

EL DORADO COUNTY BOARD OF EDUCATION

Resolution No. 2019-11

**To Approve
John Adams Academy Charter School Charter Renewal Petition**

WHEREAS, the approval of charter schools is governed by the Charter Schools Act of 1992, as subsequently amended, Education Code sections 47600 et seq.;

WHEREAS, the El Dorado County Office of Education (“EDCOE”), received the proposed renewal petition (“Petition”) for the John Adams Academy – El Dorado Hills (“Charter School”);

WHEREAS, consistent with Education Code section 47605, at a meeting on October 23, 2019, a public hearing was held on the Petition, at which time the El Dorado County Board of Education (“Board”) considered the level of public support for the Petition;

WHEREAS, Education Code section 47605 subdivision (b) prohibits the Board from denying a charter petition unless it makes factual findings, specific to the particular charter school, setting forth facts to support one or more factual findings;

WHEREAS, EDCOE’s Administration has prepared and submitted a Staff Report and Recommendation to the Board which contains detailed recommendations and findings of fact specific to the Petition, and attached hereto as Exhibit “A”;

THEREFORE BE IT RESOLVED, that the Board adopts the Administration’s findings of fact as contained in the Staff Report and Recommendation in their entirety.

BE IT FURTHER RESOLVED, that based upon these findings of fact, the Board of Education approves the John Adams Academy Charter School petition and renews the charter for a term of 5 years commencing on July 1, 2020, and ending on June 30, 2025.

APPROVED, PASSED AND ADOPTED by the El Dorado County Board of Education on this 13th day of December 2019, by the following vote:

AYES _____ NOES _____ ABSTAIN _____ ABSENT _____

*Heidi Weiland, President
El Dorado County Board of Education*

ATTEST:

*Dr. Ed Manansala, Secretary and Executive Officer
El Dorado County Board of Education*

EXHIBIT A

To: El Dorado County Board of Education
From: Ed Manansala, El Dorado County Superintendent of Schools
Date: December 13, 2019
Re: Staff Report and Recommendation Regarding the John Adams Academy Charter
Renewal Petition

Recommendation: The El Dorado County Superintendent of Schools and his administration (the Administration) recommends approval of the John Adams Academy Charter School charter renewal petition for a period of 5 years.

The Administration further recommends that the El Dorado County Board of Education adopt the findings in this Staff Report in support of any Board action to approve the charter renewal petition.

The El Dorado County Office of Education has received a charter renewal petition for John Adams Academy Charter School (JAA or Petitioners), submitted to the El Dorado County Board of Education (Board; collectively referend to with the El Dorado County Office of Education, its Superintendent and Administration as EDCOE) on or about October 1, 2019. A public hearing was held on October 23, 2019. A decision by the Board to approve or deny the Petition is scheduled for December 13, 2019. JAA has agreed to extend any and all necessary and required deadlines for the Board to decide to approve or deny the Petition until December 13, 2019.

After concluding its review of the Petition, the Administration offers this Staff Report and Recommendation to the Board with the Administration's recommendations and proposed findings on the Petition.

I. Overall EDCOE Evaluation and Recommendation.

EDCOE utilizes a rigorous vetting process reflective of the California Education Code. Although not directly applicable, this review has been guided by the State Board of Education's (SBE) charter petition review criteria, codified in Title 5 of the California Code of Regulations ("CCR").

Specifically, EDCOE considers whether granting a petition is consistent with sound educational practice, and whether evidence exists to support any of the six acceptable grounds upon which a charter petition may be denied under California Education Code section 47605(b) (all references herein are to the California Education Code, unless otherwise indicated). Additionally, Education Code section 47607 provides that “the authority that granted the charter shall consider increases in pupil academic achievement for all groups of pupils served by the charter school as the most important factor in determining whether to grant a charter renewal.” Therefore, EDCOE closely considers increases in pupil academic achievement in determining whether or not to approve a renewal petition.

