of Members of the Board Raises the Question of Conflict of Interests or the Appearance of Conflicts of Interests.</p> <p>“However, in December 2014, the Board of JAA moved its contract to administer its 403(b) plan to Christian Baldree [sic] claiming he no longer had an employment conflict of interest. (See, Exhibit 10) At the same time Christian Baldree [sic] is holding himself out as a representative of GFBB from 2009 to present and GFBB has him listed on their website as a retirement consultant.</p> <p>At a minimum, the awarding of contracts to either current or former "consultants" to the private businesses of board members raises the appearance of a conflict of interest and may give rise to an actual conflict of interest</p>	<p>JAA never awarded a contract to Christian Baldree. BUSD Staff is simply wrong on all points regarding this issue.</p> <p>BUSD Staff presents minutes from a December 2014 meeting in which the topic of selecting a new 403(b) plan, a 403(b) plan third party administrator, and plan advisor were discussed.</p> <p>The motion made and approved by the board was to select OneAmerica and Associated Pension Consultants (not GFBB) as the administrator of the 403(b) retirement plan.</p> <p>John Adams Academies has never entered into a contract with Dean Forman, Christian Baldree, or with GFBB. JAA has also never paid these parties any monies for any such services. There was never a conflict of interest, nor even the appearance of a conflict of interest.</p> <p>John Adams Academies, Inc. entered into a contract with American United Life Insurance Company, a OneAmerica company to provide 403(B) benefits. The advisor to that plan is Mr. Chris Marovich of Retirement Design Group, not Mr. Baldree. (<i>see</i> Attachment F)</p>

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<p>depending on the facts developed. Additionally, the knowing awarding of a contract by JAA to individuals who have had or continue to have some type of financial relationship with a member of the board raises questions about whether the JAA board is acting with reasonable prudence given the appearance and risks associated with such a decision.”</p>	<p>At the time of the board meeting in question, Mr. Baldree was the sole owner of his own company and was not an employee of Mr. Forman. As such, there would have been no conflict of interest for him to be engaged by the insurance company as an advisor. At the board meeting in question, there was no action taken to select Mr. Baldree as the advisor. Out of an abundance of caution and to avoid even the appearance of a conflict of interest, the decision was made to use Mr. Marovich as the advisor. Mr. Marovich has always been the only advisor to the OneAmerica plan.</p> <p>JAA still uses OneAmerica. Mr. Baldree did not and does not work for OneAmerica. The only plan advisor ever paid for by OneAmerica is Chris Marovich. (<i>see e.g.</i>, Attached Original OneAmerica Contract, Attachment F).</p> <p>No action has ever been taken by the board to award any contract to Christian Baldree or his company. Neither Mr. Baldree nor his company has ever received direct or indirect payment for services from JAA or the company that JAA contracted with. As a result, there is no conflict or even a perceived conflict of interest.</p>
<p>8. JAA's Current Audit for 2014 and 2015 Does Not appear to be Accurate and Found Weak Fiscal Controls, Financial Policies and Procedures</p> <p>For fiscal year ending June 30, 2014 and June 30, 2015, JAA had one financial audit performed which suggests that the annual audit was not performed as of June 30, 2014 as required by the terms of its current charter or law.</p>	<p>JAA's 2015-2016 financial audit indicates that there no material weaknesses or deficiencies were found. Also, no compliance issues were found.</p> <p>The financial audit in question is only for one year, fiscal year 2014/15. Financial audits often include comparative analysis to the previous year's audit, so financial data from the previous year's audit is naturally included. It is common practice to show comparative financial statements and when this is done, per Statement on Accounting Standards No. 58 (now codified as AU-508), issued by the Accounting Standards Board (AICPA), the auditor is required to include this language.</p> <p>The required fiscal audits have been performed each year of the charter school operation. Since the audit report for fiscal year ending June 30, 2015 does include data from 2014 is further confirms that both years were audited. If you read the</p>

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<p>Of significance in the audit report is Page 10, which provides that the long term future indebtedness of JAA is limited to annual payments of approximately \$156,000 - \$170,000. (See, Exhibit 11).</p>	<p>auditor's report it clearly states that they audited the financial statements for both years covered.</p> <p>The audit report just issued for the 15/16 FY shows the same thing – two years audited and as we have already established 14/15 FY was in fact audited. (<i>see Attachment A</i>).</p>
<p>However, at the time of preparation of this Audit under the 2014 Bond sale, JAA is obligated to remit close to \$600,000 per annum in debt service [Exhibit 12] and for the 2015 Bond sale, another approximately \$800,000 per annum in debt service. [Exhibit 13] Staff is unable to reconcile the debt service identified in the bond sales that occurred with the Audits for the same years. [See, also full discussion of debt in Section 9 below]</p>	<p>The schedule referred to is future principal payments. FASB reporting requirement ASC 470-10-50-1 requires the following:</p> <p>“The combined aggregate amount of maturities and sinking fund requirements for all long-term borrowings shall be disclosed for each of the five years following the date of the latest balance sheet presented”</p> <p>In other words, principal payments for the following 5 years must be disclosed. This in no way indicates that it represents the entirety of debt service obligations nor is any such disclosure required under FASB reporting requirements.</p> <p>It appears BUSD staff have confused reporting requirements under GASB Statement No. 38 with FASB ASC 470. As a Not-for-Profit entity, we follow FASB standards, not GASB.</p>
<p>A review of the Finding evidences that JAA lacks sufficient fiscal controls as discussed therein. It is significant to note that although a Finding in the Audit, JAA did not submit with its Petition any of the financial policies and procedures it has for monthly, quarterly, and year-end closing processes to ensure the financial records and financial statements prepared are maintained in accordance with GAAP. No policies or procedures were provided that outlined and defined the</p>	<p>JAA's 2015-2016 financial audit indicates that no material weaknesses or deficiencies were found. Also, no compliance findings were reported. Moreover, it indicated that significant improvement was made. (<i>see Attachment A</i>)</p> <p>Of note, beginning in the 2015-2016 financial year, JAA brought its financial services in-house because of difficulties it had with the services of third party providers. The 2015-2016 audit shows the result of this change to bring its financial services in-house.</p>

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<p>responsibilities of JAA management and the contracted business service provider, including timelines and expectations of management's review of the work performed by the contracted business service provider to ensure errors are detected and financials are produced in a timely manner. No policies or procedures were provided that outlines the handling and reconciliation of cash accounts to ensure complete and accurate financial reporting for the organization.</p>	<p>The audit for fiscal year ending June 30, 2015 does in fact show a finding, but that finding did not result from JAA staff, but from the actions of the contracted third party company providing business services.</p> <p>On Page 24 of the Audit under “Findings and Recommendations” the cause of the material weakness is listed as follows: “Adjustments identified were caused by (1) the Organization’s contracted business service provider is not involved in the day-to-day activities of the Organization which makes it difficult to identify entries to book for activity that is not as a result of cash transactions; (2) general delay in the financial close and account reconciliation process performed by the contracted business service provider.”</p> <p>Further, there was no questioned cost resulting from the finding as the errors by the contracted business provider were identified and corrected. Based on the finding in the audit and Charter School’s experience with the contracted business provider, the financial services and functions were brought in-house.</p> <p>JAA has a proven track record of maintaining fiscally sound policies, including operating with an increase in net assets each year, having an investment grade credit rating, etc. Issues with one year’s audited financials are a result of a third-party provider, as indicated in the audit, and are not a reflection and the financial soundness of the organization. There is no legal basis for denying a charter petition on these grounds.</p>
<p>Although JAA contends that it has had "stellar" audits, the Audit itself evidences that the June 30, 2014 audit was not prepared timely and a significant Audit Finding was made concerning the financial operations of JAA as of June 30, 2015. (Petition, p. 10; Exhibit 11).</p>	<p>As stated previously the fiscal audit for year ending June 30, 2014 was filed on time before December 15, 2015. BUSD Staff seems to not understand the wording used on the audit title page showing the prior year audit as being referenced for comparison.</p> <p>Again, as stated in the answer above, the audit for fiscal year ending June 30, 2015 does in fact show a finding, but that finding did not result from JAA staff, but from</p>

