

**RESOLUTION OF THE SAN LUIS OBISPO COUNTY BOARD OF EDUCATION
REGARDING APPEAL OF ALMOND ACRES CHARTER ACADEMY**

WHEREAS, by enacting the Charter Schools Act (Ed. Code §§ 47600, *et seq.*), the Legislature has declared its intent to provide opportunities to teachers, parents, pupils, and community members to establish and maintain schools that operate independently from the existing school district structure for the purposes specified therein; and

WHEREAS, the Legislature has declared its intent that charter schools are and should become an integral part of the California educational system and the establishment of charter schools should be encouraged, and that charter schools are part of and under the jurisdiction of the Public School System and the exclusive control of the officers of the public schools; and

WHEREAS, Assembly Bill 1505 (AB 1505) was signed into law by Governor Gavin Newsom on October 3, 2019, adding a number of new provisions to the petition review and evaluation criteria, most of which took effect on July 1, 2020; and

WHEREAS, although the Petitioner submitted its appeal to the County Board before July 1, 2020, the County Board will be taking action on the Petition, and the proposed term takes effect, after the effective date of the new law; and

WHEREAS, while the County Board’s findings are inclusive of the new legal requirements under AB 1505, in the event that the new requirements of AB 1505 are deemed not to apply to this Petition, those findings are severable, and the County Board’s findings under the pre-AB 1505 standards still stand; and

WHEREAS, AB 1505 amended Education Code §47605(c) to state that an authorizer “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 and with the interests of the community in which the school is proposing to locate. The governing board of the school district [or potential authorizer] shall consider the academic needs of the pupils the school proposes to serve”; and

WHEREAS, although charter schools are exempt from many of the laws governing school districts, in return for that flexibility, they are accountable for complying with the terms of their charters and applicable law; and

WHEREAS, Education Code §47605(c) charges school district governing boards and county boards of education with the responsibility of reviewing charter petitions to determine whether they meet the legal requirements for a successful charter petition; and

WHEREAS, a successful charter petition must contain reasonably comprehensive descriptions of the criteria set forth in Education Code § 47605(c)(5)(A)-(O), as well as the affirmations and other requirements set forth in Education Code §47605; and

WHEREAS, if a governing board denies a petition to form a charter school, it must make written findings to support any of the following under Education Code § 47605(c): “(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; (4) The petition does not contain an affirmation of each of the conditions described in subdivision [Education Code §§47605](e); (5) The petition does not contain reasonably comprehensive descriptions of all of the [criteria set forth in Education Code §§47605(c)(5)(A)-(O)]; 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 for purposes of [Government Code § 3540 (the Rodda Act, the State’s collective bargaining law for school employees.).];” in addition to the two new grounds added as set forth below; and

WHEREAS, AB 1505 added the following grounds for denial of a petition, effective July 1, 2020:

(7) “The charter school is demonstrably unlikely to serve the interests of the entire community in which the school is proposing to locate. Analysis of this finding shall include consideration of the fiscal impact of the proposed charter school. A written factual finding under this paragraph shall detail specific facts and circumstances that analyze and consider the following factors: (A) The extent to which the proposed charter school would substantially undermine existing services, academic offerings, or programmatic offerings. (B) Whether the proposed charter school would duplicate a program currently offered within the school district and the existing program has sufficient capacity for the pupils proposed to be served within reasonable proximity to where the charter school intends to locate,” and

(8) “The school district is not positioned to absorb the fiscal impact of the proposed charter school. A school district satisfies this paragraph if it has a qualified interim certification pursuant to Section 42131 and the county superintendent of schools, in consultation with the County Office Fiscal Crisis and Management Assistance Team, certifies that approving the charter school would result in the school district having a negative interim certification pursuant to Section 42131, has a negative interim certification pursuant to Section 42131, or is under state receivership. Charter schools proposed in a school district satisfying one of these conditions shall be subject to a rebuttable presumption of denial.”

WHEREAS, Almond Acres Charter Academy (“AACAA” or “Charter School”) has been operating since the 2012-2013 school year as a charter school authorized by the San Miguel Joint Union School District under a recently-renewed charter with a term ending June 30, 2022; and

WHEREAS, on April 28, 2020 the petition for the authorization of the Almond Acres Charter Academy Charter School was before the Paso Robles Unified School District Governing Board. The Board took no action; and

WHEREAS, Almond Acres Charter Academy submitted its appeal at the County Board’s June 18, 2020 meeting; and

WHEREAS, in compliance with Education Code §47605(c), the County Board held a public hearing on August 6, 2020 to determine the level of support for the Petition, with strong support for the school and educational program expressed by parents, employees students, and community members at the public hearing; and

WHEREAS, the County Board, under Education Code §47605(b), is obligated to take action to grant or deny the Petition within 90 days of its submission; and

NOW, THEREFORE, BE IT FURTHER RESOLVED AND ORDERED by the San Luis Obispo County Board of Education that the appeal of the Almond Acres Charter Academy is hereby denied on the following grounds (all findings below support all grounds listed for the County Board’s decision):

1. Petitioners are Demonstrably Unlikely to Successfully Implement the Program Set Forth in the Petition (Education Code § 47605(c)(2)).
2. The Petition Fails to Contain a Reasonably Comprehensive Description of all 15 Required Elements set forth in Education Code § 47605(c). (Education Code § 47605(c)(5)(A)-(O).)

The County Board’s decision is based on all of the factual findings contained in the attached “San Luis Obispo County Office of Education Charter School Petition Appeal Review Matrix,” a copy of which is attached hereto and incorporated by reference, and all of which are adopted in support of the County Board’s decision. Following is a summary of the primary findings.

1. The Petition Lacks a Reasonably Comprehensive Description of All Required Petition Elements

“In determining whether the descriptions in the petition are “reasonably comprehensive,” an authorizer considers whether they contain information that:

- 1) is substantive and is not a listing of topics with little elaboration;
- 2) for elements that have multiple aspects, addresses all aspects of each element, not just selected aspects;
- 3) is specific to the charter petition being proposed, not to charter schools or charter petitions generally; and
- 4) describes how the charter school will:
 - a) improve student learning;
 - b) increase learning opportunities for its students, particularly students who have been identified as academically low achieving;
 - c) encourage the use of different or innovative teaching methods;
 - d) create new professional opportunities for teachers;
 - e) provide parents, guardians, and students with expanded educational opportunities;

- f) hold itself accountable for measurable, performance-based student outcomes; and
- g) provide vigorous competition with other public school options available to parents, guardians, and students.” (5 C.C.R. § 11967.5.1(g).)

A. Educational Program: The Petition’s description of its educational program is not reasonably comprehensive for the following reasons:

1. School Size: The Petition states that the Charter School creates a “small and personalized environment.” (Petition, p. 14.) The Petition projects that the Charter School’s A.D.A. will grow from its current level (approximately 250) to 290 in 21-22 (subsequently revised to 378 A.D.A. on appeal), up to 500 in the year 2026 (Petition, p. 13). However, the Charter School’s budget (Tab F.5) projects that the Charter School would reach 500 students by the 2023-2024 school year. While the design of the educational program and instructional philosophy is based upon a small school model, the Charter School intends to grow 172% (to 500 students) by the third year of the proposed charter term. The Charter School describes its growth trajectory to be “slow and deliberate” (Petition, p. 13) though the growth plan upon which its budget is based would require increases in enrollment in the range of 53-131 students per year. By then, the instructional design will have been outdated due to the size of the school.
2. Targeted Student Population: The Petition also states that “[t]he Charter intends to maintain the current geographic composition of approximately 65% of the students coming from PRJUSD.” (Petition, p. 13.) The Petition lacks a reasonably comprehensive description of how it would maintain this geographic threshold, given that Education Code § 47605(e)(2)(B) requires that “[p]reference shall be extended to pupils currently attending the charter school and pupils who reside in the school district except as provided for in Section 47614.5.” Nothing in the Charter School’s admissions preferences (see, Element H, below) appears geared towards increasing the proportion of students residing outside of the PRUSD boundaries.

The Charter School proposes to move from a community (San Miguel) with approximately 79% Socioeconomically Disadvantaged students, to Paso Robles, with approximately 51% Socioeconomically Disadvantaged students. (The Charter School itself enrolls approximately 30.7% Socioeconomically Disadvantaged students.) The Petition lacks a reasonably comprehensive description of how its educational program and instructional strategies are tailored and differentiated for the significant subgroups in its current and anticipated pupil population, especially Socioeconomically Disadvantaged students. While the Petition briefly addresses the education of Socioeconomically Disadvantaged students on p. 46, the description of the instructional approaches are general in nature,

and lack any specific research or outcome-based instructional strategies targeted towards its projected demographic and that is commensurate with the strategies provided for the other parts of the educational program.

3. Special Education: The Petition’s description of how it would provide special education services (Petition, pp. 44-50) does not provide a reasonably comprehensive description of the Charter School’s legal obligations for students on the full continuum of services. Very little treatment is provided to the service of students on the moderate to severe end of the spectrum.
4. Annual Goals: Aside from English Learners, the Charter School only provides goals for its general student population, and not for its pupil subgroups (i.e., Socioeconomically Disadvantaged students.) (See, e.g., LCAP, p. 60.) Meeting the requirement of setting differentiated goals for subgroups is crucial for the Charter School, who, under the California Dashboard, shows red for all subgroups, as well as gaps between subgroups and all students (i.e., suspension rates for White students 9.5%, Hispanic/Latino 11.9%, Socioeconomically Disadvantaged students 11.5%, Students with Disabilities 20%).

B. Measurable Pupil Outcomes:

1. Neither the Petition nor the LCAP include outcomes that address increases in pupil academic achievement both school wide, and for all numerically significant student subgroups to be served by the charter school, as is required by Education Code § 47605(c)(5)(B).
2. The County Office of Education also assessed the academic performance of the Charter School’s students on the CAASPP over time. With limited exception, over a 2-3 year period, the Charter School saw little growth, and several declines, in academic performance in English/Language Arts and Mathematics in terms of the percentage of students scoring Standard/Exceeded or Standard Met:

	(2016-17)	(2017-18)	(2018-19)
5 th Grade E/LA	58.06 %	38.46 %	36.37 %
5 th Grade Mathematics	51.61 %	34.62 %	27.27 %
7 th Grade E/LA	44.44 %	18.75 %	N/A
7 th Grade Mathematics	27.78 %	12.50 %	N/A
8 th Grade Mathematics	43.48 %	43.75 %	30.76 %

The one area in which growth was observed was English/Language Arts in the 8th Grade:

	(2016-17)	(2017-18)	(2018-19)
8 th Grade EL/A	47.83 %	56.25 %	69.23 %

3. The Charter School’s Dashboards for the past three school years are generally reflective of the above trends. (*See* Review Matrix, Exhibit C.)

