

March 29, 2017

TO: Board of Education
FR: Dr. Ed Manansala, Superintendent
RE: John Adams Academy Charter School Petition Material Revision Administrative Findings

The El Dorado County Office of Education (EDCOE) has received a charter petition material revision (Petition) for John Adams Academy – El Dorado Hills (JAA or Petitioners), submitted to the El Dorado County Board of Education (Board) on or about February 26, 2018. A Public Hearing and a decision for approval or denial by the El Dorado County Board of Education is scheduled for April 3, 2018. The initial petition was approved by the Board on or about February 28, 2017.

Education Code § 47601 (all references herein are to the Education Code, unless otherwise indicated) provides that it is the intent of the Charter Schools Act to provide opportunities for teachers, parents, pupils, and community members to establish and maintain schools that operate independently from the existing school district structure.

Per Education Code § 47605 and Title 5, Cal. Code Regs. § 11966.4(b)(2), a petition for the establishment of a charter school shall not be denied unless written factual findings are made, specific to the particular petition, setting forth 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;
4. The petition does not contain an affirmation of each of conditions described;
5. The petition does not contain reasonably comprehensive descriptions of all fifteen (15) specified elements; and/or
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.

These same standards apply to a material revision. Cal. Educ. Code 47607(a)(2). An independent review of the Petition has been completed by staff and the EDCOE's legal counsel. Based upon this review, and using the California State Board of Education's (SBE) guidelines, it

is my recommendation that the Board of Education approve the materially revised Petition in that it satisfies the legal requirements and Charter Schools Act's legislative intent.

The following findings from our review of the Petition serve as written factual findings stipulated in Education Code 47605:

I. Approving the Petition is Consistent With the Legislature's Intent in Enacting the Charter Schools Act.

Approving this Petition is consistent with the legislative intent of the Charter Schools Act. The proposed educational program is likely to improve student learning and increase learning opportunities for all students. The proposed educational program will likely use different and innovative teaching methods utilizing a diverse range of classical materials. Teachers and parents will have new opportunities and expanded choices with the addition of JAA's unique educational model. Finally, the addition of a new charter school will create increased competition with existing public schools and stimulate improvements throughout the system. It should be noted that the materially revised Petition's educational program was unchanged from the initial petition.

II. JAA Qualifies for an Exception to the CSA's Geographic Restrictions and Therefore May Establish One Site Outside of Buckeye's Boundaries within El Dorado County.

As a charter petition that was initially denied by the Buckeye Union School District (Buckeye), Petitioners are generally required to locate the charter within Buckeye's district boundaries. However, JAA states that it has been unable to locate within Buckeye because no single site or facility exists within Buckeye's boundaries capable of housing JAA's entire program. Therefore, JAA intends to locate within Latrobe School District (Latrobe) boundaries at 1102 Investment Boulevard, El Dorado Hills, CA 95762.

In advance of the public hearing held by the Board, JAA provided written notice of JAA's intent to locate within Latrobe's boundaries to Latrobe's Superintendent on or about February 23, 2018. The Education Code permits JAA to establish one site outside of Buckeye's boundaries and within Latrobe if:

- (1) JAA has attempted to locate a single site or facility to house their entire program within Buckeye's boundaries, but a site or facility is unavailable; and
- (2) JAA notifies Latrobe of its intent to locate within their boundaries before JAA's petition is approved, and notifies the El Dorado County Superintendent of Schools and the State Superintendent of Public Instruction of its location before JAA commences operations.

Educ. Code Sections 47605(a)(5)(A) and 47605.1(d)(1).

EDCOE finds that any changes in location, including addition or deletion of resource centers or other facilities, must be preceded by submission of a material revision to the Petition, and by approval of that material revision by the Board.

A. JAA has attempted to locate a single site or facility to house its entire program within District boundaries, but no such site or facility is available;

JAA states that it has attempted to locate a single site or facility capable of housing its entire program within Buckeye's boundaries. JAA has provided a real estate search, performed by a real estate professional, dated January 17, 2018. This letter outlines the steps taken by the real estate professional to locate facilities meeting the requirements for JAA's program. The letter identifies the parameters used in the search, where the searches were conducted, and what listing services were used to identify properties. EDCOE finds that the signed letter from a real estate professional is credible and establishes that no properties are available which would permit JAA to locate at a single facility within Buckeye's boundaries.