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	<p>the actions of the contracted third party company providing business services. (See Above Answer)</p> <p>Based on the finding in the audit and Charter School's experience with the contracted business provider, the financial services and functions were brought in house. The independent audits reflect that the financials for JAA are in fact "stellar". Each annual audit shows that JAA has never operated at a loss, JAA has excellent fiscal reserves, and it has an investment grade credit rating.</p> <p>The financial audit for fiscal year ending on June 30, 2016 has already been completed and reflects the auditors approval and confidence in the changes and structure that JAA has in place.</p>
<p>9. The Budget Documents That Were Submitted Present An Unreliable and/or Inaccurate Budget.</p> <p>(a) The Charter School's enrollment projections do not appear realistic. The Projected enrollment in the charter Petition appears to be overly ambitious. The charter Petition states that enrollment in the first year of the charter's operation will consist of 360 students in grades K-6, the second year of 480 students in grades TK-7 (an increase of 33%), the third year of 570 students in grades TK-8 (an increase of 19%), et cetera. (See, Exhibit 14). These enrollment numbers are very large enrollment numbers for a start up charter, particularly in light of the fact that after a year long planning process only 72 parent signatures were obtained indicating a meaningful interest to attend the charter school.</p>	<p>As discussed previously, JAA's enrollment projections are realistic being supported by intent to enroll forms, waitlist data and enrollment trends in the existing campus. At the time of submission, JAA-EDH had 359 electronic intent-to-enroll signatures. In addition to that, in just two days of signature gathering just prior to submission, it gathered 72 signatures on petitions. Since submission, those numbers have only continued to swell well beyond our projected 360 pupils. Currently, JAA has received 449 intent to enroll signatures. In fact, based on JAA-Roseville's experience, the 360 projections and growth are quite conservative. JAA-Roseville projected 250 initial students and had an initial enrollment of over 500.</p> <p>In arguing against the charter, BUSD Staff actually makes the case for petitioner's soundness of enrollment growth. BUSD Staff pointed out that the initial growth from year one to year two is anticipated to be 33%. This is due to the organic growth of enrolled scholars matriculating from 6th grade into 7th grade along with the addition of a TK class, and adding additional classrooms serving 5-6. Following in year three the growth percentage is only 19% as enrolled scholars matriculate from 7th grade to eighth grade, and a second TK class is added.</p>

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	<p>In year four the growth is only 11%, followed by 5% in year five, 5% in year six, and 4% in year seven. In each of these years the growth is organic growth due to enrolled scholars matriculating up to the next grade.</p> <p>The enrollment chart listed in the charter on page 34 shows that the petitioner has been very conservative in projections for high school enrollment, planning for possible attrition from middle school to high school by maintaining a single class per each high school grade level.</p>
<p>Footnote 13 - Community reaction to the JAA Petition has been mixed at best, with significant opposition expressed to its establishment and the overwhelming people speaking on behalf of JAA identified as current employees. No employees of BUSD has demonstrated support for the Petition. This causes grave concern about JAA's ability to attract families and students and to be successful over the longer term or whether the Petition is really designed to serve the interests of this community.</p>	<p>BUSD Staff provide no evidence of "significant opposition"</p> <p>BUSD Staff makes an unsubstantiated claim regarding the level of opposition to the establishment of JAA-EDH. During the public hearing on October 19, 2016 only approx. 10 people from the Blackstone community showed up in opposition motivated by a mistaken notion that the Charter intended to take over Valley View Elementary which BUSD has been unable to open and which has sat vacant for three years. After the Executive Director of JAA spoke during public comment and explained that the petitioner is in negotiations for purchase of a commercial property in the EDH Business Park, the majority of opposition went away. Following the meeting many of these parents expressed that they were only opposed because they heard that JAA was going to take Valley View. After finding out that was not the case they were no longer opposed.</p> <p>In contrast there were approximately 100 in attendance in support of the establishment of JAA-EDH. While not all of these supporters spoke in public comment the majority of speakers were parents and community members.</p> <p>Some representatives from JAA spoke in public comment, but that was a result of BUSD not allowing the petitioner to give a public presentation on behalf of the proposed charter. The majority of speakers in support were teachers, parents and community members.</p>

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	<p>Whether or not an employee of BUSD has demonstrated support of the petition is not grounds for denial. Petitioner has already established the ability to attract families and staff to implement the program through: 359 intent to enroll signatures, 72 parent petition signatures gathered in two days, and the 21 teacher petition signatures gathered in two days.</p>
<p>These enrollment numbers also increase at a dramatic rate, with no adequate explanation provided as to the basis for the growth estimates. It is also significant to note that this growth trajectory is premised upon a rate of growth that assumes the ability to backfill attrition at a 100% rate, which is unrealistic. The District and many of its neighbors in El Dorado County are actually in declining enrollment status at this time and even in the best of times no individual school site realized such dramatic increases in enrollment.</p>	<p>A new school always has higher enrollment growth percentages compared to an existing school because the new school is adding grades and classrooms whereas an existing school, fully built out is at, or near, capacity.</p> <p>In addition, enrollment growth in the district schools are not an accurate comparison to growth in the charter school due to the ability of the charter to serve scholars regardless of their residence. While district schools' enrollment is driven by the ability to retain families within their attendance areas, JAA-EDH will draw families from throughout the region and across districts as well as counties.</p> <p>For example, at JAA-Roseville, over 90% of pupils come from outside the authorizing district, to name a few: Roseville, Lincoln, Rocklin, Granite Bay, New Castle, Citrus Heights, and Auburn.</p>
<p>The Charter School's budget is completely tied to its unrealistic enrollment and enrollment growth projections, thus, if the projected enrollment fails to materialize the budget becomes completely unreliable.</p>	<p>BUSD Staff continues to make unsubstantiated claims that JAA's enrollment projections are unrealistic. As stated multiple times throughout this document, the enrollment projections presented in the charter are realistic and supported by intent to enroll forms.</p> <p>Even if, in the worst case scenario, the projected enrollment numbers did not fully materialize it would not make the charter budget unreliable. Approximately 60-65% of a charter budget is personnel related; salaries, benefits, and other staff related costs. Staffing is determined by the number of pupils being served. Since staff would not be hired unless there were actual applications received to support the need, the budget would remain in line with the program.</p>
<p>"It is also significant to note that JAA has a history of over-projecting its enrollment. On October 17, 2014 JAA completed</p>	<p>A review of the enrollment projections in the 2014 series bond documents shows a projected enrollment of 912 in 2014-15 with slight increases through 2018-19 to 959 over a four-year period.</p>

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<p>the sale of \$8.98 million of revenue bonds, requiring total debt service of approximately \$16.59 million through October 2044. (See, Exhibit 12) On July 1, 2015, JAA completed the sale of an additional \$11.655 million of revenue bonds, requiring total net debt service of approximately \$22.49 million through October 2045. (See, Exhibit 13). These two bonds were for the purpose of purchasing and improving facilities at the JAA-Roseville location.</p> <p>As shown in the attached documents, JAA projected enrollment would grow to 1,800 students in the 2019-2020 school year, which represents an overall increase of 39% compared with the actual 2016-2017 enrollment of 1,293 students. Further, for the last three years, JAA's actual enrollment has been less than projected suggesting that JAA's enrollment methodology is flawed and is leading to overstated projections. Also of note, the projection of 1,740 students in 2018-19 is significantly greater than the 2018-19 projected average daily attendance of 1,434.50 shown in JAA's 2016-17 Budget submitted to Loomis USO. Since, according to the Budget, JAA assumes that ADA will be 95% of enrollment, the ADA of 1,434.50 equates to enrollment of 1,510, well below the 1,740 JAA projected at the time of these transactions as noted in the Official Statements.”</p>	<p>The July 1, 2015 bond was for the purchase of additional building space on the current school site. This new site was approximately 50,000SF of commercial space. Since the school program was operating in approximately 50,000sf of building space and serving close to 900 scholars, it was anticipated that the addition of another 50,000sf (doubling of building square footage) would yield an ability to serve double the existing enrollment. Also contained within the bond was monies for the construction of a multi-purpose building that would allow for additional program enhancements such as theater, art, music, athletics, meeting space, etc. In addition, there were hundreds of children on the waitlist.</p> <p>These factors led to the enrollment projections found in the 2015 bond documents. After purchasing the building and discussions with architects and the general contractor it was determined that the building design and structure did not allow for the tenant improvements anticipated to achieve the 1800 enrollment at full capacity. Following this projection, enrollments were adjusted, so the high figures that BUSD staff refer to are outdated and no longer relevant.</p> <p>As mentioned previously, during JAA-Roseville’s initial opening year, enrollment was actually underestimated by over 250 students. This community is very similar to Placer County, but petitioner has estimated very conservatively.</p>

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<p>Footnote 14 - It should be noted that a term of the bonds requires JAA to keep a certain number of days of cash on hand and a minimum operating balance. Should JAA fail to do so, then a "management consultant" will have to be retained to review and analyze the operations and administration of JAA. In other words, JAA could lose control.</p> <p>The 2014 and 2015 Bonds currently carry a rating of "BBB-" (negative outlook) from Standard & Poor's as of October 4, 2016. This is the lowest "investment grade" credit rating and the negative outlook means that the rating may be lowered.</p>	<p>JAA's bond covenants require 45 days' cash on hand and a "Net income available for debt service" of at least 110% at the end of each fiscal year. For the most recent 2016 reporting, JAA had 73.28 days' cash on hand and 214% net income available for debt service, far exceeding the requirements.</p> <p>In the unlikely event that JAA were to not meet these bond covenants, a consultant would be appointed but would not take over JAA. The consultant would provide guidance.</p> <p>BUSD staff attempts here to take a very positive financial indicator for JAA and somehow make it look like a negative. JAA has an investment grade credit rating. Of the 12 credit ratings obtained by charter schools, JAA received the third highest rating. (http://www.charterschooltools.org/tools/S&PCharterPublicSchoolMedian.pdf)</p> <p>This is further support of the financial stability of the charter program and governance structure.</p>
<p>... it is important to understand that JAA charters are only in existence for a period of five years and is subject to revocation or non-renewal at any point in the process. Taking on debt of this magnitude to be repaid over such a lengthy period of time in effect places charter school authorizers in the position of having to make decisions regarding the charter based on its financial obligations and the risks to its own financial stability, versus the educational interests of students.</p>	<p>The fact that charters are renewed in five year terms does not mean that a charter only "exists" for five years.</p> <p>BUSD Staff is arguing that charters should have no means of owning or acquiring property. Due to the fact that they are renewed in five year increments, or that they are subject to revocation or non-renewal at "any point in the process", BUSD staff would have the charter not able to assume any debt at any time. This is not true and would be a violation of the charter's right to freely operate the program. Ownership of property provides for more security and longevity of the program which in turn allows the enrolled student population to be better served.</p> <p>It appears that BUSD Staff is attempting to instill fear in the authorizing board by claiming that BUSD would assume the debt of the charter if a charter were to close. This is another misrepresentation of charter law.</p>