C. Governance

1. The AACA Board of Directors’ Conflict of Interest Code has not been updated, pursuant to Education Code § 47604.1(b), to align with the financial interests provisions of Government Code section 1090. (Petition, p. 60, Appendix I, Article 10, Sections 1, 2.)
2. The Petition and Board of Directors Bylaws contain inconsistent information on the size of the Board. The Petition states that the Board will consist of 5-7 members; the Bylaws 5-9 (Petition, p. 58, Appendix I, Article 6, Section. 1.)

D. Employee Qualifications:

1. The Petition states that “[c]ore subject teachers will hold appropriate California teaching certificates, permits, or other documents issued by the Commission on Teacher Credentialing.” (Petition, p. 68.) Education Code § 47605(l) was modified, effective July 1, 2020, to require all charter school teachers to possess a credential. Education Code § 47605.4 was added to require all teachers employed during the 2019-2020 school year to obtain their credential by July 1, 2025. The Petition does not reflect this change in the law.

E. Racial and Ethnic Balance, Socioeconomically Disadvantaged Students, English Learners, Special Education Students:

1. The Petition states that “AACA is committed to maintaining a racially and economically diverse student population reflective of the general population of the territorial jurisdiction of the District.” (Petition, p. 72.) However, the Charter School enrolls less than half the percentage of Hispanic/Latino students as both the San Miguel and Paso Robles districts:

Name	Total	African American	American Indian or Alaska Native	Asian	Filipino	Hispanic or Latino	Pacific Islander	White	Two or More Races	Not Reported
Almond Acres Charter Academy	241	0.4%	0.8%	0.0%	0.0%	24.9%	0.0%	68.9%	5.0%	0.0%
San Miguel Joint Union	869	0.3%	0.6%	0.3%	0.1%	54.9%	0.1%	40.9%	2.6%	0.1%
Paso Robles Joint Unified School District	6,869	1.2%	0.3%	0.7%	0.3%	55.3%	0.1%	38.9%	2.3%	0.9%

Name	Total	African American	American Indian or Alaska Native	Asian	Filipino	Hispanic or Latino	Pacific Islander	White	Two or More Races	Not Reported
San Luis Obispo County	34,387	0.8%	0.4%	1.6%	1.0%	41.1%	0.2%	50.1%	4.2%	0.6%
Statewide	6,163,001	5.3%	0.5%	9.3%	2.4%	54.9%	0.4%	22.4%	3.9%	0.9%

- In two of the three subgroups (English Learners and Socioeconomically Disadvantaged Students) defined by statute, the Charter School lags significantly behind both its current authorizer, San Miguel, and its putative authorizer for the purposes of this demographic comparison, Paso Robles. While the Charter School enrolls a slightly higher percentage of special education students, the two districts enroll anywhere from 3-5 times the percentage of English Learners, and 1.6-2.6 times the number of Socioeconomically Disadvantaged students:

Subgroup	Almond Acres Charter Academy	San Miguel Union School District	Paso Robles Joint Unified School District
English Learners	15 (6.2%)	243 (38.7%)	1,261 (18.3%)
Foster Youth	1	1	41
Homeless Youth	3	136	196
Migrant Education	0	60	208
Students with Disabilities	33 (13.7%)	74 (11.8%)	843 (12.3%)
Socioeconomically Disadvantaged	74 (30.7%)	493 (78.5%)	3,494 (50.9%)
All Students	241	628	6,869

- The Petition lacks a reasonably comprehensive description of the “means by which the charter school will achieve a balance” in the required subgroups. The Charter School does not even mention the disparities or identify any specific recruiting strategies aligned to the unrepresented populations, but only gives a brief description of general recruiting strategies without reference to the specific demographic of the community in which they propose to locate.
- As noted in the recitals to this Resolution, in the event that it is deemed that the provisions of AB 1505 do not apply to this Petition, the findings in this subsection E with respect to Socioeconomically Disadvantaged Students, English Learners, and Special Education Students (all of which

were added by AB 1505) can be severed, and the remaining findings made by the County Office shall constitute the findings of the County Board.

F. Admissions Requirements

1. The Petition states that “[t]he Charter intends to maintain the current geographic composition of approximately 65% of the students coming from PRJUSD.” (Petition, p. 13.) The Petition lacks a reasonably comprehensive description of how it would maintain this geographic threshold, given that Education Code § 47605(e)(2)(B) requires that “[p]reference shall be extended to pupils currently attending the charter school and pupils who reside in the school district except as provided for in Section 47614.5.” Nothing in the Charter School’s admissions preferences appears geared towards increasing the proportion of students residing outside of the PRJUSD boundaries, so it is not clear how the Charter School would maintain the “current geographic threshold.”
2. The Petition also lacks the required assurances showing how the “[p]references shall not result in limiting enrollment access for pupils with disabilities, academically low-achieving pupils, English learners, neglected or delinquent pupils, homeless pupils, or pupils who are economically disadvantaged, as determined by eligibility for any free or reduced-price meal program, foster youth, or pupils based on nationality, race, ethnicity, or sexual orientation.” (Education Code § 47605(e)(2)(B)(iii).) The Charter School enrolls a significantly lower proportion of Hispanic/Latino students, English Language Learners, and Socioeconomically Disadvantaged Students than the San Miguel District. (See, Element G, above.) However, the preferences for siblings of current students, and children and grandchildren of founders, would tend to reinforce the composition of the current student population, not diversify it.
3. The admissions preferences stated in the Petition (Petition, p. 73), as well as the current charter,¹ are different from those stated in the Family Handbook (p. 30).² The Family Handbook gives preference to “[s]tudents for whom special consideration is required to comply with” various federal civil rights laws, and students seeking to change schools under the “provisions of ESEA Title I.” Since these preferences are not in the Petition, there is no evidence that they with the provision that “[e]ach type of preference shall be approved by the chartering authority at a public hearing.” (Education Code Education Code § 47605(e)(2)(B)(i).)
4. The Family Handbook also contains a different admissions timeline than the current Charter and the Petition. The Family Handbook states that the

¹ <https://www.almondacres.com/wp-content/uploads/2018/12/Charter-Renewal-Final-12.15.16-BB-1-1.pdf>, p. 99.

² https://www.almondacres.com/wp-content/uploads/2019/12/AACA_Family_Handbook_19_20.pdf

enrollment period begins on January 15 and ends on March 15. The current Charter (p. 98) and Petition (Petition, p. 74) state that it begins on February 1 and ends on March 30.

G. Audit Procedure:

The Petition relies upon stock provisions to describe its audit process. (Petition, p. 74-75.) The description of how audit exceptions are handled is ambiguous since it involves the undefined "Audit Committee," in conjunction with the Executive Director, reviewing any exceptions and reporting to the Board. The membership of the Audit Committee is not defined in this section of the Petition, or as a subcommittee of the Board of Directors under the Governance section, so the role of the Business Officer Director is not specified. It is very unusual to have an audit process that does not involve the Business Officer in a lead role.

H. Student Discipline:

1. There are material and significant differences between the "Suspension and Expulsion Procedures" set forth in the Petition (which is substantially identical to that in the current Charter) and the procedures set forth in the Health and Safety Plan (Petition, Appendix G), which is also posted on the Charter School's website.³
 - aa. The Health and Safety Plan has definitions of "Suspension" and "Expulsion" that do not appear in the Petition. The Health and Safety plan states that "[e]xpulsion means removal of a student from the immediate supervision and control, or the general supervision of school personnel" (Petition, Appendix G, p. 12), which is inconsistent with well-established usage and interpretation of that term, and creates dissonance with how due process rights would be applied to Education Code's § 47605 (c)(5)(J)(ii)'s requirements for "involuntary removal" of a student.
 - bb. The Health and Safety Plan contains "Grounds for Suspension or Expulsion" (Petition, Appendix G, pp. 12-14) that only contain a subset of the grounds listed under Element X of the Petition. The Health and Safety Plan also differentiates between "discretionary" and "non-discretionary" grounds of expulsion and suspension inconsistently with how those grounds are treated in the Petition. The Health and Safety Plan contains "mandatory" grounds for expulsion that are inconsistent with the "Non-Discretionary Expellable Offenses" listed on p. 79 of the Petition.
 - cc. The procedure for "Removal from Class by a Teacher/Parental Attendance" in the Health and Safety Plan (Petition, Appendix G,

³ https://www.almondacres.com/wp-content/uploads/2020/01/School_Safety_Plan_19_20.pdf.

p. 14) does not appear in the Petition, and does not precisely align with the suspension procedure in the Petition. (Petition, p. 83). Moreover, the “Informal Conference” procedures in the Health and Safety Plan contain inconsistencies with the “Suspension Procedure” in the Petition. (Id.)

- dd. The expulsion procedures in the Health and Safety Plan (Petition, Appendix G, p. 17) contain material differences from the “Expulsion Procedure” set forth in the Petition (Petition, p. 84), including who may expel, the mandatory/non-discretionary grounds for expulsion, the rights of complaining witnesses for hearings involving sexual assault/battery, and the written notice to expel. As for the right to appeal, the Petition and Health and Safety Plan contain contradictory provisions:

Petition: “The pupil shall have no right of appeal from expulsion from AACA as the Almond Acres Charter Academy Board’s decision to expel shall be final.” (Petition, p. 87)

Health and Safety Plan: “The student or parent/guardian is entitled to file an appeal of the Board’s decision to the County Board of Education. The appeal must be filed within 30 days of the Board’s decision to expel, even if the expulsion action is suspended and the student is placed on probation.” (Petition, Appendix G, p. 24.)