Pursuant to Education Code sections 47605 and 47607, 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; (inapplicable to renewal petitions such as the Petition)
4. The petition does not contain an affirmation of each of the 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;

Moreover, in enacting the Charter Schools Act (CSA), the Legislature sought to accomplish the following:

1. Improve pupil learning;
2. Increase learning opportunities for all pupils, with special emphasis on expanded learning experiences for pupils who are identified as academically low achieving;
3. Encourage the use of different and innovative teaching methods;
4. Create new professional opportunities for teachers, including the opportunity to be responsible for the learning program at the schoolsite;
5. Provide parents and pupils with expanded choices in the types of educational opportunities that are available within the public school system;
6. Hold the schools established under this part accountable for meeting measurable pupil outcomes, and provide the schools with a method to change from rule-based to performance-based accountability systems; and
7. Provide vigorous competition within the public school system to stimulate continual improvements in all public schools.

(Educ. Code § 47601).

With these standards in mind, an independent review of the Petition has been completed by staff and EDCOE's legal counsel. Based upon this review and using SBE's guidelines, it is the Administration's recommendation that the Board approve the Petition, as the Petition appears to

satisfy the legal requirements and the CSA's legislative intent. The following findings from the Administration's review of the Petition may be adopted by the Board in part or in their entirety.

II. Approval of the Petition is Consistent With the Legislature's Intent in Enacting the Charter Schools Act.

Approving this Petition is consistent with the CSA's legislative intent. 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, JAA's continued operation will create increased competition with existing public schools and stimulate improvements throughout the system. Therefore, the Administration finds that approval of the Petition is consistent with the CSA's legislative intent.

III. The Petition Provides Clear And Convincing Evidence Regarding Student Academic Achievement For All Groups Of Pupils Served By JAA.

"The authority that granted the charter shall consider increases in pupil academic achievement for all groups of pupils served by the charter school as the *most important factor* in determining whether to grant a charter renewal." (Educ. Code § 47607; Emphasis added.) Specifically, a charter school is required to show, with documented, clear and convincing evidence, that the school has satisfied one of the specified academic metrics provided by Section 47607. Since the Academic Performance Index is no longer applicable, JAA may satisfy this requirement by providing alternative measures that show increases in pupil academic achievement for all groups of pupils schoolwide and among numerically significant pupil groups. (Educ. Code § 52052.)

In reviewing JAA's academic performance, it should be noted that 2019 is the first year that JAA is reported on the California School Dashboard (Dashboard). Specifically, the Dashboard provides data regarding "how local educational agencies are performing on the state and local indicators included in California's school accountability system." The Dashboard rates schools by applying one of five color-coded performance levels on the state indicators, with "green" as the second highest achievable performance level. JAA's 2019 Dashboard indicates that the school is 24.3

points “above standard” in English Language Arts and no student groups are below the “green” level. In Mathematics, no student group is below the “green” level for 2019. EDCOE will continue to monitor JAA’s academic progress.

JAA’s California Assessment of Student Progress and Performance (CAASPP) scores from 2017-2018 and 2018-2019, when compared from one grade span to the next, generally show positive growth. The following table illustrates the percentage of students achieving level 3 (“standard met”) and level 4 (“standard exceeded”) in the areas of English Language Arts and Mathematics.

English Language Arts				
2017 Grade	2018 Grade	2017 % At Level 3 & 4	2018 % At Level 3 & 4	Difference
3	4	46.43	47.17	+0.76
4	5	74.07	76.92	+2.85
5	6	83.33	78.00	-5.33
6	7	84.00	76.00	-8.00
7	8	64.29	73.91	+9.62

Mathematics				
2017 Grade	2018 Grade	2017 % At Level 3 & 4	2018 % At Level 3 & 4	Difference
3	4	35.71	66.04	+30.33
4	5	48.15	54.90	+6.75
5	6	66.66	58.00	-8.66
6	7	64.00	54.00	-10.00
7	8	57.14	41.30	-15.84

Additionally, JAA’s CAASPP’s results compare favorably to El Dorado County and the state in English Language Arts and Mathematics.