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	<p>Education Code Section 47604(C) States: “An authority that grants a charter to a charter school to be operated by, or as, a nonprofit public benefit corporation is not liable for the debts or obligations of the charter school, or for claims arising from the performance of acts, errors, or omissions by the charter school, if the authority has complied with all oversight responsibilities required by law, including, but not limited to, those required by Section 47604.32 and subdivision (m) of Section 47605.</p>
<p>Investors will look to find any grounds upon which it can be argued that a decision to revoke or non- renew caused the charter school to default on the bonds, in an effort to try and recapture monies lost by the default. In the alternative, investors may try to argue that there was a failure in the oversight and supervision of the charter in an effort to try and recapture monies lost by a default on bonds.</p>	<p>BUSD Staff is again speculating. Investors that buy the bonds or any other investment would not want the investment to fail. They are investing in the success and financial soundness of the organization so as to get a return on their investment. That is how the whole US financial investment system operates.</p> <p>As previously stated Districts are protected from liability provided they conduct the oversight as required by law.</p> <p>This is another irrelevant issue that is also not a legal reason for denying a charter petition.</p>
<p>(b) The Petition also lacks an articulated plan calculated to ensure sufficient enrollment will be achieved, and more importantly lacks an articulated contingency if under-enrollment occurs, which is particularly significant given the questionable financials/cash-flow projections and the questionable spikes in projected enrollment from year-to-year, and the significant amount of debt the corporation has acquired and is planning to acquire in the future.</p>	<p>JAA employs a Director of Outreach who will oversee marketing and outreach efforts for reaching enrollment goals.</p> <p>Page 101 of the Charter provides a description of the Director of Outreach role.</p> <p>Page 113-114 of the Charter provides a description of the outreach plan for achieving racial and ethnic balance as well as ensuring that the community is aware of the opportunity to attend the Academy.</p> <p>Please see the previous answers for an in depth discussion on these items.</p>
<p>(c) Although the school business plan appears to present a balanced budget with reserves at the end of each of the next five years, this is</p>	<p>BUSD Staff have not provided any evidence to support the claim that the budget assumptions are faulty or that the petitioner has presented an unrealistic financial and operational plan.</p>

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<p>illusory as the budget is built on faulty assumptions in the first instance and presents an unrealistic financial and operational plan. For example:</p>	<p>See attached budget narrative for further discussion of this matter. (Attachment E).</p>
<p>Revenues: There are no reasonable estimates of all anticipated revenues and expenditures and absolutely no historical data from other charter schools or school districts of similar type, size, and location to support the budgetary assumptions.</p> <p>As stated above, it is our opinion that the revenues are grossly overstated and expenditures are grossly understated. The Charter School's budget is completely tied to its unrealistic enrollment and enrollment growth projections, thus, if the projected enrollment fails to materialize the budget becomes completely unreliable.</p>	<p>JAA has six years of historical data on which to project revenues. As stated above, the projected enrollment is reasonable and conservative. All state aid revenues are based on LCFE calculator provided by FCMAT.</p> <p>JAA Roseville's current ADA is above 95% of enrollment. This projection has been used for JAA-EDH but to be conservative this enrollment was reduced by an additional 5% resulting in a revenue decrease by an additional \$100,000.</p> <p>See attached budget narrative for further discussion of this matter. (Attachment E).</p>
<p>The Budget also relies upon the receipt of \$375,000 from the Public Charter Schools Grant Program ("PCSGP"). The PCSGP is a federal grant that is administered by the California Department of Education ("COE") to assist in the development of charter schools. These funds are restricted for use in planning, program design, and initial implementation of the school, and cannot be used for operational expenses. All expenditures must be approved and must demonstrate that they support achievement of the approved grant work plan, or else the funding must be returned.</p>	<p>BUSD Staff is again incorrect.</p> <p>The assumptions page states that the Charter intends to apply for the planning and implementation grant under the Public Charter School Grant Program (PCSGP). Based on the anticipated demographics of the proposed charter JAA-EDH would qualify for a \$375,000 grant award if approved.</p> <p>However, the budget does not rely on the PCSGP. A review of the budget submitted with the charter shows that no dollar amount for PCSGP was included in the revenues upon which the budget is built. Again, this was done to be conservative on our revenue estimates.</p>

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<p>Implementation grants provided by the COE are competitive and there is no guarantee that JAA will be awarded grants in the stated amounts or at all. If the projected competitive grant funds fail to materialize the budget becomes completely unworkable.</p>	<p>Therefore, non-approval of the PCSGP grant will not have any impact on the viability of the proposed charter budget.</p> <p>In addition, Petitioner was successful in receiving the PCSGP for the Roseville campus and is familiar with the allowable expenses, and grant requirements contained within the RFA and grant guidance.</p>
<p>It should also be noted that the Petition as submitted has enrollment preferences included in it that are not in alignment with the non-regulatory guidance for the PCSGP grant. Both the federal DOE and COE have taken the position that a charter school wishing to be awarded a PCSGP grant should follow the terms of the non-regulatory guidance. Since the Petition as submitted has enrollment preferences that are in violation of the non-regulatory guidance and is not guaranteed, but competitively awarded, it is unlikely these funds will materialize.</p>	<p>The admission preferences in the charter do not jeopardize receipt of the PCSGP.</p> <p>At the time of charter submission, the applications for PCSGP grants were being received. Since there has yet to be an award of any PCSGP grants this cycle, the petition is written with the preferences that would exist in the normal course of operation. Upon award of the PCSGP, the Charter School will follow the requirements of the grant as well as the guidance provided by CDE and US DOE during the term of the grant. There is no conflict between the language in the petition and the terms of the PCSGP as the petition is clear that JAA will comply with all federal and state laws and regulations pertaining to charter schools. That would include the PCSGP.</p> <p>BUSD Staff also incorrectly states that the charter budget relies on receipt of the PCSGP grant. The assumptions page states that the Charter intends to apply for the PCSGP. A review of the budget submitted with the charter shows that no dollar amount for PCSGP is included in the revenues.</p> <p>The budget does not rely on PCSGP.</p>
<p>The Budget also relies upon the receipt of a \$250,000 loan and other unidentified loans in undisclosed amounts from JAA, Inc., with no supporting detail to analyze the probability of these funds materializing, the debt service to be paid or the viability of JAA, Inc. to provide such loans, particularly in light of all of the debt currently be managed by the corporation.</p>	<p>The assumptions page of the submitted charter budget states that the Charter intends to apply for the Charter School Revolving Loan (\$250,000). It never claims that the budget is built or relies on receipt of those funds. A review of the budget submitted with the charter shows that no dollar amount for revolving loan is included in the revenues.</p> <p>The budget does not rely on the revolving loan and is viable and sustainable.</p>

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<p>The failure to include the specifics concerning this matter makes the budget unrealistic.</p>	
<p>In addition, JAA's Petition provides that the program will offer site-based, independent study, and on-line instruction to its scholars - with some students instructed fully through independent instruction and some fully through online instruction. (Petition, p. 45) However, even though it is contemplated that not all of the students enrolled in JAA will be served in the "seat" so-to-speak, the Budget is submitted as if that is the case contrary to the contents of the Petition. Without any assumptions made as to how many students will be attending JAA-EI Dorado Hills through an independent study or on-line program, it is impossible to accurately calculate revenue as revenue is calculated quite differently for students attending these programs than a classroom based program. It is also unknown if a sufficient amount of students will be attending in this manner to the extent that it requires JAA to send in a funding determination request to COE. The Petition simply fails to provide enough information about the aspects of these programs, the number of students expected to be served in these programs, and its impact on the Budget.</p>	<p>While JAA-EDH is a classroom based model not every scholar learns the same. JAA's petition provides for the opportunity to differentiate instruction to scholars based on their individual needs.</p> <p>Until and unless otherwise identified by scholar need, the enrollment projections as presented assume that scholars will be served in a classroom based model. Therefore, the budget associated with the charter is aligned with that assumption.</p> <p>The charter provides a comprehensive description of the program that the Petitioner proposes to operate while providing for the flexibility to serve future scholars.</p>
<p>Facilities: The Petition proposes to locate at 5180 Golden Foothill Parkway, reserving the right to "establish and maintain resource</p>	<p>The Facilities costs are based on the purchase of property with annual debt service of roughly \$715,000. Based on terms similar to JAA's current financing obtained with its investment grade credit rating, this would equate to approximately \$12</p>