- ee. The “Almond Acres Charter Academy Discipline Matrix,” posted on the Charter School’s website,⁴ provides a third inconsistent source of authority for student discipline, and its Family Handbook⁵, which, on p. 26, provides another version of the list of grounds for suspension.
- ff. The need for consistent disciplinary grounds and procedures is crucial for the Charter School, which has scored red for suspension for Students with Disabilities, Hispanic/Latino, White and Socioeconomically Disadvantaged students on the Dashboard for 2019.⁶

- 2. The Health and Safety Plan also lists on p. 13 disruption of school activities and willful defiance as grounds for suspension and expulsion. Education Code § 48901.1, added to the Education Code through SB 419

⁴ https://www.almondacres.com/wp-content/uploads/2018/12/AACA_Discipline_Matrix.pdf

⁵ https://www.almondacres.com/wp-content/uploads/2019/12/AACA_Family_Handbook_19_20.pdf

⁶ <https://www.caschooldashboard.org/reports/40688250125807/2019/conditions-and-climate#suspension-rate>

(which was chaptered on September 9, 2019), prohibits charter schools from suspending students in grades K-8, or expelling students in grades K-12, for disruption or willful defiance.

2. The Petitioners Are Demonstrably Unlikely to Successfully Implement the Program Set Forth in the Petition.

A. Facilities

1. The Charter School provides inconsistent information with respect to its intended facility for the proposed charter school. The Petition, under the “Facilities” section (Petition, p. 96), cites Education Code section 47614 (“Proposition 39”), which could obligate the Paso Robles Joint Unified School District to provide the Charter School facilities if the Charter School met that statute’s eligibility requirements.

2. The Petition goes on to state that:

In accordance with Education Code Section 47605.1(d), if AACA has attempted to locate a single site or facility to house its entire program within PRUSD’s boundaries, but such a facility or site is unavailable or is financially infeasible in the area in which AACA chooses to locate, therefore making AACA unable to locate within the geographic boundaries of PRUSD, AACA may establish one site in Paso Robles Joint Unified School District with the formal approval from PRUSD. (Petition, p. 96.)

The above paragraph makes no sense, and appears to be a misstated attempt to comply with the former Education Code § 47605(a)(5), which has been revised and superseded by AB 1507 to eliminate the exception that the above paragraph appears to be attempting to invoke.

3. It has been reported that the Charter School has closed escrow on a proposed new site at 1145 Niblick Road in Paso Robles. (“Almond Acres Charter Academy Closes Escrow on New School Site,” Paso Robles Daily News, September 9, 2019.)⁷ It is not clear why the Charter School does not disclose, or discuss, this potential new facility in the “Facilities” section of its Petition.

4. There are other incongruities related to the Charter School’s proposed new facility. The “School Traffic Plan” attached to the Petition (Petition, Appendix G, p. 214-217) pertains to the Charter School’s current site at 1601 L Street San Miguel, CA 93451, and would have no application to a

⁷ <https://pasoroblesdailynews.com/almond-acres-charter-academy-closes-escrow-on-new-school-site/98084/>.

Charter School located within the boundaries of the Paso Robles Joint Unified School District.

5. The Charter School’s long-term facilities planning does not appear to be sound or well thought out. AB 1507 modified Education Code section 47605(a)(5) to require charter schools to be located within the boundaries of their authorizers. While the Charter School has reportedly closed escrow on its proposed new site in Paso Robles, it is not clear what the Charter School’s course of action would be if it did not obtain approval of this Petition from either the Paso Robles Joint Unified High School District, the San Luis Obispo County Board of Education, or the State Board of Education on appeal, because the Charter School would not be allowed to locate within the Paso Robles Joint Unified High School District while authorized by the San Miguel Joint Union School District. The Charter School has committed to long-term financing of a \$15.5 million facilities bond for 25 years (Petition, Tab B) before receiving verification that it could legally operate a charter school at the proposed site.

B. Fiscal/Budget

1. The Charter School does not provide any budgetary information to support its claim that that it “continues to celebrate healthy financial reserves.” (Petition, p. 8.)
2. A FAR 300 report run by the County Office shows a \$144,000 discrepancy between the Charter School’s claimed ending fund balance at the end of the 2019-2020 Fiscal Year, and its listed beginning fund balance for Fiscal Year 2020-2021. (Matrix, Exhibit E.) The FAR 300 report also shows that the Charter School maintains \$66,755 in a PayPal account, and \$102,559 with an unspecified "Fiscal Agent." (See, Matrix, Exhibit D.) The maintenance of funds outside of the generally recognized revenue funds constitutes an unsound fiscal practice.
3. The Charter School’s budget fails to follow generally accepted accounting principles.
 - aa. Education Code § 47605(h) requires the Petitioner to “provide financial statements that include a proposed first-year operational budget, including startup costs, and cashflow and financial projections for the first three years of operation.” The Charter School uses the incorrect method for projecting its cash flow. In its “Revised Budget” provided to the County Office on appeal, the Petitioner misuses the net change in fund balance to demonstrate cash flow. Under the Standardized Account Code Structure (SACS) accounting system, cash flow breaks the fiscal year down

into 12 monthly units and shows the entity's cash position on a monthly basis.

- bb. The Charter School appears to equate "operating income" to its ending fund balance, and also as an illustration of its "cash flow." The three concepts are distinct and different.
- cc. The Charter School also incorrectly calculates its reserve. The reserve is calculated on total restricted and unrestricted expenditures. The reserve calculated on the petitioner's budget is 3% of expenses rather than as a percentage of total restricted/unrestricted expenditures. A school of the size of the Charter School should actually maintain a reserve of 5%.
- dd. According to the budget narrative, starting in Fiscal Year 2021-2022, the Charter School will begin debt service on the bond financing for its new facility at approximately \$1.3 million annually, for 25 years. (Petition, Tab F.5, p. 4.) Expenses under "Services and Other Operating" accordingly increase approximately \$1.2 million between 2020-2021 and 2021-2022. In terms of the percentage of expenses, the other categories of expenses that decline starting with Fiscal Year 2021-2022 are Classified Salaries and Employee Benefits. However, while the projected student enrollment doubles between 2020-2021 and 2023-2024, the expenses for employee benefits are not projected to increase proportionately, despite the fact that the number of employees will have to increase to accommodate the near doubling of the pupil population. This is inconsistent with the Charter School's contention that it will offer competitive compensation.
- ee. In the out years of the budget, the percentage of employee salaries of all expenses remains well below the industry standard of 85%. Without commonly provided backup data, such as certificated and classified FTE and class-size ratios, there is no way to confirm that employee benefits are sufficiently budgeted to offset the effect of financing the facilities bond.
- ff. In the revised budget, in Fiscal Years 2021-2022, 2022-2023 and 2023-2024, the Charter School anticipates that 10.16% of its revenues will consist of "Other Local Revenue (ind. Donations & Fundraising)." However, these amounts far exceed the \$250 per family payment that the Charter School referenced in its "Response to District Staff Report and Findings," p. 2 of 27. ("ACA Response to District Findings, Tab D.) The budget narrative contains no information about what the source of this significant "soft" funding would be. The "average donation of

approximately \$250 a student” also is of concern as families may feel pressured to donate in violation of the prohibition against pupil fees.

- gg. The Charter School’s budget also contains errors and inaccuracies. For example, from Fiscal Year 2021-2022 to 2022-2023, the enrollment of students in Grades 7-8 inexplicably falls from 60 to 31. Because the Charter School did not provide year-to-year enrollment by Grade level, the movement of cohorts through grade levels cannot be determined, so this precipitous drop appears to be mathematically unviable.
- hh. In the authorizer's study of the Charter School's cash position, the authorizer found that AACA would be cash-negative starting November 2020. The Charter School's response was that it will have other funds outside of their LCFF apportionment and that it will receive a Payroll Protection Program (PPP) loan from the federal government that will improve their cash position.
- ii. The budgeted expenses for “Services & Other Operating Expenses” nearly triple from \$648,098 to \$1,770,673 for 2021-2022 to 2022-2023, without explanation.

C. Legal and Financial Errors and Inconsistencies:

Under the California Code of Regulations, an authorizer, when determining whether a petitioner is demonstrably likely to successfully implement the program set forth in the Petition, may inquire “[a]re the petitioners familiar with the content of the petition or the requirements of the law that apply to charter schools?” (5 C.C.R. § 11967.5.1(c)(2).) For the following reasons, the County Board cannot answer this question in the affirmative:

1. Student Demographics: The Charter School does not enroll a commensurate proportion of Hispanic/Latino or Socioeconomically Disadvantaged Students as its current authorizer, the San Miguel Joint Union School District, or its putative authorizer, the Paso Robles Joint Unified School District.
2. Pupil Performance and Discipline: The Charter School has seen little growth in pupil performance over the past 2-3 years in the CAASPP. The Charter School attained a red rating for 2019 for chronic absenteeism for students with disabilities; is under Target Assistance Monitoring by CDE for the 19-20 school year for its suspension rate of special education students; and has scored red for suspension for students with disabilities, Hispanic/Latino, White and Socioeconomically Disadvantaged students on the Dashboard for 2019.

3. Failure to Incorporate New Legal Developments:

The Petitioner has failed to account for the following new developments in the law:

Education Code § 47604.1(b)	Not fully aligning conflict of interest provisions in the Board Bylaws to incorporate compliance with Government Code 1090.
Education Code §§ 47605(1), 47605.4	All charter school teachers at the school in 2019-2020, not just those in core and college prep classes, need to be fully credentialed by July 1, 2025.
Education Code section 48901.1	The new law prohibits charter schools from suspending students in grades K-8, or expelling students in grades K-12, for disruption or willful defiance.
Education Code section 47605.1	Charter School cites the previous version of the law in the following passage: “In accordance with Education Code Section 47605.1(d), if AACA has attempted to locate a single site or facility to house its entire program within PRUSD’s boundaries, but such a facility or site is unavailable or is financially infeasible in the area in which AACA chooses to locate, therefore making AACA unable to locate within the geographic boundaries of PRUSD, AACA may establish one site in Paso Robles Joint Unified School District with the formal approval from PRUSD.” (Petition, p. 96.)
Education Code section 47606.2	The petition must address provision of homework assignments during suspension.

4. Contradictions in the Petition:

The Petition contains the following contradictions, either internal, or with other operational documents.