English Language Arts

Achievement Level	John Adams Academy - El Dorado Hills	El Dorado	State of California
Mean Scale Score	N/A	N/A	N/A
 Standard Exceeded: Level 4 ⁽ⁱ⁾	25.16 %	26.77 %	22.23 %
 Standard Met: Level 3 ⁽ⁱ⁾	42.26 %	33.96 %	28.64 %
 Standard Nearly Met: Level 2 ⁽ⁱ⁾	18.71 %	21.04 %	22.40 %
 Standard Not Met: Level 1 ⁽ⁱ⁾	13.87 %	18.22 %	26.73 %

Mathematics

Achievement Level	John Adams Academy - El Dorado Hills	El Dorado	State of California
Mean Scale Score	N/A	N/A	N/A
 Standard Exceeded: Level 4 ⁽ⁱ⁾	21.36 %	23.84 %	19.69 %
 Standard Met: Level 3 ⁽ⁱ⁾	27.83 %	26.35 %	20.04 %
 Standard Nearly Met: Level 2 ⁽ⁱ⁾	30.42 %	25.87 %	25.41 %
 Standard Not Met: Level 1 ⁽ⁱ⁾	20.39 %	23.94 %	34.86 %

In addition to the state accountability measures, JAA has provided i-Ready Adaptive Assessment Diagnostic data (i-Ready) to show increases in pupil academic achievement for all groups of pupils schoolwide and among numerically significant pupil groups. According to i-Ready’s developers, i-Ready:

is an adaptive assessment designed to provide teachers with actionable insight into student needs. The Diagnostic offers a complete picture of student performance and growth, eliminating the need for multiple, redundant tests. Diagnostic results also set a personalized learning path for each student, ensuring they’re working on instruction that matches their unique learning needs.

A numerically significant pupil group is one that consists of at least 30 pupils. (Educ. Code § 52052.) It should be noted that according to the California Department of Education’s (CDE) Data Quest service, as of 2018-2019, approximately 8.5% of JAA students identify as Asian, while approximately 8.9% identify as Hispanic or Latino. Moreover, according to JAA’s Dashboard data, approximately 13.7% of JAA students have been identified as socioeconomically

disadvantaged and 1.8% are English Language Learners. As illustrated below, according to JAA's 2017-2018 and 2018-2019 i-Ready data, JAA students, including numerically significant pupil groups, have increased their academic achievement.

2017-2018 i-Ready for ELA and Mathematics
<ul style="list-style-type: none">• The percentage of students schoolwide scoring in the “On Level” or “Above Level” categories in Math increased from 41.58% on Test 1 to 68.81% on Final Test.• The percentage of socioeconomically disadvantaged students scoring in the “On Level” or “Above Level” categories in Math increased from 33.33% on Test 1 to 66.67% on Final Test.• The percentage of students with disabilities scoring in the “On Level” or “Above Level” categories in Math increased from 12.50% on Test 1 to 31.25% on Final Test.• The percentage of Asian students scoring in the “On Level” or “Above Level” categories in Math increased from 53.57% on Test 1 to 67.86% on Final Test.• The percentage of Hispanic or Latino students scoring in the “On Level” or “Above Level” categories in Math increased from 36.00% on Test 1 to 52.00% on Final Test.• The percentage of students schoolwide scoring in the “On Level” or “Above Level” categories in Reading increased from 55.39% on Test 1 to 75.49% on Final Test.• The percentage of socioeconomically disadvantaged students scoring in the “On Level” or “Above Level” categories in Reading increased from 56.67% on Test 1 to 63.33% on Final Test.• The percentage of students with disabilities scoring in the “On Level” or “Above Level” categories in Reading showed no change from 27.78% on Test 1 to 27.78% on Final Test.• The percentage of Asian students scoring in the “On Level” or “Above Level” categories in Reading increased from 64.29% on Test 1 to 78.57% on Final Test.• The percentage of Hispanic or Latino students scoring in the “On Level” or “Above Level” categories in Reading increased from 51.85% on Test 1 to 66.67% on Final Test.