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<p>centers and meeting spaces for the purpose of serving students who are partially or exclusively served through independent study or online instruction, which shall be located in accordance with applicable law."... in speaking with the listing agent for this identified facility, it was disclosed that JAA had not pursued any discussions with the listing agent to lease these facilities, but rather is attempting to purchase this building and an adjacent building.</p> <p>The specific details of the purchase being discussed are not known, but at a minimum would result in at least \$10 million more in debt being taken on by the corporation.</p>	<p>million dollars available for facilities. This is more than sufficient to acquire a facility large enough and to complete all necessary fit-outs to house the number of project pupils for at least the first four years of operation. With its current bond financing, the debt service payments do not require principle payments during the first year. So, during the first year of operation the actual debt service payments would be less than the \$715,000 budgeted. As described, using JAA's current funding model on two previous bond issuances, this estimate is likely higher than what will actually be required.</p> <p>For comparison, at JAA Roseville, the initial financing of approximately 50,000sqft of space that was completely fit-out to suit JAA's needs was less than \$9 million. That facility has a capacity of about 900 pupils. JAA is currently under negotiation for a facility of similar size in El Dorado Hills and has budgeted funds that are more than sufficient to acquire and complete improvements to fit-out such a facility for its operations.</p>
<p>Should JAA be unsuccessful in purchasing these properties, it was disclosed that a minimal monthly lease payment would be approximately \$90,000 per month, which equates to \$1,080,000 per annum and could be higher depending on tenant improvements. JAA has under-budgeted this item by approximately \$364,274.00 for the first year and assuming the terms of a standard triple net lease would apply, by an additional \$20-\$30,000 in each subsequent year</p>	<p>JAA has begun the letter of intent process for the acquisition of facilities. The budget projections are based on an acquisition cost for facilities in the El Dorado Hills area.</p> <p>The Facilities costs for acquisition are discussed above. BUSD has provided no evidence that JAA's facilities acquisition estimates are inaccurate or not obtainable.</p> <p>JAA does not intend to lease a space for its facilities in El Dorado Hills. Even if it did, the budgeted \$715,000 would be more than sufficient. JAA would need to lease about 20 classrooms at 950 sqft each in year three of operation with an addition of 30% for administrative and other space. The property under consideration is listed at a price of \$1.85/sqft/month (22.20/sqft/year), this would be about \$550,000/year for lease payments. (See Attachment J). Note that non-profits such as JAA are not subject to property tax. Also, this does not consider the following factors:</p> <ul style="list-style-type: none"> • Tenants typically receive 4-6 months of free rent

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	<ul style="list-style-type: none"> • The negotiated lease rate would be lower than the listed \$1.85/sqft for the facility under consideration. • Most tenant improvements are typically paid for by the landlord. <p>It is not clear what the lease rates BUSD seems to use. Lease rates in the area range from \$0.90 – 1.90 /sqft/month for non-full service office space. With these numbers, JAA would comfortably be able to lease the necessary space for its program within its budget.</p>
<p><u>Interventions/Before School/After School/Summer Programs:</u> The Petition proposes for students who are not mastering the content being taught, a before and after school program, a Saturday school program and/or a summer school program will be offered to them until such time as they can demonstrate mastery. (Petition, p. 35) However, the Petition fails to provide a reasonable comprehensive description of what these programs will look like, curriculum to be used, how they will be staffed and nothing appears to have been allocated in the Budget to fund these programs. To the extent that JAA is relying on volunteers to perform these services, such reliance is not reasonable.</p>	<p>The information in the petition regarding the intervention supports for scholars who are not mastering content is part of the comprehensive description of the educational program. By BUSD Staff claiming that there is requirement to comprehensively describe these supports, they are asking petitioner to provide a level of detail not required in law, either in Ed Code or in the CA Code of Regulations.</p> <p>BUSD staff is also seeking to set an expectation that petitioner budget separate line items that are already included within the staffing costs identified for anticipated personnel. The budget is sufficiently clear regarding staffing budgets. No such extra expectation is legally required for charter approval.</p>
<p><u>Latin/Greek Instruction:</u> The Petition provides that students will receive Latin and/or Greek instruction starting in the second grade. However, the Petition fails to provide a reasonable comprehensive description of what these programs will look like, curriculum to be used, how they will be staffed and nothing appears to have been</p>	<p>See attached budget narrative regarding “Staffing.” (Attachment E). For a discussion of the reasonably comprehensive description of the education program aspects of this item, please refer to Petitioner’s answers to BUSD Staff Report Section F and sub sections.</p>

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<p>allocated in the Budget to fund these programs. To the extent that JAA is relying on volunteers to perform these services, such reliance is not reasonable.</p>	
<p><u>Music/Art Instruction:</u> The Petition provides that all students in all grades will receive music and art instruction. However, the Petition fails to provide a reasonable comprehensive description of what these programs will look like, curriculum to be used, how they will be staffed and nothing appears to have been allocated in the Budget to fund these programs. To the extent that JAA is relying on volunteers to perform these services, such reliance is not reasonable.</p>	<p>For a discussion of the reasonably comprehensive description of the education program aspects of this item, please refer to Petitioner's answers to BUSD Staff report Section F and sub sections.</p> <p>See attached budget narrative for discussion of music and art staff. (Attachment E)</p>
<p><u>Food Program and Budget:</u> The Petition proposes to serve students from all backgrounds, yet it fails to identify how it will provide meals or budget for a food service program to meet the needs of socio-economically disadvantage students. Serving lunch makes the school more accessible to low-income students. If you don't serve a free or reduced lunch, you are discouraging the enrollment of low-income students in the charter school.</p>	<p>Whether or not a Charter School provides a meal program is not grounds that can be used to approve or deny a petition. This criterion is not found in the Charter Schools Act nor in CCR, Title 5, Section 11967.5.1, as such it is irrelevant.</p>
<p><u>Transportation:</u> The Petition proposes to serve students from all backgrounds, yet it fails to offer transportation services to students with the exception of special education and other students required by law to be transported. Even with respect to</p>	<p>Whether or not a Charter School provides transportation is not grounds that can be used to approve or deny a petition. This criterion is not found in the Charter Schools Act nor in CCR, Title 5, Section 11967.5.1.</p> <p>The charter does address that it will provide transportation to special education students as required by law (Petition Page 53)</p>

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<p>these students, the Petition fails to elaborate or articulate what the transportation program will look like nor does the budget identify any projected costs or budgeted expenditures for transportation.</p>	<p>Other than providing transportation in circumstances as required by law the Charter School is not required to provide transportation in general. Unlike traditional public schools, such as BUSD, public charter schools do not receive any additional funding from the State of CA for transportation expenses. To offer transportation would take money away from the educational program and services.</p> <p>Since this item is not required by law and the petitioner has determined not to offer transportation, no amount for that program is required to be included in the budget.</p> <p>In regard to costs associated with transportation for special education, that funding is contained in the budget under the section under contracted services.</p>
<p><u>Special Education and Budget:</u> The Petition fails to adequately budget for approximately \$263,000 in encroachment costs JAA would reasonably be expected to pay because as a charter in El Dorado County, it is ineligible for membership in the El Dorado County Charter SELPA and thus would be considered a school within the District should the District grant the Petition. In the alternative, in the event that the Charter School became its own LEA for special education, its staffing would need to change, and no special education staff appear to be budgeted within the proposed first term of the charter.</p>	<p>Petitioner has answered this errant charge multiple times throughout this document.</p> <p>There is absolutely no reference in any of the EDCOE Charter SELPA membership application documents that refers or validates statement by BUSD Staff at JAA would not be allowed as a member of the EDCOE Charter SELPA.</p> <p>BUSD Staff points to no law, regulation or SELPA document to support their claim.</p> <p>Conversations with the EDCOE SELPA confirm that JAA is able to apply as a SELPA partner for the new JAA-EDH.</p> <p>Petitioner has a full understanding of fair share costs, otherwise referred to as “encroachment” and how it relates to expenses. If JAA-EDH was intending to serve its special education population by being a school of the district, then it would have been essential to include fair share costs in our provided budget. JAA-EDH will NOT be a school of the district for purposes of special education services. Therefore, these fair share costs are not included in the budget as they will not be incurred. Again, this argument from the BUSD Staff is irrelevant and misleading.</p>