School Size	Reaching 500 students in Year 3 v. Year 5; Maintaining “slow and deliberate” growth and a “small and personalized environment” while doubling in size in 3-5 years. (Section 1(A)(1).)
PRJUSD Student Composition	Stating that “[t]he Charter intends to maintain the current geographic composition of approximately 65% of the students coming from PRJUSD” (Petition, p. 1) while maintaining admissions preferences that do not support that composition. (Section 1(A)(2).)
Size of Board of Directors	The Petition states that the Board will consist of 5-7 members; the Bylaws 5-9 (Petition, p. 58, Appendix I, Article 6, Section. 1; Section 1(C)(2).)
Admissions Procedure	Contradictory admissions preference and timelines between Petition and Family Handbook. The Family Handbook includes 2 grounds not included, or approved with, the Petition. The Family Handbook states that the enrollment period begins on January 15 and ends on March 15. The current Charter (p. 98) and Petition (Petition, p. 74) states that it

	begins on February 1 and ends on March 30.
Student Discipline	<p>The Petition and Family Handbook contain differing definitions of non-discretionary and discretionary grounds for discipline, suspension and expulsion hearing procedures, and rights to appeal. The Student Matrix adds a third source of conflicting information. The Petition and Family Handbook contain the following contradictions:</p> <p>Petition: “The pupil shall have no right of appeal from expulsion from AACA as the Almond Acres Charter Academy Board’s decision to expel shall be final.” (Petition, p. 87)</p> <p>Health and Safety Plan: “The student or parent/guardian is entitled to file an appeal of the Board’s decision to the County Board of Education. The appeal must be filed within 30 days of the Board’s decision to expel, even if the expulsion action is suspended and the student is placed on probation.” (Petition, Appendix G, p. 24.)</p>
Facilities	<p>The Charter School has closed escrow on a new site at 1145 Niblick Road in Paso Robles, though does not discuss it in the Petition. The “School Traffic Plan” attached to the Petition (Petition, Appendix G, p. 214-217) pertains to the Charter School’s current site at 1601 L Street San Miguel, CA 93451, and would have no application to the Charter School proposed in this Petition. Under Education Code section 47605(a)(5), the Charter School could not locate in the Paso Robles Joint Unified School District if this Petition is not approved; yet, it has committed itself to a \$15.5 million facilities bond for 25 years.</p>

3. The Proposed Charter School is Demonstrably Unlikely to Serve the Interests of the Entire Community.

Education Code § 47605(c)(7), added by AB 1505, provides a new grounds for denying a charter Petition.

The charter school is demonstrably unlikely to serve the interests of the entire community in which the school is proposing to locate. Analysis of this finding shall include consideration of the fiscal impact of the proposed charter school. A written factual finding under this paragraph shall detail specific facts and circumstances that analyze and consider the following factors:

(A) The extent to which the proposed charter school would substantially undermine existing services, academic offerings, or programmatic offerings.

(B) Whether the proposed charter school would duplicate a program currently offered within the school district and the existing program has sufficient capacity for the pupils proposed to be served within reasonable proximity to where the charter school intends to locate.

The Board makes the following findings under Education Code § 47605(c)(7):

1. The Charter School “is demonstrably unlikely to serve the interests of the entire community in which the school is proposing to locate” since it is unlikely to serve the Paso Robles Joint Unified School District’s demographic representation of Hispanic/Latino students, or Socioeconomically Disadvantaged students, based on the profile of its current Charter School. (*See* Charts in Section I(E), pp. 6-7, above.)
2. The Charter School proposes to locate within half a mile from an existing Paso Robles Joint Unified School District school, Winifred Pifer Elementary⁸. According to its School Accountability Report Card, Winifred Pifer Elementary School serves a student population consisting of 64% Hispanic/Latino students, and 66% Socioeconomically Disadvantaged students.⁹ The Petition proposes to give students living within the Winifred Pifer attendance area an enrollment preference.
3. The Charter School would essentially provide a duplicate educational program for Grades K-5 half a mile away from an existing public school serving a significant population of Socioeconomically Disadvantaged students. The Charter School has a history of enrolling a lower percentage of Socioeconomically Disadvantaged students than that served in the geographical area of its authorizer. Therefore, the Charter School would only serve to create further polarization and concentration of low-income students within the Paso Robles Joint Unified School District.
4. Assuming that the Charter School achieves an increase in 200 students from Winifred Pifer Elementary School, Virginia Peterson Elementary School, and Lewis Middle School (based on its proposed location), assuming a midpoint per-pupil LCFF funding rate of \$7,818, based upon the School Services Dartboard attached as Exhibit A, multiplied by 200 students, equates to a \$1,563,600 decline in revenue to the Paso Robles Joint Unified School District in the 2022-2023 school year. Based upon the Paso Robles District’s Multi-Year Projection from its latest 45-day revise (attached as Exhibit B), such a loss would deplete approximately 75% of the District’s projected ending fund balance for Fiscal Year 2022-2023, even not taking into account any lost revenue for Fiscal Year 2021-2022.
5. Such a loss in State revenue would likely force the Paso Robles Joint Unified School District to conduct employee layoffs, including teaching

⁸ <https://www.myschoollocation.com/pasoroblesjusd/>

⁹

<https://agendaonline.net/public/Meeting.aspx?AgencyID=221&MeetingID=76106&AgencyTypeID=1&IsArchived=False>

staff. Such layoffs would disrupt the educational services of a District serving a student population consisting of 50.9% Socioeconomically Disadvantaged students. Allowing a charter school serving 30.7% Socioeconomically Disadvantaged students to undermine and harm a public school with a 66% proportion of Socioeconomically Disadvantaged students would not meet the requirements of Education Code section 47605(c)(7) that the proposed Charter School serve the interests of the entire community.

- 6. According to the Paso Robles Joint Unified School District April 23, 2020 “Staff Report” evaluating the Almond Acres Charter Academy Petition, the District suffered a decline in A.D.A. for the 2019-2020 school year, projects further declines in 2021-2022 and 2022-2023, and has been deficit spending for the past three years. (PRJUSD Staff Report, p. 21.) Therefore, for the purposes of Education Code § 47605(c)(7)(B), District schools are not at full capacity, which would make the addition of the Charter School not only redundant, but harmful to the District’s most vulnerable students.

- 7. As noted in the recitals to this Resolution, in the event that it is deemed that the provisions of AB 1505 do not apply to this Petition, the findings in this Subsection 3 can be severed, and the remaining findings made by the County Office shall constitute the findings of the County Board.

NOW, THEREFORE, BE IT FURTHER RESOLVED AND ORDERED by the San Luis Obispo County Board of Education that the Board hereby adopts the following factual findings in support of its decision.

PASSED AND ADOPTED on September 3, 2020, by San Luis Obispo County Board of Education by the following vote:

- AYES:
- NOES:
- ABSTENTIONS:
- ABSENCES:

I declare under penalty of perjury that the foregoing resolution was duly passed and adopted on the date and by the vote stated.

Secretary of the SAN LUIS OBISPO COUNTY BOARD OF EDUCATION

EXHIBIT A



SSC School District and Charter School Financial Projection Dartboard Adopted State Budget for 2020–21

This version of the School Services of California Inc. (SSC) Financial Projection Dartboard is based on the 2020–21 Adopted State Budget. We have updated the cost-of-living adjustment (COLA), Consumer Price Index (CPI), and ten-year T-bill planning factors per the latest economic forecasts. We have also updated the Local Control Funding Formula (LCFF) factors. We rely on various state agencies and outside sources in developing these factors, but we assume responsibility for them with the understanding that they are general guidelines.

LCFF PLANNING FACTORS					
Factor	2019–20	2020–21	2021–22	2022–23	2023–24
Statutory COLA and DOF Latest Estimates	3.26%	2.31%	2.48%	3.26%	N/A
Funded COLA	3.26%	0.00%	N/A	N/A	N/A
SSC Estimated Statutory COLA	3.26%	2.31%	0.60%	0.70%	1.60%
SSC Recommended Planning COLA ^{1,2}	3.26%	0.00%	0.00%	0.00%	0.00%

*Department of Finance (DOF)

LCFF GRADE SPAN FACTORS FOR 2020–21				
Entitlement Factors Per ADA*	K–3	4–6	7–8	9–12
2019–20 Base Grants	\$7,702	\$7,818	\$8,050	\$9,329
Statutory COLA at 2.31%	\$178	\$181	\$186	\$215
2020–21 Base Grants Before Deficit Factor	\$7,880	\$7,999	\$8,236	\$9,544
Deficit Factor Impact	(\$178)	(\$181)	(\$186)	(\$215)
2020–21 Base Grants After Deficit Factor	\$7,702	\$7,818	\$8,050	\$9,329
Grade Span Adjustment Factors	10.4%	–	–	2.6%
Grade Span Adjustment Amounts	\$801	–	–	\$243
2020–21 Adjusted Base Grants ³	\$8,503	\$7,818	\$8,050	\$9,572

*Average daily attendance (ADA)

OTHER PLANNING FACTORS						
Factors		2019–20	2020–21	2021–22	2022–23	2023–24
California CPI		2.34%	0.98%	1.59%	1.87%	2.33%
California Lottery	Unrestricted per ADA	\$149	\$150	\$150	\$150	\$150
	Restricted per ADA	\$48	\$49	\$49	\$49	\$49
Mandate Block Grant (District)	Grades K–8 per ADA	\$32.18	\$32.18	\$32.18	\$32.18	\$32.18
	Grades 9–12 per ADA	\$61.94	\$61.94	\$61.94	\$61.94	\$61.94
Mandate Block Grant (Charter)	Grades K–8 per ADA	\$16.86	\$16.86	\$16.86	\$16.86	\$16.86
	Grades 9–12 per ADA	\$46.87	\$46.87	\$46.87	\$46.87	\$46.87
Interest Rate for Ten-Year Treasuries		1.25%	0.89%	1.24%	1.70%	2.10%
CalSTRS Employer Rate ⁴		17.10%	16.15%	16.00%	18.10%	18.10%
CalPERS Employer Rate ⁴		19.721%	20.70%	22.84%	25.50%	26.20%

STATE MINIMUM RESERVE REQUIREMENTS	
Reserve Requirement	District ADA Range
The greater of 5% or \$69,000 ⁵	0 to 300
The greater of 4% or \$69,000 ⁵	301 to 1,000
3%	1,001 to 30,000
2%	30,001 to 400,000
1%	400,001 and higher

¹Recommended planning COLA is based on the projection that the Proposition 98 guarantee is not expected to recover to 2019–20 levels during the forecast period, and more than \$11 billion in budget deferrals are in place beginning 2020–21.

²The unfunded SSC estimated statutory COLA projections result in a compounded deficit factor of 5.30%, and an aggregate loss of funding of 13.52%, through the 2023–24 fiscal year.