B. JAA has and will provide required notices to third-parties.

Because JAA is unable to locate within Buckeye's geographic boundaries, JAA intends to locate at 1102 Investment Boulevard, El Dorado Hills, CA 95762, within Latrobe School District. Natalie Miller, Superintendent of Latrobe School District, was notified of JAA's intention to locate within its boundaries prior to the Public Hearing and decision for JAA scheduled to be heard on April 3, 2018. The El Dorado County Superintendent of Schools, Ed Manansala, has been notified of JAA's intention to locate in Latrobe's boundaries. Superintendent Manansala has also been in contact with Superintendent Miller regarding any potential concerns involving JAA's location. EDCOE will ensure that JAA provides any additional required notices.

III. Approving the Petition is Consistent with Sound Educational Practice.

According to Education Code § 47605(b) and 5 CCR § 11967.5.1(a), a charter petition shall be "consistent with sound educational practice" if it is likely to be of educational benefit to pupils who attend. A charter school need not be designed or intended to meet the educational needs of every student who might possibly seek to enroll in order for the charter to be granted.

The Petition describes a program that is likely to provide an educational benefit with a reasonably described educational program. (Petition p. 24). JAA's demonstrated academic success provides additional evidence that its educational program provides an educational benefit to students. Specifically, JAA offers a diverse curriculum that emphasizes classic materials from America's past. (Petition p.26).

Under Education Code § 47605 (b) and 5 Cal. Code Regs. § 11967.5.1(b), a charter petition shall be considered “an unsound educational program” if it is either of the following:

- A. A program that involves activities the governing board determines will present the likelihood of physical, educational, or psychological harm to the affected students.
- B. A program the governing board determines will not likely be of educational benefit to the pupils who attend.

Based on information provided by JAA, the Petition provides an educational model that is consistent with a sound educational program. Additionally, the Petition does not appear to involve activities which present the likelihood of physical, educational, or psychological harm to students, and that the Petition’s program will likely be of educational benefit to students. JAA’s program will help students complete their education without involving any abnormal likelihood of harm to participating students. Based on all the information provided, the Petition is consistent with sound educational practice.

IV. There is Insufficient Evidence to Support Any of the Acceptable Findings in Support of Petition Denial.

Education Code § 47605(b)(1-6) provides that a governing board shall not deny a charter petition unless it makes written factual findings, specific to the particular petition, setting forth specific facts to support one or more of the provided statutory findings.

The grounds for denial enumerated under Education Code § 47605(b) are exclusive. *United Teachers of Los Angeles v. Los Angeles Unified School District*, (2012) 54 Cal.4th 504, 524. Therefore, unless sufficient evidence exists to support one of these six findings, a charter petition should be approved.

Based on the information provided by JAA, there is insufficient evidence to support a finding for denial based on any of the enumerated grounds in Education Code § 47605(b).

A. The Petition Does Not Present an Unsound Educational Program for the Pupils to be Enrolled in JAA.

The Petition presents a reasonably comprehensive description of an educational program that is likely to provide educational benefit to its students. There is insufficient evidence to suggest that JAA would cause physical, educational or psychological harm to the students it serves. While the Petition could provide more detail regarding attendance accounting and instructional technology, the educational program is reasonably comprehensive and does not contain sufficient evidence to support a finding that the educational program is unsound.

B. The Petitioners Are Not Demonstrably Unlikely to Successfully Implement Their Program.

Per Education Code § 47605 (b)(2) and 5 CCR § 11967.5.1(c), the Board of Education shall take the following factors into consideration in determining whether Petitioners are “demonstrably unlikely to successfully implement the program.”

1. If the petitioners have a past history of involvement in charter schools or other educational agencies, the history is one that is regarded as unsuccessful, e.g., the petitioners have been associated with a charter school of which the charter has been revoked or a private school that has ceased operation for reasons within the petitioners’ control.
2. The petitioners are unfamiliar with the content of the petition or the requirements of law that would apply to the proposed charter school.
3. The petitioners have presented an unrealistic financial and operational plan for the proposed charter school.
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 curriculum, instruction, assessment, and finance and business management.

The Petitioners are not demonstrably unlikely to successfully implement their program because the Petitioners have substantial experience operating a successful charter school. There is no evidence that Petitioners “have been associated with a charter school of which the charter has been revoked or a private school that has ceased operation for reasons within the petitioners’ control.”

Insufficient evidence exists to suggest that Petitioners are unfamiliar with the contents of the petition and the legal requirements applicable to their proposed educational program. Additionally, the Petitioners possess the necessary background in curriculum, instruction, assessment, finance and business management to successfully implement the Petition’s educational program. (Petition p. 13).