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	<p>As has also been pointed out previously, JAA already is an LEA for purposes of special education and already employs an existing staff of highly qualified and skilled individuals on their special education team. That team is ready and able to provide supports to JAA-EDH.</p> <p>Additional funding for costs associated with adding services at JAA-EDH is contained in the budget and listed under the heading of “Special Education”</p> <p>The budget narrative attached to this report further explains the assumptions listed in the budget provided with the petition. (Attachment E).</p>
<p>F. The Petition Fails To Set Out Reasonably Comprehensive Descriptions Of Many Charter Elements As Required By Education Code Section 47605(b)(5)</p> <p>Education Code section 47605, subdivision (b)(5)(A-P),</p>	<p>The BUSD Staff report starts off by being in error regarding the number of elements that a petitioner must describe within their charter document. Recent updates to the law now require 15 elements (Education Code section 47605, subdivision (b)(5)(A-O)), to be described, not 16 as indicated by BUSD Staff. This is another example of BUSD Staff’s lack of understanding of charter law.</p>
<p>1. General Description: The educational program is only described in theoretical frameworks. The Petition provides a summary of some best practices, with little concrete information on how the Charter School would achieve all of the components of the Petition.</p> <p>a. Curriculum: The Petition fails to reasonably comprehensively describe most of the required educational program components. It lacks important, specific information regarding the educational</p>	<p>BUSD Staff is incorrect on the assertion that the petition is only theoretical or that it is only written in boiler plate language. Staff is also incorrect about the requirement for the charter to provide every concrete detail of what will be done when the school is open in order to be considered a comprehensive description.</p> <p>CCR, Title 5 Section 11967.5.1 (f) states</p> <p>(f) For purposes of Education Code section 47605(b)(5), the SBE shall take the following factors into consideration in determining whether a charter petition does not contain a “reasonably comprehensive” description of each of the specified elements.</p> <p>(1) The description of the educational program of the school, as required by Education Code section 47605(b)(5)(A), at a minimum:</p>

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<p>program, particularly in terms of what a TK-5th grade program will be.</p> <p>Most of the educational program element descriptions are not substantive, instead, reading as a listing of select aspects and topics with little elaboration. The Petition only provides general information about the program, proposed curriculum and instructional strategies, and is written primarily in boilerplate language that lacks reasonably comprehensive descriptions specific or unique to the proposed Charter School.</p>	<p>(A) Indicates the proposed charter school's target student population, including, at a minimum, grade levels, approximate numbers of pupils, and specific educational interests, backgrounds, or challenges.</p> <p>(B) Specifies a clear, concise school 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.</p> <p>(C) Includes a framework for instructional design that is aligned with the needs of the pupils that the charter school has identified as its target student population.</p> <p>(D) Indicates the basic learning environment or environments (e.g., site-based matriculation, independent study, community-based education, or technology-based education).</p> <p>(E) Indicates the instructional approach or approaches the charter school will utilize, including, but not limited to, the curriculum and teaching methods (or a process for developing the curriculum and teaching methods) that will enable the school's pupils to master the content standards for the four core curriculum areas adopted by the SBE pursuant to Education Code section 60605 and to achieve the objectives specified in the charter.</p> <p>(F) Indicates how the charter school will identify and respond to the needs of pupils who are not achieving at or above expected levels.</p> <p>(G) Indicates how the charter 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.</p> <p>(H) Specifies the charter school's special education plan, including, but not limited to, 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 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.</p>

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	<p>A reading of the JAA-EDH charter shows that the petitioner has provided all of the information required under the SBE's definition of comprehensive description of the educational program and has therefore met the criterion for approval on this element.</p> <p>SBE Criteria A Charter petition on page 33-36 describes the charter school's target student population, including, grade levels, approximate numbers of pupils, and specific educational interests, backgrounds, or challenges.</p> <p>SBE Criteria B Charter petition on page 24 & 25 specifies a clear, concise school mission statement with which all elements and programs of the school are in alignment.</p> <p>SBE Criteria C Charter petition page 29 conveys the petitioners' definition of an "educated person" in the 21st century, Charter page 27-31 discusses the petitioner's belief of how learning best occurs, and goals consistent with enabling pupils to become or remain self-motivated, competent, and lifelong learners. Also, page 3-4 of the charter petition discusses goals consistent with enabling pupils to become or remain self-motivated, competent, and lifelong learners.</p> <p>SBE Criteria D Charter petition pages 36-38 includes a framework for instructional design that is aligned with the needs of the pupils that the charter school has identified as its target student population.</p> <p>SBE Criteria E Charter petition pages 45 indicates the basic learning environment or environments (e.g., site-based matriculation, independent study, community-based education, or technology-based education).</p>

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	<p>SBE Criteria F Charter petition pages 38 - 46 Indicates the instructional approach or approaches the charter school will utilize, including, but not limited to, the curriculum and teaching methods (or a process for developing the curriculum and teaching methods) that will enable the school's pupils to master the content standards for the four core curriculum areas adopted by the SBE pursuant to Education Code section 60605 and to achieve the objectives specified in the charter.</p> <p>SBE Criteria G Charter petition page 51 indicates how the charter school will identify and respond to the needs of pupils who are not achieving at or above expected levels.</p> <p>Charter petition pages 47 - 58 indicates how the charter 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.</p> <p>SBE Criteria H Charter petition pages 52-58 specifies the charter school's special education plan, including, but not limited to, 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 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.</p>
<p>(2) According to page 26 of the Petition, JAA will provide access to textbooks and will have teachers utilize the textbooks as a supplement to teach the CCSS. However, the Petition lacks any specific evidence of how the textbooks identified on Page 38 will be effectively integrated with the use of classical texts in its elementary school program.</p>	<p>BUSD Staff takes the sample list of textbooks and classic texts out of context and implies that the only reference to textbooks are the ones staff has sited in their report. Throughout the description of the educational program the petition discusses the method and approach used in integrating textbooks with classic texts.</p> <p>Petitioner is not required to provide an “exhaustive description” of every possible program element, but a “reasonably comprehensive description” of the educational program. Petition has met that requirement. The answer above to item 1 of this</p>

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<p>The Petition simply lists the texts and its publisher's websites for reference.</p>	<p>section points out where in the petition the SBE requirements for “reasonably comprehensive description of the educational program” are met.</p>
<p>(3) The Petition also fails to provide any description of the proposed transitional kindergarten ("TK") program. For example, Petitioner fails to describe a targeted differentiated curriculum, policies and procedures for the identification and enrollment of students eligible for TK, and the staffing of the program.</p>	<p>BUSD Staff has posed this challenge throughout their report and it has been answered fully in previous petitioner responses. Petitioner gives a comprehensive description of the educational program of which TK is included.</p> <p>Petitioner is not required to provide an “exhaustive description” of every possible program element, but a “reasonably comprehensive description” of the educational program. Petition has met that requirement. The answer above to item 1 of this section points out where in the petition the SBE requirements for “reasonably comprehensive description of the educational program” are met.</p>
<p>(4) The Petition also fails to provide any description of the intervention materials or programs that will be used to serve the needs of its special education students or otherwise at-risk students. For example, Petitioner fails to describe a targeted differentiated curriculum to be used for students who need an English Language intervention program, such as Barton, Voyager, Read 180, Language Live, etc. or who need a Math intervention program, such as Making Math Real, Math Links et cetera. The use of classical text based instruction in all probability will not be found to meet the standard required of using "scientifically based research" interventions and curriculum that are designed to address the specific deficits a student presents with as required by the IDEA.</p>	<p>The petition outlines a comprehensive description of the plan for serving scholars with special needs. (Pages 52 – 58). That is about 5 pages more that BUSD put into their own dependent charter petition (Blue Oaks Montessori) where they do not list any curriculum for their special education program.</p> <p>JAA uses a variety of research-based interventions to provide differentiated instruction. While a charter petition is not bound to list each intervention, some examples of current intervention materials include Fountas and Pinnell, Barton Reading and Spelling, Core Reading, Diebels and schoolwide PBIS. JAA is adept at serving specific scholar deficits and has a clear understanding of the IDEA laws surrounding intervention. JAA currently serves a variety of disabilities served under the IDEA and offer services to address these disabilities, which meet all IDEA guidelines. JAA actively searches for and serves scholars with disabilities and prides itself on maintaining positive and healthy relationships with its families to provide all encompassing services.</p> <p>Again, petitioner is not required to provide an “exhaustive description” of every possible program element, but a “reasonably comprehensive description” of the educational program. Petition has met that requirement. The answer above to item 1 of this section points out where in the petition the SBE requirements for “reasonably comprehensive description of the educational program” are met.</p>