³Additional funding is provided for students who are designated as eligible for free or reduced price meals, foster youth, and English language learners. A 20% augmentation is provided for each eligible student with an additional 50% for each eligible student beyond the 55% identification rate threshold.

⁴California State Teachers' Retirement System (CalSTRS) and California Public Employees' Retirement System (CalPERS) rates in 2020–21 and 2021–22 are bought down by a \$2.3 billion payment from state of California. Rates in the following years are subject to change based on determination by the respective governing boards.

⁵Rate adjusts upward to \$71,000 beginning in 2020–21.

EXHIBIT B



PASO ROBLES JOINT UNIFIED SCHOOL DISTRICT

MYP

		Projected Year Totals 20-21	Percent Change	21-22 Projection	Percent Change	22-23 Projection
A. Revenues and Other Financing Sources						
1. LCFF/Taxes	8010-8099	\$ 65,361,719.00	-0.05%	\$ 65,331,326.00	-1.93%	\$ 64,068,428.00
2. Federal Revenues	8100-8299	3,596,281.00	0.00%	3,596,281.00	0.00%	3,596,281.00
3. Other State Revenues	8300-8599	6,926,217.00	-3.69%	6,670,686.00	0.00%	6,670,686.00
4. Other Local Revenues	8600-8799	3,138,678.00	0.00%	3,138,678.00	0.00%	3,138,677.76
5. Other Financing Sources						
a. Transfers In	8900-8929	-		-		-
b. Other Sources	8930-8979	-		-		-
c. Contributions	8980-8999	-		-		-
6. Total Sums (1-4c)		\$ 79,022,895.00		\$ 78,736,971.00		\$ 77,474,072.76
B. Expenditures and Other Financing Uses						
1. Certificated Salaries						
a. Base Salaries		\$ 30,761,513.00		\$ 30,761,513.00		\$ 31,470,076.00
b. Step and Column Adj				820,835.00		849,414.00
c. Other Adj				(112,272.00)		(112,272.00)
Total Certificated	1000-1999	30,761,513.00	2.30%	31,470,076.00	2.34%	32,207,218.00
2. Classified Salaries						
a. Base Salaries		12,648,222.61		12,648,222.61		13,203,132.90
b. Step and Column Adj				587,673.90		617,057.00
c. Other Adj				(32,763.61)		(32,763.61)
Total Classified Salaries	2000-2999	12,648,222.61	4.39%	13,203,132.90	4.43%	13,787,426.29
3. Employee Benefits	3000-3999	21,720,410.07	3.91%	22,569,874.88	6.08%	23,943,225.17
<i>Other Adjustment</i>						
4. Books and Supplies	4000-4999	3,606,058.06	-0.78%	3,577,943.17	0%	3,577,943.17
5. Services and Other Oper	5000-5999	7,521,666.26	0.00%	7,521,666.26	0.00%	7,521,666.26
6. Capital Outlay	6000-6999	195,703.00	0.00%	195,703.00	0.00%	195,703.00
7. Other Outgo	7100-7299	675,000.00	0.00%	675,000.00	0.00%	675,000.00
8. Other Outgo Indirect	7300-7399	(9,091.00)	0.00%	(9,091.11)	0.00%	(9,091.11)
9. Other Financing Uses						
a. Transfers Out	7600-7629	131,370.00	0.00%	131,370.00	-91.24%	11,513.49
b. Other Uses	7630-7699	-		-		-
10. Other Adjustments						
11. Total Sum (1-10)		\$ 77,250,852.00		\$ 79,335,675.10		\$ 81,910,604.27
Net Increase (Decrease) In Fund Balance (A6-B11)		\$ 1,772,043.00		\$ (598,704.10)		\$ (4,436,531.51)
D. Fund Balance						
1. Net Beginning Fund Balance		\$ 4,843,724.73		\$ 6,615,767.73		\$ 6,017,063.63
2. Ending Fund Balance (Sum Lines C and D1)		\$ 6,615,767.73		\$ 6,017,063.63		\$ 1,580,532.12
3. Components of Ending Fund Balance (Form 011)						
a. Nonspendable	9710-9719	5,000.00		5,000.00		5,000.00
b. Restricted	9740	-		-		-
c. Committed						
1. Stabilization Arrangements	9750	-		-		-
2. Other Commiments	9760	-		-		-
d. Assigned						
e. Unassigned/Unappropriated						
1. Reserve for Economic Uncertainties	9789	6,610,767.73		6,012,063.63		1,575,532.12
2. Unassigned/Unapproved	9790	-		-		-
f. Total Components of Ending Fund Balance (Line D3f must agree with line D2)		\$ 6,615,767.73		\$ 6,017,063.63		\$ 1,580,532.12
E. Available Reserves (Unrestricted Except as Noted)						
1. General Fund						
a. Stabilization Arrangements	9750	-		-		-
b. Reserve for Economic Uncertainties	9789	6,610,767.73		6,012,063.63		1,575,532.12
c. Unassigned/Unappropriated	9790	-		-		-
d. Negative Rstircted Ending Fund balance	9792	-		-		-
2. Special Reserve Fund - Noncapital Outlay (Fund 17)						
a. Stabilization Arrangements	9750	-		-		-
b. Reserve for Economic Uncertainties	9789	566,958.75		566,958.75		566,958.75
c. Unassigned/Unappropriated	9790	-		-		-
3. Total Available Reserves - By Amount (Sum Lines E1 thru E2c)		\$ 7,177,726.48		\$ 6,579,022.38		\$ 2,142,490.87
4. Total Reserves - By Percent (Lines E3 divided by line F3c)		9.29%		8.29%		2.62%
F. Recommended Reserves						
2. District ADA -Funded		6538.39		6376.79		6331.83
3. Calculating the Reserves						
a. Expenditures and Other Financing Uses		77,250,852.00		79,335,675.10		81,910,604.27
b. Plus: Special Education Pass-Through fund (Line F1b2, if Line F1a is No)		-		-		-
c. Total Expenditures and Other Financing Uses (Line F3a plus Line F3b)		77,250,852.00		79,335,675.10		81,910,604.27
d. Reserve Standard Percentage Level (Refer to Form 01, C&I 10 for calculation details)		3%		3%		3%
e. Reserve Standard by Percent (Line F3c times F3d)		2,317,525.56		2,380,070.25		2,457,318.13
f. Reserve Standard - by Amount		-		-		-
g. Reserve Standard (Greater of Line F3e or F3f)		2,317,525.56		2,380,070.25		2,457,318.13
h. Available Reserves (Line e3) Meet Reserve Standard (Line F3g)		Yes		Yes		No

SAN LUIS OBISPO COUNTY OFFICE OF EDUCATION CHARTER SCHOOL PETITION APPEAL REVIEW MATRIX	<input checked="" type="checkbox"/> Initial Petition <input type="checkbox"/> Renewal Petition
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Proposed Charter School	Petitioner Contact Information	Petition Review and Presentation Timelines (Office Use Only)				
Name of Proposed Charter School:	Name:	Robert Bourgault, Executive Director	Complete Petition Packet Received by SLOCOE	Board Receipt of Complete Petition Packet <small>(At Regular Board Meeting)</small>	Public Hearing <small>(60 days from Board receipt at regular board meeting)</small>	Decision by Board of Education <small>(90 days from receipt, may be extended 30 days if agreed by petitioner(s) and SLOCOE)</small>
Almond Acres Charter Academy	Phone:	(805) 296-5743				
Location(s) of Proposed Charter School:	Address:	1145 Niblick Road Paso Robles, CA 93446	Date: June 25, 2020	Date: June 25, 2020	Date Due: August 6, 2020	Date Due:
1145 Niblick Road Paso Robles, CA 93446	Email:	bbourgault@aacacademy.com			Date Held: August 6, 2020	<input checked="" type="checkbox"/> 30 day extension to: Date of Board Decision: Sept. 3, 2020

COMMENTS/NOTES: ALL PAGE NUMBER REFERENCES IN THE FIRST COLUMN HAVE BEEN PROVIDED BY THE PETITIONER.

Based upon the findings set forth in this Matrix and the accompanying Resolution, it is recommended that the San Luis Obispo County Board of Education deny the Petition and adopt the findings in the Matrix and Resolution in support of its decision.

I. PROCEDURAL REQUIREMENTS FOR A CHARTER PETITION				
Page #	REQUIRED PETITION SIGNATURES - Education Code 47605.6 (a)(1)(A) & (B)	Sufficient	Insufficient	N/A
	1. Parents/guardians, residing in San Luis Obispo County, representing at least 50% of the number of students charter school expect to enroll for its 1st year of operation, in the form required by law, and at least 30 days' notice of the petitioner's intent to operate a school has been provided to each of the school district(s) where the charter petitioner proposes to operate a facility. OR			N/A
Signature Page	2. 50% of the number of teachers charter school estimates will be employed at the school during its 1st year of operation, in the form required by law, and at least 30 days' notice of the petitioner's intent to operate a school has been provided to each of the school district(s) where the charter petitioner proposes to operate a facility.	✓		
Page #	REQUIRED AFFIRMATIONS (Education Code 47605(d)(1))	Sufficient	Insufficient	N/A
4-6	<p>The charter school:</p> <ul style="list-style-type: none"> • Shall be nonsectarian in its programs, admission policies, employment practices, and all other operations. • Shall not charge tuition. • Shall not discriminate against any student on the basis of disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or any other characteristic that is contained in the definition of hate crimes set forth in Section 422.55 of the Penal Code. • Shall admit all students who wish to attend. • If the number of students who wish to attend the charter school exceeds capacity, attendance shall be determined by a public random drawing. Preference shall be extended to students currently attending the charter school and students who reside in the District, except as provided for in Ed. Code § 47614.5. Other preferences may be permitted on an individual school basis and only if consistent with the law. • If a student is expelled or leaves the charter school without graduating or completing the school year for any reason, the charter school shall notify the superintendent of the school district of the student's last known address within 30 days, and shall, upon request, provide that school district with a copy of the cumulative record of the student, including a transcript of grades or report card, and health information. This paragraph applies only to students subject to compulsory full-time education pursuant to Ed. Code § 48200. 	✓		
	<p>Comments: <i>The Affirmations state that Charter School teachers shall be credentialed, though "[a]s allowed by statute, flexibility will be given to non-core, non college preparatory teachers." However, Education Code section 47605(l) was modified, effective July 1, 2020, to require all charter school teachers (not just core and college prep) to possess a credential. Education Code section 47605.4 was added to require all teachers employed during the 2019-2020 school year to obtain their credential by July 1, 2025. (See, Element E.)</i></p>			