2018-2019 i-Ready data for ELA and Mathematics

- The percentage of students schoolwide scoring in the “On Level” or “Above Level” categories in Math increased from 36.53% on Test 1 to 73.29% on Final Test.
- The percentage of socioeconomically disadvantaged students scoring in the “On Level” or “Above Level” categories in Math increased from 30.00% on Test 1 to 70.00% on Final Test.
- The percentage of students with disabilities scoring in the “On Level” or “Above Level” categories in Math increased from 22.86% on Test 1 to 42.86% on Final Test.
- The percentage of Asian students scoring in the “On Level” or “Above Level” categories in Math increased from 52.73% on Test 1 to 81.82% on Final Test.
- The percentage of Hispanic or Latino students scoring in the “On Level” or “Above Level” categories in Math increased from 33.33% on Test 1 to 69.44% on Final Test.
- The percentage of students schoolwide scoring in the “On Level” or “Above Level” categories in Reading increased from 50.80% on Test 1 to 78.82% on Final Test.
- The percentage of socioeconomically disadvantaged students scoring in the “On Level” or “Above Level” categories in Reading increased from 44.29% on Test 1 to 75.71% on Final Test.
- The percentage of students with disabilities scoring in the “On Level” or “Above Level” categories in Reading increased from 22.86% on Test 1 to 34.29% on Final Test.
- The percentage of Asian students scoring in the “On Level” or “Above Level” categories in Reading increased from 54.55% on Test 1 to 81.82% on Final Test.
- The percentage of Hispanic or Latino students scoring in the “On Level” or “Above Level” categories in Reading increased from 51.35% on Test 1 to 81.08% on Final Test.

2017-2018 to 2018-2019 Comparison

- The percentage of students schoolwide scoring in the “On Level” or “Above Level” categories in Math increased from 68.81% on Final Test to 73.29% on Final Test.
- The percentage of socioeconomically disadvantaged students scoring in the “On Level” or “Above Level” categories in Math increased from 66.67% on Final Test to 70.00% on Final Test.
- The percentage of students with disabilities scoring in the “On Level” or “Above Level” categories in Math increased from 31.25% on Final Test to 42.86% on Final Test.
- The percentage of Asian students scoring in the “On Level” or “Above Level” categories in Math increased from 67.86% on Final Test to 81.82% on Final Test.
- The percentage of Hispanic or Latino students scoring in the “On Level” or “Above Level” categories in Math increased from 52.00% on Final Test to 69.44% on Final Test.
- The percentage of students schoolwide scoring in the “On Level” or “Above Level” categories in Reading increased from 75.49% on Final Test to 78.82% on Final Test.
- The percentage of socioeconomically disadvantaged students scoring in the “On Level” or “Above Level” categories in Reading increased from 63.33% on Final Test to 75.71% on Final Test.
- The percentage of students with disabilities scoring in the “On Level” or “Above Level” categories in Reading increased from 27.78% on Final Test to 34.29% on Final Test.
- The percentage of Asian students scoring in the “On Level” or “Above Level” categories in Reading increased from 78.57% on Final Test to 81.82% on Final Test.
- The percentage of Hispanic or Latino students scoring in the “On Level” or “Above Level” categories in Reading increased from 66.67% on Final Test to 81.08% on Final Test.

Therefore, the Administration recommends approval of the Petition based on JAA's documented, clear, and convincing evidence of providing alternative measures detailing increases in pupil academic achievement for all groups of pupils schoolwide and among numerically significant pupil groups as required by Section 47607.

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

According to Education Code section 47605(b) and 5 CCR section 11967.5.1(a), a charter petition shall be "consistent with sound educational practice" if it is likely to provide an educational benefit to pupils who attend.

On its face, the Petition appears to describe a program that is likely to provide an educational benefit to pupils with a reasonably described educational program. JAA has demonstrated sound educational practice based on its successful operation since its initial authorization. Under Education Code section 47605(b) and 5 CCR section 11967.5.1(b), a charter petition shall be considered unsound if any of the following apply:

1. A program that involves activities EDCOE determines will present the likelihood of physical, educational, or psychological harm to the affected students;
2. A program EDCOE determines will not likely be of educational benefit to the pupils who attend; or
3. If the renewal petition has not met the standards for renewal pursuant to Education Code section 47607(b), as applicable, or the charter school has not met the measurable pupil outcomes as described in its charter.

There is no evidence that, during the course of JAA's operations, Petitioners operate any program that would present the likelihood of physical, educational, or psychological harm to their students. Moreover, there is no evidence available to suggest that the Petition is not likely to be of an educational benefit to the pupils who attend. Finally, as previously described herein, the Petition

has met the standards for renewal pursuant to Education Code section 47607(b) and there is no evidence that JAA has not met the measurable pupil outcomes described in its charter. Based on this, the Administration finds that approving the Petition is consistent with sound educational practice.

V. 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 section 47605(d). The Petition appears to affirm each of the conditions contained in Education Code section 47605(d).