Although the Petition offers little detail regarding some personnel practices and the process for selecting contractors, on balance the Petition offers a reasonably realistic financial and operational plan based on the guidelines offered by SBE. The change in facilities is recognized in JAA’s adjustments to their financial plans. However, additional details regarding debt service payments should be sought, particularly regarding the amount being financed, interest rates, and a complete debt service schedule. This information can be requested as part of EDCOE’s oversight of JAA. The lack of these details does not make JAA’s financial plan unrealistic or indicate that JAA is unlikely to succeed, but the Board may wish to inquire regarding these details.

Additional details regarding special education personnel would be welcomed. Specifically, the Petition stated in the budget narrative and assumptions that charter expenditures will be adjusted to accommodate enrollment. Moreover, JAA's operation of another successful charter school indicates the knowledge and expertise necessary to implement and adjust the proposed financial and operational plans.

It should be noted that JAA has included the required statements regarding student discipline required by AB 1360.

Based on the information submitted, there is insufficient evidence to suggest that Petitioners are demonstrably unlikely to successfully implement their program.

C. A Petition Material Revision Does Not Require Signatures.

EDCOE and the Board found that the initial JAA petition contained the necessary and required signatures. Generally, signatures are not required for a material revision. *Today's Fresh Start Charter School v. Inglewood Unified School District*, (2018) 20 Cal.App.5th 276, 282. Therefore, signatures are not required.

D. The Petition Includes All Required Affirmations.

A charter petition may be denied if it does not include an affirmation of each of the conditions contained in Education Code § 47605(d).

The Petition clearly and unequivocally affirms each of the conditions contained in Education Code § 47605(d).

E. The Petition Includes Reasonably Comprehensive Descriptions of the Sixteen Elements Contained in Education Code Section 47605(b)(5).

A governing board may also deny a charter petition if it fails to contain reasonably comprehensive descriptions of any of these fifteen elements:

1. Educational program;
2. Pupil outcomes;
3. Measuring those pupil outcomes;
4. Governance structure;
5. Employee qualifications;
6. Health and safety procedures;
7. Means of achieving racial and ethnic balance;
8. Admission requirements, if any;
9. How financial audits will be conducted, and how any exceptions and deficiencies shall be resolved;
10. Suspension and expulsion procedures;
11. Staff coverage under STRS or PERS;
12. Attendance alternatives for pupils who do not want to attend the charter school;

13. Rights of District employees who leave to work for the charter school;
14. Dispute resolution; and
15. School closure procedures.

EDCOE finds that the Petition contains reasonably comprehensive descriptions of all sixteen elements.

F. The Petition Declares that JAA Will be the Exclusive Public School Employer.

A petition may be denied if it fails to contain a declaration of whether or not the charter school will be the exclusive public school employer of the employees of the charter school for the purposes of the Education Employment Relations Act (Chapter 10.7 (commencing with Section 3540) of Division 4 Title I of the Government Code), as required by Section 47605(b)(5)(O).

The Petition identifies JAA as the exclusive employer for the purposes of the Education Employment Relations Act. EDCOE finds that there is insufficient evidence to deny the Petition based on a finding that the Petition does not declare whether or not the charter school will be the exclusive public school employer.

V. In Conclusion, EDCOE Recommends Approval of the Petition and Adoption of These Findings As The Findings of the Board of Education.

There is inadequate evidence to support denial of the Petition under any of the legally permissible reasons to deny a charter petition. Based on this finding, I recommend that, pursuant to Board Policy 0100, the Board approve the materially revised petition.

The Board of Education must make findings if it denies the Petition, but the Board may also make findings to support approval of the Petition. The conclusions contained in this recommendation are offered as proposed findings for the Board's consideration, and the Board may adopt these findings as-is or with oral or written additions or modifications.

Exhibit A

February 23, 2018

VIA E-MAIL (NMILLER@LATROBLESCHOOL.COM) & U. S. MAIL

Natalie Miller
Superintendent/Principal
Latrobe School District
7900 S. Shingle Rd.
Shingle Springs, CA 95682

Re: John Adams Academy – El Dorado Hills

Dear Superintendent Miller:

Thank you for meeting with us on February 21, 2018. As we discussed, John Adams Academy – El Dorado Hills is planning to move from its current temporary site to 1102 Investment Blvd., El Dorado Hills, CA 95762, pending approval of our authorizer. The new site is located within the El Dorado Hills Business Park, however, the new site lies just inside the boundaries of the Latrobe School District. Prior to selecting the new site, we first searched within Buckeye Union School District but were unable to find a suitable site in that area.