II. FIFTEEN REQUIRED ELEMENTS OF A SUCCESSFUL CHARTER PETITION

A. EDUCATIONAL PROGRAM – (Education Code 47605(b)(5)(A))				
Page #	1. Indicates the proposed charter school’s Targeted School Population, including:	Sufficient	Insufficient	N/A
10-11	a. Grade levels, approximate number of students b. Specific educational interests, backgrounds, or challenges		✓	
10-11	c. Describe students whom the charter will attempt to educate; describe how the charter will improve learning for the targeted population		✓	
9	d. Clear and concise Mission Statement that defines the purposes and nature of the charter school	✓		
Page #	2. Attendance	Sufficient	Insufficient	N/A
15	a. Includes school year/day, academic calendar, number of school days and instructional minutes	✓		
	b. Includes attendance expectations and requirements	✓ ¹		
Page #	3. What it Means to be an Educated Person in the 21 st Century	Sufficient	Insufficient	N/A
11	a. Objective of enabling pupils to become self-motivated, competent, lifelong learners	✓		
11	b. Clear list of general academic skills and qualities important for an educated person	✓		
11	c. Clear list of general non-academic skills and qualities important for an educated person	✓		
Page #	4. Description of How Learning Best Occurs	Sufficient	Insufficient	N/A
11-13	a. Framework for instructional design aligned with needs of the students that the charter school has identified as its target student population and based upon successful practice and research		✓	
13-15	b. Description of instructional approaches and strategies 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 students to master the content standards for the core curriculum areas adopted by the State pursuant to EC 60605 and to achieve the objectives specified in the charter.	✓		
15	c. Description of basic learning environment or environments (e.g., site-based, independent study, etc.)	✓		
15-19	d. Discussion of how chosen instructional approach will enable students to achieve objectives specified in the charter and master academic content standards in core curriculum areas	✓		

¹ The Charter School’s attendance expectations are contained in its Parent Handbook.

Charter Petition Name: **Almond Acres Charter Academy**

16-29	e. Proposed program strongly aligned to school's mission.	✓		
16-29	f. Proposal includes, at a minimum, full curriculum for one course or grade level; Proposal also provides that a full curriculum will be submitted prior to the opening of school.	✓		
29-36; 43-45	g. Describes how charter school will identify and meet the needs of students not achieving at or above expected levels		✓	
29-36; 43	h. Describes how the charter school will identify and meet the needs of students who are academically high achieving		✓	
37-42	i. Describes how charter school will identify and meet the needs of English Learners		✓	
44-50	j. Describes how charter school will identify and meet the needs of students with disabilities (See Special Education section)		✓	
44	k. Describes how charter school will identify and meet the needs of other special student populations		✓	
37; 51- 53	l. Describes the: (1) annual goals for all pupils and for each subgroup of pupils identified pursuant to Section 52052, to be achieved in the state priorities, as described in EC 52060(d), that apply for the grade levels served, or the nature of the program operated, by the charter school, and (2) specific annual actions to achieve those goals. The charter petition may identify additional school priorities, the goals for the school priorities, and the specific annual actions to achieve those goals.		✓	
	<p>Comments:</p> <p><i>1(a) - The Petition contains inconsistencies about its projected enrollment growth. The Petition projects that the Charter School's A.D.A. will grow from its current level (approximately 250) to 290 in 21-22 (subsequently revised to 378 A.D.A. on appeal), up to 500 in the year 2026 (Petition, p. 13). However, The Charter School's budget (Tab F.5) projects that the Charter School would reach 500 A.D.A. by the 2023-2024 school year. The Charter School describes its growth trajectory to be "slow and deliberate" (Petition, p. 13) though the growth plan upon which its budget is based would require increases in enrollment in the range of 53-131 students per year.</i></p> <p><i>The Petition also states that "[t]he Charter intends to maintain the current geographic composition of approximately 65% of the students coming from PRJUSD." (Petition, p. 13.) The Petition lacks a reasonably comprehensive description of how it would maintain this geographic threshold, given that Education Code section 47605(e)(2)(B) requires that "[p]reference shall be extended to pupils currently attending the charter school and pupils who reside in the school district except as provided for in Section 47614.5." Nothing in the Charter School's admissions preferences (see, Element H, below) appears geared towards increasing the proportion of students residing outside of the PRUSD boundaries.</i></p> <p><i>1(c) – The Petition states that "it is the goal that the student body most accurately reflects the racial, ethnic and socioeconomic demographics of northern San Luis Obispo County." However, describing this demographic requirement as a "goal" both misstates and understates the Charter School's obligations. (See, Element G, below.)</i></p>			

<p><i>4(a) – The Petition states that the Charter School creates a “small and personalized environment.” (Petition, p. 14.) While the design of the educational program and instructional philosophy (which weighs more heavily towards theories and instructional planning approaches, and less towards research on effectiveness) is based upon a small school model, the Charter School intends to nearly double in size (to 500 students) by the third year of the proposed charter term. By then, the instructional design will have been outdated due to the size of the school.</i></p> <p><i>The Charter School proposes to move from a community (San Miguel) with approximately 79% Socioeconomically Disadvantaged students to Paso Robles, with approximately 51% Socioeconomically Disadvantaged students.</i></p> <p><i>(Source: Data Quest – San Miguel https://dq.cde.ca.gov/dataquest/dqcensus/EnrCharterSub.aspx?cds=4068825&agglevel=district&year=2019-20)</i></p> <p><i>(Source: Data Quest – Paso Robles https://dq.cde.ca.gov/dataquest/dqcensus/EnrCharterSub.aspx?cds=4075457&agglevel=district&year=2019-20)</i></p> <p><i>The Petition lacks a reasonably comprehensive description of how its educational program and instructional approach are tailored and differentiated for the significant subgroups in its current and anticipated pupil population, especially Socioeconomically Disadvantaged students. While the Petition briefly addresses the education of Socioeconomically Disadvantaged students on p. 46, the description of the instructional approaches are general in nature, and lack any specific researched or outcome-based instructional strategies targeted towards its projected demographic commensurate with that provided for the remainder of the educational program.</i></p> <p><i>4(g) – The strategies for educating low-achieving students constitute grouping models more than they do interventions, and also lack developed references to specific evidence-based interventions. (Petition, pp. 44-45.) County Office staff is also concerned with the practice of having parent volunteers work directly with students achieving grade level without any specific guidance on the nature of the support or intervention provided by the parent, or any research-based advantages of having intervention by persons other than a certificated educator.</i></p> <p><i>4h - Using high achieving students to teach other students (Petition, p. 44) is not supported by a research-based rationale that such a practice improves pupil achievement, and the Petition does not cite one.</i></p> <p><i>4(i) – The “Strategies for English Learner Instruction and Intervention” section states that the Charter School “will offer embedded English language instruction for all English Learners.” (Petition, p. 41.) However, the Charter School’s instructional approach is not aligned with the State’s ELA/ELD framework, which requires integrated and designated ELD support for students, as well as protected designated EL instruction.</i></p>			
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	<p><i>Source: CDE https://www.mydigitalchalkboard.org/cognoti/content/file/resources/documents/ac/ac1376ba/ac1376ba78a91e80241cb0e458caa57310d0763/elaeldfmwkfeb17.pdf, p. 31.)</i></p> <p><i>4(j) – The Petition’s description of how it would provide special education services (Petition, pp. 44-50) provides a general summary of the Charter School’s legal obligations in areas such as Search and Serve, Interim and Initial Placement, Referral for Assessment, Assessment, IEP process, Staffing, Reporting, Dispute Resolution, program delivery, and Section 504 obligations. However, the Petition does not provide a reasonably comprehensive description of the Charter School’s legal obligations for students on the full continuum of services. Very little treatment is provided to the service of students on the moderate to severe end of the spectrum.</i></p> <p><i>The Petition also makes three passing references to the Student Success Team (SST) process (Petition, pp. 32, 46, and 47) without providing any details on how that process is performed, who is involved, what criteria are used, and what outcomes are expected.</i></p> <p><i>The County Office of Education has also noted concerns regarding the Charter School’s implementation of special education services. The Charter School attained a red rating for 2019 for chronic absenteeism for students with disabilities. (https://www.caschooldashboard.org/reports/40688250125807/2019/academic-engagement#chronic-absenteeism), and is under Target Assistance Monitoring by CDE for the 19-20 school year for their suspension rate of special education students. Moreover, the Charter School has contracted with SLOCOE for psych, Occupational Therapist and Speech Language Pathologist services, and the personnel providing those services at the Charter School report that the Charter School regularly exceeded their caseload limits. The Charter School has also not complied with the certification requirements for school nurses.</i></p> <p><i>4(k) - See section 4(a), above, regarding the education of Socioeconomically Disadvantaged students.</i></p> <p><i>4(l) – The Charter School’s annual goals are contained in its LCAP. (https://www.almondacres.com/wp-content/uploads/2020/01/LCAP-June-2019.pdf.) Aside from English Learners, the Charter School only provides goals for its general student population, and not for its pupil subgroups (i.e., Socioeconomically Disadvantaged students.) (See, e.g., LCAP, p. 60) Meeting the requirement of setting differentiated goals for subgroups is crucial for the Charter School, who, under the California Dashboard, shows RED for all subgroups, as well as gaps between subgroups and all students (i.e., suspension rates for White students 9.5%, Latino 11.9%, SED 11.5%, SWD =20%).</i></p>			
Page #	5. Additional Requirements for Charter Schools Serving High School Students	Sufficient	Insufficient	N/A
N/A	a. How Charter School will inform parents about the transferability of courses to other public high schools			✓
N/A	b. How Charter School will inform parents about the eligibility of courses to meet college entrance requirements* *Note, courses that are accredited by the Western Association of Schools and Colleges (“WASC”) may be considered transferable, and courses meeting the UC/CSU "A-G" admissions criteria may be considered to meet college entrance requirements.			✓