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

Under Education Code section 47605(b)(5), the Board may deny a petition if it fails to contain reasonably comprehensive descriptions of any of fifteen different elements. JAA's educational program and financial plans were reviewed by the Administration and found to be reasonably comprehensive. A charter petition is therefore required to contain "reasonably comprehensive" descriptions of certain statutorily required elements, including:

1. The school's 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;
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 EDCOE employees who leave to work for the charter school;
14. Dispute resolution; and
15. School closure procedures.

The Administration finds that the Petition contains reasonably comprehensive descriptions of all fifteen elements, as follows:

1. Description of Educational Program;

JAA intends on serving TK-12 grades in both classroom and non-classroom based instructional programs. Specifically, the Petition proposes to serve all grade levels by the 2023-2024 school year. The Petition provides that JAA's target student population includes those students with an interest in the following:

- A. A classical leadership education designed to develop servant leaders as a valuable alternative to the traditional methods of teaching state standards.
- B. Extensive use of mentors who can assist scholars, particularly struggling scholars, to succeed.
- C. Commitment to excellent instruction and scholars who are genuinely dedicated to their own education.

The Petition further provides the following goals for its educational model:

- A. To develop thinkers, entrepreneurs and statesmen with the character, competence and capacity to do the right thing and do it excellently in every field of endeavor.
- B. To nourish freedom and instruct others in the principles of liberty and how to maintain it by teaching scholars "how" to think. Those who only know what to think or when to think cannot maintain freedom or lead others on the path of progress without further leadership skills.
- C. To produce individuals that internalize the skills, methods and structure of a John Adams Academy – El Dorado Hills classical leadership education who go forth to

heal society, preserve freedom and ensure peace and prosperity for humanity through noble service using their unique talents in causes greater than self.

D. To produce self-motivated, competent and lifelong learners.

JAA implements an educational program based on a “Classical Education” model. For the elementary grade level program, the Petition provides that this curriculum has been specifically adapted to meet the developmental needs of young learners, as it introduces scholars to key concepts to be explored in great depth as they prepare for critical thought processes necessary to successfully navigate the rigor of the curriculum in the middle and high school years.

In the middle school grades, JAA scholars focus their attention to cause and effect, to the relationships among different fields of knowledge, to the way facts fit together into a logical framework. During these years, the student begins the study of algebra and applies mathematical reasoning to real-life situations. Scholars study the rules of logic and begin to apply logic to all academic subjects. An example of middle school curriculum utilized by JAA is a combination of primary texts for Social Studies, NGSS Science Standards, Well Ordered Language (Grammar/Reading Comprehension), Writing and Rhetoric (Writing/Reading Comprehension), Singapore Math, Novel Studies, Classical Academic Press and Memorial Press Logic programs, and Jenney’s Latin.

High school scholars continue to learn from classics and primary documents to both glean wisdom and learn the art of rhetoric from masters that have gone before. High school scholars are encouraged to explore and pursue their “special” excellence, some unique talent or passion they can develop and use skillfully to serve their community.

The JAA curricula is supplemented with instructional materials and state standards aligned textbooks to ensure that every scholar enrolled learns the Common Core State Standards required at each respective grade level. The Petition provides that JAA will regularly assess the curriculum used and make any necessary changes based upon scholar and program need. Therefore, the Petition provides a reasonably comprehensive description of JAA’s educational program.

2. Pupil Outcomes;

3. Method for Measuring Pupil Progress;

Measurable pupil outcomes, as required by Section 47605(b)(5)(B) at a minimum 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. 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.

The Petition identifies comprehensive goals, outcomes, and the assessments that will be used to measure each by focusing on state priorities and goals required by the LCAP. Based on this, the Administration finds that there is insufficient evidence to deny the Petition based on a finding that the Petition does not contain a reasonably comprehensive description of pupil outcomes and methods for measuring pupil progress.

4. Governance Structure;

The governance structure of JAA includes a process to ensure parental involvement, evidence of the JAA's incorporation as a non-profit public benefit corporation, and evidence that the organizational and technical designs of the governance structure reflect a seriousness of purpose necessary to ensure JAA will become a viable enterprise. The Administration finds that there is insufficient evidence to deny the Petition based on a finding that the Petition fails to include a reasonably comprehensive description of the governance structure.