Please do not hesitate to contact me directly if you would like to discuss further.

Sincerely,

Joseph Benson
Executive Director
John Adams Academies, Inc.



A C A D E M Y

Restoring America's Heritage - Developing Servant Leaders

NOVEMBER 10, 2016

Natalie Miller, Superintendent
Latrobe School District
7900 S. Shingle Springs Rd.
Shingle Springs, CA 95682

Via: FAX, Email and U.S. Mail
Fax: 530-672-0463
Email: nmiller@latrobeschool.com

Re: Notice Pursuant to California Education Code Section 47605.1(d)

Dear Superintendent Miller:

I am writing on behalf of John Adams Academy – El Dorado Hills Public Charter School (“Charter School”).

The purpose of this letter is to provide notice pursuant to Education Code Section 47605.1(d) that the Charter School has submitted a petition to establish a charter school authorized by the Buckeye Union School District (“District”). The Charter School is attempting to locate a single site or facility to house its entire program within the District, but such a site or facility may be unavailable within the geographic boundaries of the District. Accordingly, if approved, the Charter School may establish one site within the geographic boundaries of the Latrobe School District pursuant to Education Code Section 47605.1(d)(1).

Sincerely,

Joseph Benson
Executive Director
John Adams Academies, Inc.

Exhibit B



Chris Lemmon
Senior Managing Director
CA RE License #01506816

January 17, 2018

El Dorado County Office of Education
6767 Green Valley Road
Placerville, CA 95667

Re: Facility Search in Buckeye Union School District

Dear Trustees of the Board:

I have reviewed available facilities located within the boundaries of Buckeye Union School District (“BUSD”) for use as a school site by John Adams Academy – El Dorado Hills. The purpose of this search is to determine whether there are any improved properties available in BUSD that meet the parameters of the search, as discussed below. As a result of my search, I have concluded that there are 0 improved properties that meet the parameters of the search within BUSD.

Background Information

Chris Lemmon is a Senior Managing Director at Newmark Cornish & Carey and has been working in commercial real estate for over 15 years. To date he has successfully negotiated over 900,000 rentable square feet of facilities specifically for charter schools in the State of California and is widely recognized as one of the most knowledgeable brokers in the state for working on these transactions.

Parameters of Real Estate Search

As directed by John Adams Academy, I conducted a search for improved properties available for rent located within the boundaries of BUSD that could house the entire charter school. The parameters of the search involved identifying improved properties between 50,000 and 100,000 rentable square feet in total size that could house the John Adams Academy – El Dorado Hills’ entire TK-12 program, ideally a standalone building that can be easily secured and refit with classrooms, multipurpose room, and stage, with adequate play area / outdoor space, and a layout with sufficient parking and conducive to a successful drop off and pick up during the start and the end of the school days, proper entitlements or ability to obtain necessary entitlements, and rental price below \$1.40 per square feet for a lease basis at or below \$125 per rsf on a purchase opportunity.

Real Estate Search

EDCOE

January 17, 2018

Page 2 of 2

The search for available improved properties within BUSD's boundaries included researching specific property data from multiple resources including our company's internal database, CoStar, and LoopNet. These databases contain current available real estate listings and data. My searches of each of these data bases included a search to identify all available improved properties over 45,000 square feet and less than 105,000 square feet and under \$1.55 per square foot for lease and properties in the same size range but under \$140 per rsf for sale. This search unfortunately returned 0 properties, as El Dorado Hills and the surrounding area making up the district have an extremely limited supply of large single user commercial properties that could be converted to a charter school use within the district. This is due to the type of construction of the buildings in the area, existing traffic patterns, surrounding uses or neighbors, or a variety of other conditions. Given that some of the owners of properties in the subject district do not always list their buildings in the standard databases, I also drove the entire district to look for other opportunities. This search also turned up 0 possibilities.

Conclusion

As a result of my research and investigation of facilities located within the BUSD geographic area, I have determined that there are currently 0 facilities located within BUSD that meet John Adams Academy's parameters. Accordingly, there is no facility that can house the entirety of John Adams Academy available within the BUSD geographic area.

If you should have any questions, please do not hesitate to contact me.

Sincerely,



Chris Lemmon

Senior Managing Director

CA RE License #01506816

clemmon@ngkf.com

T 916.367.6349