	Comments: <i>The Charter School serves grades K-8. Therefore, the requirements regarding high school students do not apply.</i>			
Page #	B. MEASURABLE STUDENT OUTCOMES AND OTHER USES OF DATA – (Education Code 47605(b)(5)(B))	Sufficient	Insufficient	N/A
51-53; Appx D	1. Identify the measurable pupil outcomes to be used by charter school, “Pupil outcomes” means the extent to which all pupils of the school demonstrate that they have attained of skills, knowledge and attitudes, specified as goals in school’s educational program	✓		
See LCAP	2. Describes how pupil outcomes will address state content and performance standards in core Academics. The pupil outcomes shall align with the state priorities, as described in EC 52060(d), that apply for the grade levels served, or the nature of the program operated, by the charter school.	✓		
See LCAP	3. The pupil outcomes shall include outcomes that address increases in pupil academic achievement both school wide, and for all numerically significant student subgroups to be served by the charter school		✓	
53-54	4. Pupil outcomes shall be assessed, at a minimum, by objective means that are frequent and sufficiently detailed to determine whether students are making satisfactory progress. It is intended that the frequency of objective means of measuring student 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	✓		
See LCAP	5. Clearly stated exit outcomes including acquisition of academic and non-academic skills	✓		
See LCAP	6. Affirmation that "benchmark" skills and specific classroom-level skills will be developed	✓		
See LCAP	7. Affirmation/description: exit outcomes will align to mission, curriculum and assessments	✓		
N/A	8. Affirmation that college-bound students wishing to attend California colleges or universities will have the opportunity to take courses that meet the “A–G” requirements			N/A
See LCAP	9. Lists school-wide student performance goals students will achieve over a given period of time: projected attendance levels, dropout percentage, graduation rate goals, etc.	✓		
See LCAP	10. Acknowledges that exit outcomes and performance goals may need to be modified over time	✓		
N/A	11. If high school, graduation requirements defined and WASC accreditation addressed	✓		
	Comments: <i>Neither the Petition nor the LCAP include outcomes that address increases in pupil academic achievement both school wide, and for all numerically significant student subgroups to be served by the charter school, as is required by Education Code section 47605(c)(5)(B).</i>			

The County Office of Education also assessed the academic performance of the Charter School's students on the CAASPP. With limited exception, over a 2-3 year period, the Charter School saw little growth, and several declines, in academic performance in English/Language Arts and Mathematics in terms of the percentage of students scoring Standard/Exceeded or Standard Met:

	(2016-17)	(2017-18)	(2018-19)
5 th Grade E/LA	58.06 %	38.46 %	36.37 %
5 th Grade Mathematics	51.61 %	34.62 %	27.27 %
7 th Grade E/LA	44.44 %	18.75 %	N/A
7 th Grade Mathematics	27.78 %	12.50 %	N/A
8 th Grade Mathematics	43.48 %	43.75 %	30.76 %

The one area in which growth was observed was English/Language Arts in the 8th Grade:

	(2016-17)	(2017-18)	(2018-19)
8 th Grade EL/A	47.83 %	56.25 %	69.23 %

The Charter School's Dashboards for the past three school years, which are generally reflective of the above trends, are attached as Exhibit C.

Page #	C. STUDENT PROGRESS MEASUREMENT – (Education Code 47605(b)(5)(C))	Sufficient	Insufficient	N/A
53-54	1. Describes the method(s) the charter school will utilize to measure pupil progress toward meeting the pupil outcomes (including pupil academic achievement goals) identified in the petition both schoolwide and for all student subgroups to be served. At least one assessment method or tool should be listed for each of the exit outcomes.	✓		
55	2. To the extent practicable, the method for measuring pupil outcomes for state priorities shall be consistent with the way information is reported on a school accountability report card.	✓		
53-55	3. Assessments include multiple, valid and reliable measures using traditional/alternative tools	✓		
53-55	4. Charter school should utilize a variety of assessment tools that are appropriate to the skills, knowledge, or attitudes being assessed, including tools that employ objective means of assessment consistent with the measurable pupil outcomes. Assessment tools include all required state and federal required assessments	✓		
2, 53	5. Assurance that charter school shall meet all statewide standards and conduct all pupil assessments required by state law	✓		
53-54	6. Chosen assessments are appropriate for the standards and skills they seek to measure	✓		
53-54	7. Description of how assessments align to mission, exit outcomes, and curriculum	✓		
54-55; see LCAP	8. Describes minimal required performance level necessary to attain each standard	✓		

54-55	9. Outlines plan for collecting, analyzing/utilizing and reporting student/school performance data on student achievement to school staff, parents/guardians and SLOCOE, and for utilizing the data continuously to monitor and improve the charter school's education program	✓		
2, 53	10. Include an assurance that the charter school shall conduct all state mandated assessments	✓		
Page #	D. GOVERNANCE STRUCTURE – (Education Code 47605(b)(5)D)	Sufficient	Insufficient	N/A
55-64	1. Includes evidence that the organizational and technical designs of the governance structure reflect a seriousness of purpose necessary to ensure that: <ul style="list-style-type: none"> • The charter school will become and remain a viable enterprise • There will be active and effective representation of interested parties, including, but not limited to parents/guardians. For example, the charter school shall, on a regular basis, consult with parents/guardians and teachers regarding the educational program • The educational program will be successful 	✓		
57-59; 63-64	2. Describes what role parents have in the governance and operation of the school	✓		
56-59	3. Describes key features of governing structure (usually a board of directors)	✓		
58	4. Compliance with Brown Act, Public Records Act and Conflict of Interest Policy		✓	
56; 60- 61	5. Size/composition of board, board committees and/or advisory councils	✓		
58-60	6. Board's scope of authority/responsibility along with role of school administration	✓		
56-58	7. Method for selecting initial board members along with Board election/appointment and replacement procedure	✓		
59	8. Describes how Board will be developed in terms of supplementing necessary skills and providing training in effective board practices	✓		
Appx J	9. Initial governing board members identified by name or the process to be used to select them	✓		
55	10. Clear description of the legal organization of the charter school including evidence of the charter school's incorporation as a non-profit public benefit corporation, if applicable, as well as other relevant supporting documentation (e.g., bylaws and articles of incorporation).	✓		
55; 94; 95	11. Outlines other important legal or operational relationships between school and the SLOCOE in accordance with the general contents of an MOU or Operating Agreement	✓		
93-94	12. Describes structure for providing or obtaining business/administrative services including personnel, accounting, payroll, etc.	✓		
	13. If the school is to be operated by, or as, a nonprofit public benefit corporation, the petitioner shall provide the names and relevant qualifications of all persons whom the petitioner nominates to serve on the governing body of the charter school.	✓		

Comments:

The Petition states that “[t]he Board of Directors has adopted a Conflict of Interest Code that complies with the Political Reform Act and Corporations Code conflict of interest rules and which shall be updated with any charter school-specific conflict of interest laws or regulations. As noted above, the Conflict of Interest Code is attached within Appendix C.” (Petition, p. 60.)

Education Code section 47604.1(b) was recently added to provide that:

A charter school and an entity managing a charter school shall be subject to all of the following:

(3) Article 4 (commencing with Section 1090) of Chapter 1 of Division 4 of Title 1 of the Government Code.

(4)(A) The Political Reform Act of 1974 (Title 9 (commencing with Section 81000) of the Government Code).

The Board’s Bylaws, attached as Appendix I, contain provisions that “[t]he Corporation shall not enter into a contract or transaction in which a director directly or indirectly has a material financial interest (nor shall the Corporation enter into any contract or transaction with any other corporation, firm, association, or other entity in which one or more of the Corporation’s directors are directors and have a material financial interest),” and “[t]he Corporation shall not enter into a contract or transaction in which a non-director designated employee (e.g., officers and other key decision-making employees) directly or indirectly has a material financial interest unless all of the requirements in the Corporation’s Conflict of Interest Code have been fulfilled.” (Appendix I, Article 10, Sections 1, 2.)

However, these provisions of the bylaws do not align with the conflict of interest statutes that charter schools are obligated to follow. Government Code section 1090, for example, prohibits Board members from being “financially interested in any contract made by them in their official capacity,” which differs from the materiality requirement set forth in the Bylaws. The bylaws also do not address the definitions of “non-interests” and “remote interests” under that statute.

In addition, the Petition states that “[t]he Board of Directors will consist of at least five, but not more than seven members.” (Petition, p. 58.) However, the Bylaws, which are attached as Appendix I, contemplate a Board consisting of 5-9 members. Also of concern is a Board member’s affiliation with K12 Inc., which, in 2016 reached a \$168.5 Million Settlement with the State of California over alleged violations of California’s false claims, false advertising and unfair competition laws. (<https://oag.ca.gov/news/press-releases/attorney-general-kamala-d-harris-announces-1685-million-settlement-k12-inc>) It is not clear whether the Charter School’s relationship with K12 Inc. extends to that of a vendor.

Page #	E. EMPLOYEE QUALIFICATIONS – (Education Code 47605(b)(5))(E)	Sufficient	Insufficient	N/A
64-67	1. Describes general qualifications for the various categories of employees the charter school anticipates employing, (e.g., teachers, administration, other staff) and desired professional backgrounds, depth of experience and other qualities to be sought in their selection	✓		
64-67	2. Identifies those positions that the charter school regards as key in each in each category, and specifies the additional qualifications expected of individuals to be selected for and assigned to these positions	✓		
3; 66	3. States that the charter school will conform to the legal requirement that all teachers shall hold a Commission on Teacher Credentialing (“CTC”) certificate, permit, or other document equivalent to that which a teacher in other public schools would be required to hold, and that these documents shall be maintained on file at the charter school and are subject to periodic inspection.		✓	
	<p>Comments:</p> <p><i>The Petition states that “[c]ore subject teachers will hold appropriate California teaching certificates, permits, or other documents issued by the Commission on Teacher Credentialing.” (Petition, p. 68.)</i></p> <p><i>Education Code section 47605(l) was modified, effective July 1, 2020, to require all charter school teachers to possess a credential. Education Code section 47605.4 was added to require all teachers employed during the 2019-2020 school year to obtain their credential by July 1, 2025. Although the Petition was originally submitted to the Paso Robles Joint Unified School District before July 1, 2020, the change in the law was known since AB 1505, which implemented this requirement, was signed into law in October 2019.</i></p> <p><i>The Petition also states that “[i]nstructional support staff do not serve as the teacher of record for individual pupils and may not assign grades or approve student work assignments without the approval of the teacher of record, except in noncore, noncollege prep courses.” (Petition, p. 69.) However, in light of the revision of Education Code section 47605(l)’s credentialing requirement for all teachers, it is no longer appropriate for noncertificated staff to assign grades or approve student work assignments for noncore, noncollege prep courses. It is also questionable practice to have non-certificated personnel assign grades to students, irrespective of the changes in law made by AB 1505.</i></p>			
Page #	F. HEALTH AND SAFETY PROCEDURES – (Education Code 47605(b)(5)(F)	Sufficient	Insufficient	N/A
68	1. Requires that each employee will furnish the school with a criminal record summary as described in EC 44237	✓		
68	2. Requires the examination of staff for tuberculosis as described in EC 49406	✓		
69	3. 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	✓		
69-70	4. Provides an assurance that the charter school’s facilities will comply with state building codes, the Americans with Disabilities Act (“ADA”) access requirements, and any other	✓		