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<p>(5) The Petition also states that it will not provide a physical education program. [Petition, p. 33]. However, the Petition goes on to state under State Priority# 7 - #8, JAA states that all "scholars including all scholar subgroups, unduplicated scholars and scholars with exceptional needs, will demonstrate growth in skills and content knowledge of physical education. Petitioner fails to describe or provide any elaboration on how this State Priority will be met in the absence of any physical education program.</p>	<p>On Page 33 of the petition it states that physical education is physical education is not required of charter schools. This statement is found in the chart detailing JAA high school graduation requirements in comparison to CSU, UC and State requirements. This is aligned with the fact that CA does not require charter schools to provide physical education. However, all schools must address the 8 State Priorities as outlined in charter elements B and C. Petitioner has met that requirements. Petitioner does not just indicate that they will meet the priority regarding physical education but rather gives a comprehensive description even though it is not required by law.</p> <p>Charter petition page 89, subpriority F – Physical Education (K-6 only) states:</p> <p>GOAL TO ACHIEVE SUBPRIORITY All scholars, including all scholar subgroups, unduplicated scholars and scholars with exceptional needs, will demonstrate growth in skills and content knowledge of physical education.</p> <p>ACTIONS TO ACHIEVE GOAL Instructional strategies will be implemented to include: Grammar Stage (Elementary) – Scholars are encouraged to explore loco motor movements as well as refine affective domain. Logic Stage (Middle School) – Builds upon learned skills through Grammar Stage and applies them to team sports. Rhetoric Stage (High School) – Scholars learn to “defend” and apply the skills obtained at earlier stages in a competitive manner.</p> <p>MEASURABLE OUTCOME Annually, 80% of Kindergarten through 12th grade scholars, including all scholar subgroups, unduplicated scholars, and scholars with exceptional needs, will demonstrate growth through formal assessments.</p> <p>METHODS OF MEASUREMENT Formal assessments include: benchmark/summative assessments, examples of scholar performance, observations, and PFT.</p>

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	<p>As can clearly be seen the charter describes the goal to achieve the subpriority, the actions that the charter school will take to achieve the goal, what the measurable outcome will be toward reaching that goal and the methods of assessment that the charter school will use. <u>This more than answers the question posed by BUSD Staff.</u></p>
<p>(6) The Petition provides that the program will offer site-based, independent study, and on-line instruction to its scholars - with some students instructed fully through independent instruction and some fully through online instruction. (Petition, p. 45) However, fails to provide any details concerning its on-line instruction program to provide any meaningful opportunity to analyze this issue as part of the Petition review process.</p>	<p>While JAA-EDH is a classroom based model, not every scholar learns the same. JAA's petition provides for the opportunity to differentiate instruction to scholars based on their individual needs.</p> <p>Until and unless otherwise identified by scholar need, the enrollment projections as presented assume that scholars will be served in a classroom based model. Therefore, the description of the instructional methods associated with the charter is aligned with that assumption.</p> <p>The charter provides a comprehensive description of the program that the Petitioner proposes to operate while providing for the flexibility to serve future scholars.</p>
<p>(7) Composition: Although the Petition states that there will be daily intensive writing, there is little evidence of exactly what the writing program is and what is to be done to address the rigors of the CCSS in the area of writing as required of grades 6, 7, and 8 and in early writers. No writing rubrics were provided. No curriculum was identified.</p>	<p>Charter page 29 under the header "Written Examination" states: " Just as sustained and serious reading is at the center of self-education so is sustained and intensive daily writing critical for scholars to be able to communicate effectively. Daily essay writing and essay exams test not only the knowledge a scholar has acquired but the ability to organize and communicate that knowledge and apply it."</p> <p>Page 41 identifies the Senior English requirement to complete the writing of a 20-page Senior Thesis.</p> <p>Page 50 of the Charter discusses how writing will be utilized in the plan for serving English learners.</p> <p>Page 51 of the Charter discusses how writing is used to diagnose scholars at risk of low-achieving as well as discusses samples of writing assessments and supports, such as "i-Ready".</p>

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	<p>State Priority 2, Sub-priority A provides that: “Teachers will identify and participate in ongoing professional development focused on the alignment of the CCSS through classics, the Core Knowledge Sequence, Great Books, writing, phonics, mathematics, science, history and technology in teaching and learning.”</p> <p>Page 69-70 in the discussion of State Priority #8 states as the action to achieve the goal: “All scholars according to grade level will participate in: K-6: Implementation of a systematic phonics instruction program, Writer’s Workshop writing instruction, target intervention, small group work, Socratic seminar; consultation with the intervention specialist, collaboration with colleagues to support scholar-learning goals. 7-12: Instructional strategies implemented throughout various informational and other literature texts including classical poetry, drama, fiction, social studies documents, and scientific documents. Instructional strategies will be implemented K-12 to include: small group work, one-to-one conferring, Socratic seminar; consultation with Scholar Services and collaboration with colleagues to support scholar-learning goals.”</p> <p>Further the Methods of measurement for achieving the goal state: “John Adams Academy scholar progress will be monitored through CAASPP testing, curricular benchmark assessments, pre and post unit testing, spelling inventories, scholar writing journals, response to literature journals, published writing and oral presentations.”</p> <p>These are a few samples that demonstrate writing is included in the comprehensive description of the educational program.</p>
<p>(8) Technology Proficiency Standards/Instruction: The documentation provided offers inconsistencies in terms of the agency's instructional strategies and</p>	<p>BUSD Staff is has not identified what is meant by “The documentation provided offers inconsistencies...”</p>

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<p>approaches in the area of technology and there is no clear plan evident within the curriculum to specifically address technological literacy. The CCSS clearly indicate that students must have the skills necessary to publish writing digitally (beginning in Kindergarten) which includes keyboarding skills (specifically stated beginning in grade 4). It is also unclear what technology will be available to students beginning in 2017-18.</p>	<p>The charter identifies that it will utilize CCSS aligned materials and texts in order to ensure that scholars are mastering the required content standards.</p> <p>The CCSS actually introduces the standard for using technology to produce and publish writing in grade 3.</p> <p>Charter page 3 states: “ 3. More instructional time improves growth in scholar achievement. This instructional time is used to add foreign language as a requirement in grades 2-12, as well as to add courses in technology, art, classical languages, public speaking, advanced group projects/simulations, and study skills.” Also, on Charter page 47 in the description of professional development it includes training on “Use of technology in instruction”.</p> <p>The petition clearly addresses that technology classes will be included in the education program.</p>
<p>(9) California Healthy Youth Act (AB 329): The Petition fails to articulate any information regarding the requirements of the California Healthy Youth Act, which raises a question about JAA's understanding of its instructional obligations under AB 329.</p>	<p>BUSD Staff is again displaying their lack of knowledge regarding charter law. The CA Healthy Youth Act (AB329)(Ed Code Sec 51930-51939) Is not contained in the Charter Schools Act, nor does the statute apply the provisions of the Act to charter schools. Ed Code Section 51934 states that “Each <u>school district</u> shall ensure that all pupils in grades 7 to 12, inclusive, receive comprehensive sexual health education and HIV prevention education from instructors trained in the appropriate courses.”</p> <p>Education Code Section 51931(9) of the Act defines “School District” the following way: (g) “School district” includes county boards of education, county superintendents of schools, the California School for the Deaf, and the California School for the Blind.</p> <p>Again, Charter Schools are not named in the act and are not subject to its provisions. This challenge by BUSD Staff is irrelevant and not a basis for denial.</p>

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<p>2. Meeting Needs of Academically Low Achieving and High Performing Students:</p> <p>The Petition states on Page 51 that "In addition, for those scholars in grades one through twelve (1-12) who are not meeting grade level standards on classroom assessments, remedial intervention before school, after school and on Saturdays may be offered." On page 52 of the Petition, however, it states "[r]emedial intervention is offered before ... " The inconsistencies in the Petition language result in the Petition failing to provide a reasonable comprehensive description of this element.</p>	<p>There is no inconsistency in the charter as claimed by BUSD Staff. It is not clear what BUSD is arguing here by pulling partial language out of the charter petition. The full language is provided here to give context:</p> <p>Charter pages 51 and 52 provide a comprehensive description of the plan for scholars who are academically low achieving. In that description is states: "In addition, for those scholars in grades one through twelve (1-12) who are not meeting grade level standards on classroom assessments, remedial intervention before school, after school, and on Saturdays may be offered. We provide targeted intervention by teachers who have proven instructionally strong in this designated area."</p> <p>Then further down in the section on "Intervention" it states: "Despite the significant amount of individualization built into the John Adams Academy curriculum, some scholars may need additional attention and/or services. Remedial intervention is offered before school, after school, and on Saturdays, to scholars in grades one through twelve."</p> <p>Some scholars may need additional supports. In those situations, the language above is clear that JAA would make available those supports for scholars who may require them. In regards to this matter, BUSD sites no legal or factual basis on which the petition should be denied.</p>
<p>The Petition is also extremely vague in its discussion of the Charter School's Response to Intervention plan. The Petition states on Page 51 "[t]hrough a comprehensive Response to Intervention program we identify at-risk students...." However, the Petition fails to address what the comprehensive program is for Tier I, Tier 2 and Tier 3. The Petition also fails to include a discussion of the Charter School's targeted strategies for providing the "remedial</p>	<p>BUSD Staff misrepresents the content in the Charter. Charter page 51-52 has a clear description of the intervention process, assessments utilized and how that is used to inform actions by the Academic Strategic Success Team (SST).</p>

