

**Resolution No. 20:17-18**

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

**Resolution to Deny the Petition for  
Building Tomorrow[']s Leaders 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 December 14, 2017, the Perris Union High School District ("District") received the proposed petition ("Petition") for the Building Tomorrow[']s Leaders Charter Academy ("Charter School");

WHEREAS, consistent with Education Code section 47605, subdivision (b), a public hearing was held on the Petition on January 17, 2018, 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, the Governing Board has convened on February 21, 2018 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); or
5. The petition does not contain reasonably comprehensive descriptions of all elements required in Education Code section 47605 subdivision (b)(5).

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 February 21, 2018 at a duly noticed meeting by the following vote:

Ayes: \_\_\_\_\_, Noes: \_\_\_\_\_, Abstain: \_\_\_\_\_, Absent: \_\_\_\_\_

Dr. Jose Luis Araux	_____
Edward Garcia, Jr.	_____
David Nelissen	_____
Anthony T. Stafford, Sr.	_____
Carolyn Twyman	_____

I, David G. Nelissen, 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 February 21, 2018 by a vote of \_\_\_\_\_ to \_\_\_\_\_.

IN WITNESS THEREOF, I have hereto set my hand this \_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Clerk of the Governing Board

**EXHIBIT “A”  
FINDINGS OF FACT**

- I. 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 Charter School’s plan for English Learners is cursory and inadequately addresses the needs of that population of students. It does not include any description of the content of the Charter School’s ELD curriculum, or specific instructional time allocated for ELD. Additionally, the Petition references outdated student assessments, which calls into question the Petitioners’ ability to successfully conduct required assessments for ELD students, provide such students with necessary supports, and provide a program that is likely to be of educational benefit to students who attend.
- B.** The Petition states that the Charter School intends to offer a challenging learning environment in STEAM and leadership, which maximizes individual potential and ensures students are well-rounded to meet the challenges of business, entrepreneurship, and Career Technical Education with a competitive edge of globalization. Although the Petition states that the Charter School will offer visual and performance art electives that will be scheduled and offered on a revolving basis, the Petition also states, “unfortunately, [the Charter School’s] relatively small staff limits the number of courses offered each semester. This may require a student to enroll in a local community college to study more specific subjects that [the Charter School] [is] unable to offer.” This appears to indicate that the Charter School will be unable to offer the necessary instructional support and curriculum required to implement its mission of ensuring a challenging learning environment focused on Career Technical Education and to ensure that its educational program is likely to be of educational benefit to students who attend.
- C.** The Charter School’s plan for identifying and responding to the needs of students who are not achieving at or above expected level is cursory and inadequate. This is particularly concerning in light of the target population that the Charter School intends to serve, which includes students who are at-risk with regard to achieving high school graduation or the equivalent.
- II. The Charter Petition does not contain the number of signatures required by Education Code section 47605(a).**
- A.** The Petition does not include the signatures of teachers representing at least half the number of teachers expected to be needed in the first year of operation with a prominent statement that a signature on the petition means that the teacher is meaningfully interested in teaching at the Charter School.
- III. The Petitioners are demonstrably unlikely to successfully implement the program set forth in the Petition (Education Code section 47605(b)(2).)**

- A. The Charter School Lead Petitioner currently serves as the Executive Director of Rising Stars Business Academy, a non-profit Youth Leadership Development Program located in Moreno Valley, California, which pursues the mission of motivating, educating, and inspiring young adults to become leaders and entrepreneurs in their communities. During the public hearing regarding the Building Tomorrow[']s Leaders Charter Academy, the Lead Petitioner indicated that the Charter School intends to apply the educational model that is currently used by Rising Stars Business Academy as a foundation for the Building Tomorrow[']s Leaders Charter Academy. Given the level of commitment needed to manage and operate a charter school, the Lead Petitioner will likely be unable to devote sufficient time to the start-up of the Charter School. Further, it is unclear to what extent and how Petitioners intend to separate the operations of Rising Stars Business Academy from the operations of the Charter School.
- B. The Petition does not include a proposed location for the Charter School and/or an appropriate description of the Charter School's proposed facilities. Because there is insufficient information regarding the specific facilities that the Charter School will utilize, the District cannot meaningfully evaluate whether the Charter School will in fact have the necessary classroom space and administrative space to implement the Charter School's proposed program and accommodate its projected student enrollment.

**IV. The Charter 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 (Element A).**
  - 1. With regard to elective courses, although the petition lists examples of some courses that the charter school might offer, it also states, "sixty to ninety days prior to opening, [the Charter School] will select the electives along with their curriculum that will be available." Given that the Charter School has not provided a list of the Charter School's planned electives, the District is unable to meaningfully evaluate the appropriateness of the charter school's curriculum in light of the target population that the charter school intends to serve. Additionally, Petitioners have not demonstrated that determining the specific curriculum list that the Charter School will offer a mere 60 to 90 days prior to opening will provide the Charter School with sufficient time to obtain necessary instructional materials, hire properly credentialed teachers, and ensure that appropriate lesson plans would be in place prior to opening.
  - 2. The Charter School's plan for students who are academically high achieving is vague and lacks sufficient detail concerning the strategies and types of curriculum the charter school will use to support students who are achieving above grade levels.
  - 3. The Petition fails to include a reasonably comprehensive description of the Charter School's plan for educating students with disabilities. The Petition 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.

**A. The Petition does not include a reasonably comprehensive description of measurable student outcomes (Element B).**

1. The Petition does not include an adequate description of annual goals and outcomes for all students to be achieved in the state priorities or the specific annual actions to achieve those annual goals and outcomes. The student outcomes do not align with the state priorities listed in Education Code section 52060 that apply for the grade levels to be served by the Charter School or the nature of the program to be operated by the Charter School. Additionally, several of the proposed goals, measurable outcomes, and methods for measuring progress on goals listed in the Petition are overbroad, lack clarity, and/or are unmeasurable.
2. Petition lists outdated state assessments such as the STAR test, which indicates that the petitioners are not familiar with current state testing requirements and will not be adequately equipped to accurately track student academic achievement and success.
3. Although the petition identifies some schoolwide outcomes, the petition fails to outline specific goals and outcomes for all numerically significant pupil subgroups that the charter school intends to serve.

**B. The Petition does not contain a reasonably comprehensive description of the Charter School's governance structure (Element D).**

1. The District is unable to evaluate whether the Petition provides a reasonably comprehensive description of the governance structure of the proposed Charter School because the Petition fails to include key components including, but not limited to, the following:
  - (a) A copy of the Charter School's Articles of Incorporation and Corporate Bylaws.
  - (b) A copy of the Charter School's conflict of interest policy.
  - (c) The location of meetings of the Board of Directors.
2. The Petition references an advisory committee that will be composed partially of parent representatives. However, the petition does not include a sufficient level of detail regarding the specific feedback that the Charter School will solicit from the Advisory Committee, or how the recommendations of the Advisory Committee will be considered, and, when appropriate, implemented by the Charter School.