

Resolution No. 23:18-19

**RESOLUTION OF THE GOVERNING BOARD
OF THE PERRIS UNION HIGH SCHOOL DISTRICT**

**Resolution to Deny the Petition for
Sky's the Limit Charter Academy**

WHEREAS, the approval of charter schools is governed by the Charter Schools Act of 1992, as subsequently amended, Education Code sections 47600 *et seq.* and its implementing Title 5 regulations;

WHEREAS, on February 15, 2019, the Perris Union High School District ("District") received the proposed petition ("Petition") for the Sky's the Limit Charter Academy ("Charter School")

WHEREAS, consistent with Education Code section 47605, subdivision (b), by mutual agreement of the District and Charter School, a public hearing was held on the Petition on March 20, 2019, at which time the Governing Board of the Perris Union High School District ("Governing Board") considered the level of support for the Petition by teachers employed by the District, other employees of the District, and parents/guardians;

WHEREAS, as mutually agreed upon by the District and Charter School, the Governing Board has convened on April 17, 2019 to consider whether to grant or deny the Petition;

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

1. The petition does not contain the number of signatures required by Education Code section 47605 subdivision (a);
2. The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition;
3. The charter school presents an unsound educational program for the students to be enrolled in the charter school;
4. The petition does not contain an affirmation of each of the conditions described in Education Code section 47605 subdivision (d);
5. The petition does not contain reasonably comprehensive descriptions of all elements required in Education Code section 47605 subdivision (b)(5); 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 for

purposes of Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code.

WHEREAS, the District's administration, with the assistance of legal counsel, has reviewed and analyzed the Petition and supporting documents for legal sufficiency and has identified numerous deficiencies in and concerns related to the Petition, and recommends that the Governing Board adopt the Findings of Fact, attached hereto as Exhibit "A" and incorporated herein by this reference, and deny the Petition for Charter School.

THEREFORE BE IT RESOLVED, that the Governing Board hereby adopts the Findings of Fact, attached hereto as Exhibit "A," and denies the Petition to establish Charter School.

PASSED AND ADOPTED by the Governing Board on April 17, 2019 at a duly noticed meeting by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

I, Dr. Randall Freeman, Clerk of the Perris Union High School District, HEREBY CERTIFY that the foregoing Resolution was duly introduced, passed and adopted by the Board at a meeting thereof held on April 17, 2019 by a vote of _____ to _____.

IN WITNESS THEREOF, I have hereto set my hand this ____ day of _____, 2019.

Clerk of the Governing Board

**EXHIBIT “A”
FINDINGS OF FACT**

1. The Charter Petition presents an unsound educational program for the students to be enrolled in the Charter School. (Educ. Code §47605(b)(1).)

- a. The petition states that the Charter School will collaborate with community partners to successfully integrate entrepreneurship, business learning, rhetoric and fine arts into a rigorous academic program that serves a diverse student body with a virtual curriculum for the 21st Century learner. However, the Petition does not adequately demonstrate that the instructional program will be rigorous enough to prepare students to be college and career ready. There is no specific detail regarding the design of the content courses, how they are aligned to the California Standards, what curriculum and instructional materials will be used, or what specific activities or assignments students will complete to demonstrate competency in each subject area.
- b. The description of the Charter School’s plan for educating special student populations, including students who are academically low achieving and students who are academically high achieving, are severely lacking in detail. For example, the Petition fails to address the strategies and materials that the Charter School would use to identify students who are not achieving at grade level. The Petition also fails to include details regarding specific assessments, educational curriculum, or instructional materials that the Charter School would use to support such students and to measure the progress of such students on a periodic basis.
- c. The Petition fails to sufficiently demonstrate the Charter School’s understanding of its obligations under the Individuals with Disabilities Education Improvement Act of 2004 (“IDEA”), related State law, and their corresponding implementing regulations. Other than to state that the Charter School will meet requirements, the Petition does not specifically outline how the unique services many students with disabilities require will be provided by the Charter School. The Petition also lacks a meaningful explanation regarding the continuum of services the Charter School will provide to students with disabilities and, in particular, to students with moderate to severe disabilities.
- d. The Petition includes inconsistent statements regarding the Charter School’s target student population and proposed curriculum. Whereas some statements indicate that the Charter School will educate students in grade levels TK through 12, many other statements in the Petition indicate that the Charter School will only serve students in grade levels 6 through 12 or will only serve high school students. For example, the Petition states that the Charter School “will focus primarily on rigorous academic courses and a strong transitional foundation in grades six through twelve,” however, the Petition also states that “[e]nrollment is open to all high school students who qualify based upon age and residency restrictions with equal opportunity.” Given these inconsistent statements and the lack of specific detail in the Petition regarding the design of the content courses and curriculum and instructional materials to be used, the Petition lacks sufficient

information to allow the District to meaningfully evaluate whether the Charter School is properly equipped to educate students in grade levels TK through 12.

2. Petitioners are demonstrably unlikely to successfully implement the program set forth in the Petition. (Educ. Code §47605(b)(2).)