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intervention" for low-achieving students such as scaffolding daily materials, guided notes, et cetera.	
It should also be noted that the Petition mentions even more briefly how it will serve academically high achieving students.	<p>The JAA Charter, page 52, contains a clear and reasonably comprehensive plan for serving scholars who are academically high achieving.</p> <p>In contrast, the Blue Oak Montessori Charter, authorized and operated by BUSD does not even contain a section dedicated to High-Achieving Scholars and has no plan for serving this group.</p>
<p>3. English Language Learners:</p> <p>a. The Petition does not sufficiently describe how the Charter School will meet the needs of English Learner ("EL") students. No materials are defined, no minimum levels of ELD time are provided, and a few methodologies are listed, but not described. [Petition, p. 47-50]</p>	<p>Charter four pages (pages 47-50 dedicated to the description of the plan for English learners.</p> <p>CCR, Title 5, Section 11967.5.1 in describing what is required in order to meet the definition of "reasonably comprehensive" states:</p> <p>"(f)(1)(G) Indicates how the charter 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."</p> <p>The petition not only meets the requirement to indicate how the charter school will meet the needs of EL scholars, but provides a very comprehensive description of that plan.</p>
<p>b. The Petition does not address the required component of involving and providing outreach to the parents of EL students. It does not address the situation where the parents are not English speakers, nor what occurs when EL students need intervention more than that of the general student population. This is not an adequate description of a comprehensive</p>	<p>The plan for serving English Learners does in fact discuss parental involvement and communication. Notification to parents prior to the administration of the CELDT, providing the CELDT results to parents within 30 days, Parental Opinion and Consultation meetings, obtaining parental approval prior to existing a scholar from the ELD program and opportunities to serve on the English Learner Advisory Committee.</p> <p>Charter meets the requirements for approval.</p>

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<p>outreach plan that meets requirements for serving EL students.</p>	
<p>c. Further, the Petition does not describe how it will serve English learners at varying stages in the reclassification process; does not provide evidence that research- based materials will be used to teach English learners or how the use of classical texts will be integrated with research-based instructional materials; and fails to describe the instructional minutes provided in ELD with any specificity. The Petition merely states that "[s]cholars are taught ELD and other core subjects ... using textbooks and supplementary materials approved by ... [p.49].</p>	<p>BUSD Staff comments are incorrect. A simple review of the Plan for English Learners on pages 47-50 clearly shows a comprehensive description of the plan. The plan clearly meets the requirements under the Education Code and Title V of the California Code of Regulations as previously stated.</p>
<p>4. Inadequate Instructional Minutes</p> <p>Although JAA states on page 48 of its Petition that it will offer the minimum number of instructional minutes as required by law, JAA did not include a description of their 2017-2018 school calendar or 2017-2018 bell schedule with their Petition and as a result has failed to provide a reasonably comprehensive description of this element of its Petition.</p>	<p>The petition states the assurance that it will in fact meet or exceed the minimum number of annual instructional minutes as required by law.</p> <p>CCR Title 5 Section 11967.5.1 in defining what are comprehensive descriptions of the required elements does not have anything listed for providing a detailed description of how the minimum number of instructional minutes will be met.</p> <p>This claim by BUSD Staff is not substantiated in law and therefore is not grounds for denial.</p>
<p>Notwithstanding this fact, a review of the current JAA - Roseville Elementary School bell schedule does not appear to meet the requirements of state law with respect to the daily instructional minute requirements as they offer less than 240 minute minimum days in grades 1st through 6th, which would require 2-day averaging to ensure compliance for</p>	<p>BUSD Staff are attempting to argue that the Petitioners must meet a requirement for daily instructional minutes that doesn't exist.</p> <p>This is another gross error on the part of BUSD staff further demonstrating a lack of knowledge in regard to charter law.</p>

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<p>funding purposes. Multiple consecutive early release days, such as those shown in the November schedule, would not comply with such rules. In a classroom-based program, charter schools receive state apportionment funding, in part, based on satisfying this instructional minute requirement and a failure to satisfy this requirement compromises the funding and program.</p> <p>Education Code §46112 provides:</p> <p>The minimum school day in grades 1, 2, and 3 in elementary schools, except in opportunity schools, classes, or programs, is 230 minutes, except where the governing board of a school district has prescribed a shorter length for the school day because of lack of school facilities which requires double sessions, in which case the minimum school day in such grades shall be 200 minutes.</p> <p>Education Code §46113 provides:</p> <p>The minimum school day in grades 4, 5, 6, 7, and 8 in elementary schools and in special day and evening classes of an elementary school district, except in opportunity schools, classes, or programs, is 240 minutes.</p>	<p>Education code section 47612.5. (a) states: Notwithstanding any other provision of law and as a condition of apportionment, a charter school shall do all of the following:</p> <p>(1) For each fiscal year, offer, at a minimum, the following number of minutes of instruction:</p> <p>(A) To pupils in kindergarten, 36,000 minutes. (B) To pupils in grades 1 to 3, inclusive, 50,400 minutes. (C) To pupils in grades 4 to 8, inclusive, 54,000 minutes. (D) To pupils in grades 9 to 12, inclusive, 64,800 minutes.</p> <p>It can clearly be seen that the code requires minutes of instruction for the full fiscal year and does not stipulate any daily instructional minute requirement. This is part of the flexibility provided to public charter schools in the Charter Schools Act.</p> <p>BUSD staff goes on to cite education code, specifically §46112 and §46113 (shown to the left) in an attempt to support their argument, however, these codes apply to districts not to charter schools. Neither of these code sections name charter schools within the requirement, but do specifically name districts. Further there is no reference to these codes in education code §47612.5 or in the Charter Schools Act mega waiver found in Education Code 47610.</p>

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<p>5. Parent Involvement</p> <p>The Petition on Page 79 provides that JAA will have a "selection of parents to serve on councils, committees and organizations. However, the Petition makes no mention as to how these parent committees will be assembled to ensure equitable representation of all pupils and each subgroup of pupils, including the target student population of socio-economically disadvantaged students and English learners.</p>	<p>Parental involvement is discussed throughout the educational program in element A as well as in Elements B & C in the measurable goals and uses of data. Parent involvement is discussed again in Element D in relation to the duties of staff in engaging, communicating and involving parents as part of their job duties, as well as direct parental involvement opportunities on Page 102-104.</p> <p>The charter meets all requirements for approval regarding parental involvement.</p>
<p>Element B - Measurable Student Outcomes and Element C - Assessment Methods</p> <p>1. Measurable Student Outcomes: The Petition presents little concrete information on the school's curriculum and does not show curriculum frameworks aligned to state standards and assessments by grade level and course content area to indicate students intended progression through 12th grade. Accordingly, it is not evident from the Petition that JAA is proposing a sound, comprehensive educational program in place to meet legal requirements. (Ed. Code, § 47605, subd. (b)(5); Cal. Code Regs., tit. 5, § 11967.5, subd. (f).)</p>	<p>For Elements B & C CCR, Title 5, Sec 11967.5.1 states:</p> <p>(2) Measurable pupil outcomes, as required by Education Code section 47605(b)(5)(B), at a minimum:</p> <p>(A) Specify skills, knowledge, and attitudes that reflect the school's educational objectives and can be assessed, at a minimum, by objective means that are frequent and sufficiently detailed enough to determine whether pupils are making satisfactory progress. It is intended that the frequency of objective means of measuring pupil outcomes vary according to such factors as grade level, subject matter, the outcome of previous objective measurements, and information that may be collected from anecdotal sources. 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.</p> <p>(B) Include the school's Academic Performance Index growth target, if applicable.</p> <p>(3) The method by which pupil progress is to be measured, as required by Education Code section 47605(b)(5)(C), at a minimum:</p> <p>(A) Utilizes a variety of assessment tools that are appropriate to the skills, knowledge, or attitudes being assessed, including, at a minimum, tools that employ</p>

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	<p>objective means of assessment consistent with paragraph (2)(A) of subdivision (f) of this section.</p> <p>(B) Includes the annual assessment results from the Statewide Testing and Reporting (STAR) program.</p> <p>(C) Outlines a plan for collecting, analyzing, and reporting data on pupil achievement to school staff and to pupils' parents and guardians, and for utilizing the data continuously to monitor and improve the charter school's educational program.</p> <p>Charter pages 58-95 cover elements B & C which meet all of the standards listed in CCR above.</p> <p>The charter meets the comprehensive description of these elements for approval.</p>
<p>Element D – Governance</p> <p>1. JAA Board of Directors. The Petition states that JAA will be operated by JAA, Inc., a California Non-Profit Public Benefit Corporation. JAA, Inc. also operates and governs the John Adams Academy-Roseville, a public charter school authorized by the Loomis Union Elementary School District and the John Adams Academy-Lincoln, a public charter school authorized by the Western Placer Unified School District, which is planned to open in fall 2017. The Petition fails to sufficiently describe the commingling of responsibilities and the fiscal relationship between JAA - El Dorado Hills and the other two charter operate by JAA, Inc., which are not authorized by our District, which is particularly concerning in light of the</p>	<p>CCR, Title 5, Sec 11967.5.1 on the meaning of reasonably comprehensive for Element D states:</p> <p>(4) The governance structure of the school, including, but not limited to, the process to be followed by the school to ensure parental involvement in supporting the school's effort on behalf of the school's pupils, as required by Education Code section 47605(b)(5)(D), at a minimum:</p> <p>(A) Includes evidence of the charter school's incorporation as a non-profit public benefit corporation, if applicable.</p> <p>(B) Includes evidence that the organizational and technical designs of the governance structure reflect a seriousness of purpose necessary to ensure that:</p> <ol style="list-style-type: none"> 1. The charter school will become and remain a viable enterprise. 2. There will be active and effective representation of interested parties, including, but not limited to parents (guardians). 3. The educational program will be successful. <p>These requirements are met on pages 96-104 of the Charter. Petitioner addresses each of the State's requirements. In addition to the fact that the proposed charter</p>