5. Employee Qualifications;

The Petition provides comprehensive descriptions of various positions and their responsibilities and qualifications. The Administration finds that there is insufficient evidence to deny the Petition based on a finding that the Petition fails to include a reasonably comprehensive description of employee qualifications.

6. Health and Safety Procedures;

The Petition states each employee will submit to a background check as required. Employees must also submit proof of Tuberculosis testing. Admission requirements include proof of immunization. The Petition states students will be screened for vision, hearing, and scoliosis, as required. As such, the Administration finds that there is insufficient evidence to deny the Petition based on a finding that the Petition fails to include a reasonably comprehensive description of health and safety procedures.

7. Racial and Ethnic Balance;

Education Code section 47605(b)(5)(G) requires that a petition provide the means by which the school will achieve a racial and ethnic balance among its pupils that is reflective of the general population residing within the territorial jurisdiction of the school district to which the charter petition is submitted. When considering a charter petition, the SBE presumes that the petitioners have met the requirements of Section 47605(b)(5)(G) unless there is specific information to the contrary. (5 CCR § 11967.5.1(f)(7).) The Administration finds that there is insufficient evidence to deny the Petition based on a finding that the Petition fails to include a reasonably comprehensive description of the means by which JAA will achieve a reflective racial and ethnic balance.

8. Admission Requirements;

The Petition contains a reasonably comprehensive description of JAA's admission requirements. Therefore, the Administration finds that there is insufficient evidence to deny the Petition based on a finding that the Petition fails to include a reasonably comprehensive description of admission requirements.

9. Annual Independent Financial Audits;

Section 47605 (b)(5)(I) requires a description of the manner in which annual independent financial audits shall be conducted using generally accepted accounting principles, and the manner in which audit exceptions and deficiencies shall be resolved to the EDCOE's satisfaction. The Petition describes the manner in which annual independent financial audits will be conducted using generally accepted accounting principles and the manner in which exceptions and deficiencies

shall be resolved to EDCOE's satisfaction. The Administration finds that there is insufficient evidence to deny the Petition based on a finding that the Petition fails to include a reasonably comprehensive description of the manner in which annual independent financial audits shall be conducted, and the manner in which audit exceptions and deficiencies shall be resolved.

10. Suspension and Expulsion Procedures;

It appears that the Petition intends to align its suspension and expulsion procedures with the applicable Education Code provisions. However, Petitioners will be advised to review and amend such policies to ensure that students are subjected to supervised suspension pursuant Education Code section 48911.1, or expulsion as described in Education Code section 48915, only when other means of correction and any other applicable statutory requirements have been satisfied. It should be noted that charter schools are required to follow the Education Code when disciplining a student. The Administration finds that there is insufficient evidence to deny the Petition based on a finding that the Petition does not contain a reasonably comprehensive description of suspension and expulsion procedures.

11. STRS, PERS, and Social Security Coverage;

The Administration finds that there is insufficient evidence to deny the Petition based on a finding that the Petition does not contain a reasonably comprehensive description of the manner by which staff will be covered by STRS, PERS, or social security.

12. Public School Attendance Alternatives;

The Petition describes the public school attendance alternatives for JAA students, and states that parents and guardians will be informed that no student has a right to admission to a particular school of any local educational agency (LEA) as a result of enrolling at JAA, unless an LEA extends that right. As such, the Administration finds that there is insufficient evidence to deny the Petition based on a finding that the Petition does not contain a reasonably comprehensive description of public school attendance alternatives.

13. Post-Employment Rights of Employees;

The Administration finds that there is insufficient evidence to deny the Petition based on a finding that the Petition does not contain a reasonably comprehensive description of post-employment rights of employees.

14. Dispute Resolution Procedures;

Education Code section 47605(b)(5)(N) requires a description of the procedures to be followed by the charter school and the entity granting the charter to resolve disputes relating to the provisions of the charter. The Administration finds that there is insufficient evidence to deny the Petition based on a finding that the Petition does not contain a reasonably comprehensive description of dispute resolution procedures.

15. Closure Procedures;

The Petition outlines a description of procedures to be used if JAA closes, including a financial close-out, the disposition of assets and liabilities, and the transfer of records. The Administration finds that there is insufficient evidence to deny the Petition based on a finding that the Petition does not contain a reasonably comprehensive description of closure procedures.