- a. The Petition does not include any description of the facility where the Charter School proposes to operate its program. Because there is insufficient information regarding the type and location of facilities that the Charter School will utilize, the District cannot meaningfully evaluate whether the facility would have the necessary classroom space, administrative space, physical education space to implement its program and accommodate its projected student enrollment.
- b. The Petitioners have failed to submit a financial plan that describes the Charter School's proposed first-year operational budget, start up costs, cash flow, or financial projections for the first three years of operation, as required by law. As such, the District is unable to meaningfully evaluate whether the Charter School's financial plan is fiscally sound or how the Charter School will ensure that it has sufficient funding and cash flow to support its operations for the duration of the proposed charter term.

3. The Petition does not contain reasonably comprehensive descriptions of the elements required in Education Code section 47605(b)(5).

- a. **The Petition does not contain a reasonably comprehensive description of the educational program.**
 - i. Petitioners fail to include a detailed explanation regarding the Charter School's program. For example, the Petition indicates that the Charter School is a blended program with both a brick and mortar school location and an online school program. However, it does not indicate the total amount of time that students would spend in class as opposed to completing independent study. Further, with respect to the online learning component of the educational program, the Petition fails to indicate how much time students are expected to be engaged in coursework at home, how often are students expected to meet with small groups and/or a teacher, what support is provided to students who do not have a parent available to support them, or how much teacher support is provided.
 - ii. The Petition fails to include any discussion regarding how the Charter School intends to ensure that a continuum of placement options are available to students with disabilities and how the Charter School will comply with ensuring students with disabilities are educated in the least restrictive environment.

- iii. The Petition fails to include a statement as to how the Charter School will inform parents about the transferability of courses to other public high schools or the eligibility of courses to meet college entrance requirements.
- iv. The Charter School's plan for English Learner students inadequately addresses the needs of that population of students. Specifically, the Petition fails to address how the proposed educational program will be tailored to meet the needs of EL students. It does not include any description of the content of the Charter School's ELD curriculum, specific instructional time allocated for ELD, or the specific kinds of support that will be available to EL students. The Petition does not delineate how EL students will receive the mandated language acquisition instruction and supports in a virtual learning program, or how such instruction is embedded within online course work.

b. The Petition does not contain a reasonably comprehensive description of the measurable student outcomes identified by the Charter School.

- i. The Petition fails to specify the skills, knowledge, and attitudes that reflect the Charter School's educational objectives and could be assessed by objective means that are frequent and sufficiently detailed enough to determine whether students are making satisfactory progress.
- ii. The Petition does not include sufficient detail for the District to meaningfully evaluate whether the Charter School's measurable student outcomes align to the eight state priorities described in Education Code section 52060 for the grade levels to be served by the Charter School.

c. The Petition does not contain a reasonably comprehensive description of the health and safety procedures to be implemented by the Charter School.

- i. The Petition fails to specify that the Charter School will require immunization of students as a condition of attendance to the same extent as would apply if the students attended a non-charter public school.
- ii. The Petition does not include assurances that the Charter School will provide for the screening of students' vision and hearing and the screening of students for scoliosis to the same extent as would be required if the students attended a non-charter public school.
- iii. The Petition fails to provide an assurance that a charter school safety plan, which includes the safety topics listed in Education Code section 32282(a)(2)(A)-(H) and procedures for conducting

tactical responses to criminal incidents, will be developed and kept on file for review, that staff will be trained annually on the safety procedures outlined in the plan, or that the school safety plan will be reviewed and updated by March 1 of every year by the Charter School.

- iv. The Petition does not provide assurance of the adoption of a policy on pupil suicide prevention that has or will be developed in consultation with school and community stakeholders, school-employed mental health professionals, and suicide prevention experts to address, at a minimum, suicide prevention, intervention and postvention.

d. **The Petition does not contain a reasonably comprehensive description of the Charter School's admissions requirements.**

- i. Although the Petition states that the Charter School will determine student enrollment based on a public random drawing if the number of students who wish to attend the Charter School exceeds the school's capacity, the Petition fails to include the following information:
 - a) The method the Charter School will use to communicate to all interested parties the rules to be followed during the lottery process.
 - b) The method the Charter School will use to verify lottery procedures are fairly executed.
 - c) The timelines under which the open enrollment period and lottery will occur.
 - d) The location where the lottery will occur and the efforts the Charter School will undertake to ensure all interested parties may observe the lottery.
 - e) The means by which the Charter School will contact the parents/guardians of students who have been promoted off the waiting list and timelines under which parents/guardians must respond in order to secure admission.
 - f) The records the Charter School shall keep on file documenting the fair execution of lottery procedures.

e. **The Petition does not contain a reasonably comprehensive description of the dispute resolution procedures of the Charter School.**

- i. While the Petition specifies that the Charter School will follow the requirements of the Uniform Complaint Procedure process as required by applicable law for resolving complaints from students and parents, the Petition fails to identify the procedures to be followed by the Charter School and the District to resolve disputes relating to the provisions of the charter.
- f. **The Petition does not contain a reasonably comprehensive description of the Charter School's closure procedures.**
 - i. The Petition fails to include an assurance that the Charter School will complete an independent financial audit within six months of closure.
 - ii. The Petition does not include procedures for the disposition of any net assets remaining after all liabilities have been paid or otherwise addressed, or the procedures for the completion and filing of any annual reports required by law.
 - iii. The Petition fails to include information regarding the Charter School's source of funding for closure-related activities.