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<p>millions of dollars in debt already incurred by JAA, Inc. for its Roseville school site and planned to be incurred for its Lincoln school site.</p>	<p>meets all of these requirements, the petitioner has also demonstrated the ability to operate a successful charter program at JAA-Roseville.</p> <p>The petition clearly anticipates JAA-EDH's revenues and expenses, separate from any other of the John Adams Academies. (<i>see e.g.</i>, Charter Petition Budget, Appendix D.) In other words, all revenues shown are generated by JAA-EDH and dedicated to JAA-EDH's expense and surpluses. JAA will produce independent financials for JAA-EDH just as it does for JAA-Roseville.</p>
<p>2. Delegation of Authority. On page 99 of the Petition, the Petition states that the Board may delegate "to an employee or contractor of the Academy any of those duties with the exception of employment of the Headmaster, dismissal of employees, approval of Board policies, approval of the budget or budget revisions or purchases over \$10,000" without any requirement of such action having to be ratified by the board. Under the Petition's current language, the Board could delegate very large decisions to the employees without Board authority. For example, the Petition language could allow the Board to delegate such matters as selling receivables, taking on a loan, purchasing a facility, and handling student discipline. By allowing the Board to delegate broad significant powers to third parties, the Petition demonstrates the Board will not have a serious role in governance of the Charter School.</p>	<p>BUSD Staff create an appearance of a concern where there is none as staff has again taken information out of context. The ability to delegate is not tantamount to failure to oversee.</p> <p>The full language in regard to delegation by the board is found on page 99, but the full language that was omitted by BUSD clarifies the intent and process involved with delegation.</p> <p>The Charter reads: "The Board may execute any powers delegated by law to it and shall discharge any duty imposed by law upon it and may delegate to an employee or contractor of the Academy any of those duties with the exception of employment of the Headmaster, dismissal of employees, approval of Board policies, approval of the budget or budget revisions or purchases over \$10,000. The Board however, retains ultimate responsibility over the performance of those powers or duties so delegated. Such delegation will:</p> <ul style="list-style-type: none"> ● Be in writing; ● Specify the entity designated; ● Describe in specific terms the authority of the Board being delegated, any conditions on the delegated authority or its exercise and the beginning and ending dates of the delegation; and ● Require an affirmative vote of a majority of present Board members."

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	<p>The JAA Board is a very active board. The JAA board meets at least monthly even throughout summer. It often meets more frequently to address issues that need more immediate board attention. Board meetings typically begin about 4pm and go well into the evening. Public is allowed to comment. Leadership and staff provide regular updates and reports to the board regarding programs, budget, finances, facilities, properties, etc. The board takes an active role in overseeing the mission and vision, finances, academic success of the academy, and ensuring that the academy leadership fulfills all duties as assigned by the board.</p> <p>Merely stating that board has the legal right to delegate authority does mean that the board has or will relinquish its oversight.</p>
<p>Element H - Admission Requirements</p> <p>Admission Preferences. The admission preferences set forth in the Petition do not comply with Education Code§ 47605(d) and are unacceptable. As discussed above, when the number of students who wish to attend a charter school exceeds the school's capacity, attendance shall be determined by a random drawing, and preference shall be extended to pupils currently attending the charter school and pupils who reside in the district except as provided for in Section 47614.5. Additional preferences may be permitted by the chartering authority on an individual school basis and only if consistent with law. Under the current list of preferences, District residents are far behind other preferences and will unlikely have the opportunity to be considered for enrollment, if there is a waiting list.</p>	<p>This issue has already been addressed in depth in the beginning of this document, but for consistency and to spare the reader from having to scroll back to find it the challenge is answered again here.</p> <p>BUSD staff paraphrases and misinterprets Ed Code and argues their opinion instead of what Education Code 47605(d)(2)(B) says.</p> <p>There is no requirement under the Ed Code that requires any particular preference to be “first.” Not even BUSD follows such an extra-legal requirement in its own dependent charters nor has it made such a requirement of other independent charters authorized by BUSD.</p> <p>BUSD staff has added the word “first” in this particular instance when stating that preferences must “first” be extended to pupils currently attending the charter school and pupils who reside in the district and then goes on to opine that only after this is done can any other preference be given.</p> <p>BUSD staff is not quoting Ed Code directly, instead BUSD staff present a false narrative that does not exist in the Ed Code.</p>

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	<p>Education Code 47605(d)(2)(B) actually states the following: “(B) If the number of pupils who wish to attend the charter school exceeds the school's capacity, attendance, except for existing pupils of the charter school, shall be determined by a public random drawing. Preference shall be extended to pupils currently attending the charter school and pupils who reside in the district except as provided for in Section 47614.5. Other preferences may be permitted by the chartering authority on an individual school basis and only if consistent with the law.”</p> <p>A plain reading of the code shows that preference must be given to students currently attending the charter and students who reside in the district, but nowhere in the language does it state that these preferences must be given first priority.</p> <p>Page 115 of the JAA – EDH Charter states “Following the open enrollment period each year, applications are counted to determine whether any grade level has received more applications than availability. In the event that this happens, the Academy holds a public random drawing to determine admission for the impacted grade level, with the exception of existing scholars, who are guaranteed admission in the following school year. Admission preferences in the case of a public random drawing shall be given to the following scholars in the following order:</p> <ol style="list-style-type: none"> 1. Children of staff of the Academy 2. Children and grandchildren of Board members 3. Siblings of existing scholars enrolled in the Academy 4. Children currently enrolled in another John Adams Academies, Inc. school 5. Scholars who reside in the District” <p>The petition meets the requirements of Education Code as it provides for the admission preference of existing students of the academy who are exempted from the lottery and guaranteed admission, and then provides an admission preference for students who reside in the district.</p> <p>Interestingly, the BUSD District Dependent Charter School, Blue Oak Montessori, authorized and operated by BUSD, does not give first preference to district children</p>

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	<p>but puts children of employees as the first preference, and siblings as the second preference, as seen in the following:</p> <p>“Blue Oak Montessori Charter Renewal Petition Page 44: ‘Enrollment preferences in the case of a public random drawing shall be allowed in the following order:</p> <ol style="list-style-type: none"> 1) Children of any certificated employee of the Buckeye Union School District 2) Siblings of existing Charter Montessori or Blue Oak Elementary students 3) Intra-campus transfers 4) Intra-district transfers 5) Children who have at least one-year prior Montessori experience (public or private) 6) All other applicants” <p>Moreover, a charter Renewal Petition recently approved by the BUSD Board submitted by Rising Sun Montessori also does not put students from within the District as first preference. Despite that fact, BUSD staff did not list that as a finding to deny. In fact, the BUSD staff recommended approval of that charter.</p>
<p>Element P - School Closeout Procedures</p> <p>Closure: The closure plan in the Petition provides for no timeline as to when closure decisions would be made in relation to the actual closure date such that District students have sufficient notice to seek placement in an alternative school. It appears that only after a closure decision is made by the JM Board will students and parents be given notice of the closure. Presumably, there would be ample time between such a decision and when the closure would occur, however, the Petition is silent on this point.</p>	<p>BUSD Staff states the following:</p> <p>“It appears that only after a closure decision is made by the JM Board will students and parents be given notice of the closure.”</p> <p>At what point before a decision to close it made should the governing board notify students and parents of a closure? No prudent individual would announce a school closure when no school closure had been decided.</p> <p>In addition, staff and individual board members would not have the authority to notify parents of a school closure until the governing board had taken formal action to vote to close the school. Only after that point can the notification be made.</p>

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	<p>This language is standard and is in approved charters throughout the State.</p> <p>Not surprisingly, the same type of language is contained in the BUSD dependent Charter Montessori document. The District run charter petition on page 47 states the following:</p> <p>“Following the Board’s decision, the Superintendent will promptly notify parents and students of the Charter School, the District, and the El Dorado County Office of Education.”</p>
<p>VII. CONCLUSION</p> <p>As set forth above, Staff finds that the Petition fails to meet applicable legal requirements and standards. For all of the foregoing reasons, Staff recommends that the Board deny the Petition of John Adams Academy - El Dorado Hills, and adopt this Staff Report as written findings in support of its denial.</p>	<p>In conclusion, the petitioners have more than fully responded to the BUSD Staff comments and have shown them to be without merit, not factual, or unsupported by applicable law.</p> <p>JAA staff remain, as always, available for any questions or inquiries on this matter and look forward to working with El Dorado County staff and Board in serving the people and the community of EL Dorado County.</p>