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

Education Code section 47605(b)(1-5) states that the governing board of the authorizing agency may deny a petition if one or more of the following findings are made:

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 required number of signatures (inapplicable for

charter renewal petitions);

4. The petition does not contain an affirmation of each of the conditions described in subdivision (d); and/or
5. The petition does not contain reasonably comprehensive descriptions of all of the 15 elements; and
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.

The grounds for denial enumerated under Education Code section 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. It should be noted that signatures are not required for a renewal. (5 CCR § 11966.4.) Based on the information provided by JAA and the Administration's review, there is insufficient evidence to support a finding for denial based on any of the enumerated grounds in Education Code section 47605(b).

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

Per Education Code section 47605(b)(2) and 5 CCR section 11967.5.1(c), the Board shall consider if Petitioners have presented an unrealistic financial and operational plan for the proposed charter school, among other criteria, to determine whether Petitioners are “demonstrably unlikely to successfully implement the program.” According to 5 CCR section 11957.1(c), Petitioners are “demonstrably unlikely to successfully implement the program” when:

1. 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, 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.

There does not appear to be any evidence that JAA has a past history of involvement in charter schools that may be regarded as unsuccessful. Indeed, Petitioners appear to have operated JAA and other John Adams Academy locations successfully. Moreover, there does not appear to be any evidence to suggest Petitioners are unfamiliar with the content of the Petition or the legal requirements applicable to JAA. The Petition contains appropriate citations to legal references with applicable information. Moreover, during the public hearing, Petitioners provided additional information and answered questions regarding the Petition and JAA's programs.

Finally, after review by EDCOE's Business Services department, the Petition's financial and operational plan appears to be realistic. During its initial authorization, JAA has operated pursuant to written, approved board policies, procedures, and core values, complied with applicable state/federal regulations, and submitted timely, approved budget reports with supporting documents. JAA has operated pursuant to a long-range financial plan in which JAA has created reasonable budgets that it monitors and adjusts when appropriate. In order to follow this financial plan and meet state and regulatory requirements, JAA appears to maintain sufficient internal controls and procedures. JAA has complied with financial reporting requirements by providing EDCOE and CDE with required financial reports that appear to follow generally accepted accounting principles.

Based on this, the Administration finds that Petitioners are not demonstrably unlikely to successfully implement their program.

IX. JAA Appears to Have Satisfied the Requirements to Locate Inside the Latrobe School District Boundaries.

JAA was approved by EDCOE after JAA initially intended to locate within Buckeye Union School District (Buckeye) boundaries. However, JAA provided that it was unable to locate a single site or facility within Buckeye's boundaries capable of housing JAA's entire program. Therefore, pursuant to a material revision to its initial charter petition, JAA located within Latrobe School District (Latrobe) boundaries at 1102 Investment Boulevard, El Dorado Hills, CA 95762, after notifying Latrobe. This Board approved the material revision, finding that JAA satisfied the necessary legal requirements to locate in Latrobe on April 17, 2017. JAA has been operating at this location since the material revision's approval. To continue to operate outside of the district in which JAA initially sought petition approval, JAA must provide that:

1. JAA has attempted to locate a single site or facility to house the entire program, but a site or facility is unavailable in the area in which the school chooses to locate; and
2. Latrobe has been notified in advance of the charter petition approval, and the County Superintendent of Schools has been notified of the location of the charter school before it commences operations.

(Educ. Code §§ 47605(a)(5)(A); 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.

- 1. JAA has provided sufficient evidence to show it has attempted to locate a single site or facility to house its entire program within Buckeye's 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 October 23, 2019. (Attached as Attachment A). 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 appears to be credible and establishes that no properties are available which would permit JAA to locate at a single facility within Buckeye's boundaries.

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

It appears that Natalie Miller, Latrobe Superintendent, was notified of JAA's intention to locate within its boundaries prior to the Public Hearing and the subsequent decision regarding the Petition. (Attached as Attachment B). EDCOE will ensure that JAA provides any additional required notices.

Based on this, EDCOE finds that JAA appears to have satisfied the requirements to locate within Latrobe's boundaries.

VIII. Conclusion.

For the reasons stated above, the Administration recommends that the Board approve the Petition. This recommendation is based on the Administration's Petition review and analysis of materials submitted by the Petitioners.

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