Charter Petition Name: **Almond Acres Charter Academy**

	applicable fire, health and structural safety requirements, and will maintain on file readily accessible records documenting such compliance.			
68-70	5. Outlines specific health and safety practices addressing such key areas as:	✓		
69-70	a. Seismic safety (structural integrity and earthquake preparedness)	✓		
69-70	b. Natural disasters and emergencies	✓		
68-69	c. Immunizations, health screenings, administration of medications	✓		
70	d. Zero tolerance for use of drugs and tobacco	✓		
68	e. Staff training on emergency and first aid response	✓		
68; Appx G	6. Petition accompanied by a detailed set of health and safety related policies/procedures or provides an assurance that a charter school safety plan will be developed and kept on file for review, and that staff will be trained annually on the safety procedures outlined in the plan	✓		
	7. The development of a school safety plan, which shall include the safety topics listed in subparagraphs (A) to (H), inclusive, of paragraph (2) of subdivision (a) of Section 32282 and procedures for conducting tactical responses to criminal incidents.	✓		
Page #	G. RACIAL AND ETHNIC BALANCE – (Education Code 47605(b)(5)(G))	Sufficient	Insufficient	N/A
70-71	1. The means by which the charter school will achieve a balance of racial and ethnic pupils, special education pupils, and English learner pupils, including redesignated fluent English proficient pupils, as defined by the evaluation rubrics in Section 52064.5, that is reflective of the general population residing within the territorial jurisdiction of the school district to which the charter petition is submitted. For instance, the petition should describe outreach efforts including what geographical areas will be targeted, the type of methods for advertising and recruit students, and the language(s) that will be used.		✓	
70-71	2. Practices and policies appear likely to achieve targeted racial and ethnic balance		✓	
	<p>Comments:</p> <p><i>The Petition states that “ACA is committed to maintaining a racially and economically diverse student population reflective of the general population of the territorial jurisdiction of the District.” (Petition, p. 72.)</i></p> <p><i>As the below chart (also attached as Exhibit B) shows, the Charter School enrolls less than half the percentage of Hispanic/Latino students as both San Miguel, and its putative authorizer for the purposes of this demographic comparison, Paso Robles:</i></p>			

Charter Petition Name: **Almond Acres Charter Academy**

Name	Total	African American	American Indian or Alaska Native	Asian	Filipino	Hispanic or Latino	Pacific Islander	White	Two or More Races	Not Reported
Almond Acres Charter Academy	241	0.4%	0.8%	0.0%	0.0%	24.9%	0.0%	68.9%	5.0%	0.0%
San Miguel Joint Union	869	0.3%	0.6%	0.3%	0.1%	54.9%	0.1%	40.9%	2.6%	0.1%
Paso Robles Joint Unified School District	6,869	1.2%	0.3%	0.7%	0.3%	55.3%	0.1%	38.9%	2.3%	0.9%
San Luis Obispo County	34,387	0.8%	0.4%	1.6%	1.0%	41.1%	0.2%	50.1%	4.2%	0.6%
Statewide	6,163,001	5.3%	0.5%	9.3%	2.4%	54.9%	0.4%	22.4%	3.9%	0.9%

In two of the three subgroups (English Learners and Socioeconomically Disadvantaged) defined by statute, the Charter School lags significantly behind both its current authorizer, San Miguel, and Paso Robles. While the Charter School enrolls a slightly higher percentage of special education students, the two districts enroll anywhere from 3-5 times the percentage of English Learners, and 1.6-2.6 times the number of Socioeconomically Disadvantaged students. (See Chart below, also reproduced in Exhibit B):

Subgroup	Almond Acres Charter Academy	San Miguel Union School District	Paso Robles Unified School District
English Learners	15 (6.2%)	243 (38.7%)	1,261 (18.3%)
Foster Youth	1	1	41
Homeless Youth	3	136	196
Migrant Education	0	60	208
Students with Disabilities	33 (13.7%)	74 (11.8%)	843 (12.3%)
Socioeconomically Disadvantaged	74 (30.7%)	493 (78.5%)	3,494 (50.9%)
All Students	241	628	6,869

This element of the Petition contains a description of general recruitment and outreach strategies, and

	<p><i>also states that “[u]pon authorization, AACA hopes to retain their current student body which is made up of a diverse group of students.” The Petition does not acknowledge the significant disparities in the Charter School’s proportion of Hispanic/Latino, English Learners, and Socioeconomically disadvantaged students, three subgroups for which the Education Code requires the Charter School to reach the balance of its authorizing district.</i></p> <p><i>The Petition lacks a reasonably comprehensive description of the “means by which the charter school will achieve a balance” in the required subgroups. The Charter School does not even mention the disparities or identify any specific recruiting strategies aligned towards the underrepresented populations, but only gives a brief description of general recruiting strategies without alignment towards the specific demographics of the community in which it proposes to locate.</i></p> <p><i>The County Office of Education evaluated demographic trends of the Charter School in comparison to two schools with similar demographic profiles: Cappy Culver (SMJUSD) and Kermit King (PRJUSD). Over the time period reviewed, the three schools showed similar rates of increase in Latino students, and decline in the percentage of White students, consistent with the larger geographic area. This analysis shows that the Charter School’s recruiting strategies are not resulting in demographic changes materially different or greater from that of the broader geographic area.</i></p>			
Page #	H. ADMISSIONS REQUIREMENTS – (Education Code 47605(b)(5)(H))	Sufficient	Insufficient	N/A
71	1. Mandatory assurances regarding non-discriminatory admission procedures	✓		
72	2. Admission preferences which are required for conversion charter schools, if applicable.			N/A
72	3. Clearly describes admissions requirements, including any admission preferences.		✓	
72	<p>4. Describes the manner in which the charter school will implement a public random drawing in the event that applications for enrollment exceed school capacity. This description addresses:</p> <ul style="list-style-type: none"> • The method the charter school will use to communicate to all interested parties the rules to be followed during the lottery process. • The method the charter school will use to verify lottery procedures are fairly executed. • The timelines under which the open enrollment period and lottery will occur. • The location where the lottery will occur and the efforts the charter school will undertake to ensure all interested parties may observe the lottery. • The date and time the lotteries will occur so most interested parties will be able to attend. • The preferences to be granted, if any, to potential students and specifies how preference will be granted to each category. • The procedures the charter school will follow to determine waiting list priorities based upon lottery results. • The means by which the charter school will contact the parents/guardians of 		✓	

	<p>students who have been promoted off the waiting list and timelines under which parents/guardians must respond in order to secure admission.</p> <ul style="list-style-type: none"> The records the charter school shall keep on file documenting the fair execution of lottery procedures. 			
	<p>5. New requirements added by AB 1360 :</p> <ul style="list-style-type: none"> Each type of preference shall be approved by the chartering authority at a public hearing. Preferences shall be consistent with federal law, the California Constitution, and Section 200. Preferences shall not result in limiting enrollment access for pupils with disabilities, academically low-achieving pupils, English learners, neglected or delinquent pupils, homeless pupils, or pupils who are economically disadvantaged, as determined by eligibility for any free or reduced-price meal program, foster youth, or pupils based on nationality, race, ethnicity, or sexual orientation. Preferences shall not require mandatory parental volunteer hours as a criterion for admission or continued enrollment. 		✓	
	<p>Comments:</p> <p><i>The Petition states that “[t]he Charter intends to maintain the current geographic composition of approximately 65% of the students coming from PRJUSD.” (Petition, p. 13.) The Petition lacks a reasonably comprehensive description of how it would maintain this geographic threshold, given that Education Code section 47605(e)(2)(B) requires that “[p]reference shall be extended to pupils currently attending the charter school and pupils who reside in the school district except as provided for in Section 47614.5.” Nothing in the Charter School’s admissions preferences appears geared towards increasing the proportion of students residing outside of the PRUSD boundaries, so it is not clear how the Charter School would maintain the “current geographic threshold.”</i></p> <p><i>The Petition also lacks the required assurances showing how the “[p]references shall not result in limiting enrollment access for pupils with disabilities, academically low-achieving pupils, English learners, neglected or delinquent pupils, homeless pupils, or pupils who are economically disadvantaged, as determined by eligibility for any free or reduced-price meal program, foster youth, or pupils based on nationality, race, ethnicity, or sexual orientation.” The Charter School enrolls a significantly lower proportion of Hispanic/Latino students, English Language Learners, and Socioeconomically Disadvantaged Students than the San Miguel District. (See, Element G, above.) However, the preferences for siblings of current students, and children and grandchildren of founders, would tend to reinforce the composition of the current student population, not diversify it.</i></p> <p><i>Further problematic is the fact that the admissions preferences stated in the Petition (Petition, p. 73), as well as the current charter (https://www.almondacres.com/wp-content/uploads/2018/12/Charter-Renewal-Final-12.15.16-BB-1-1.pdf, p. 99), are different from those stated in the Family Handbook (p. 30). (https://www.almondacres.com/wp-content/uploads/2019/12/AACA_Family_Handbook_19_20.pdf). The Family Handbook gives preference for “[s]tudents for whom special consideration is required to comply with” various federal civil rights laws, and students seeking to change schools under the “provisions of ESEA Title I.” Since these preferences are not in the Petition, they violate the provision that “[e]ach type of preference shall be approved by the chartering authority at a public hearing.” (Education Code section</i></p>			

	<p><i>47605). It is not clear which set of preferences the Charter School is using.</i></p> <p><i>The Family Handbook also contains a different admissions schedule from the current Charter and the Petition. The Family Handbook states that the enrollment period begins on January 15 and ends on March 15. The current Charter (p.98) and Petition (Petition, p. 74) states that it begins on February 1 and ends on March 30.</i></p>			
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Page #	I. FINANCIAL AUDIT – (Education Code 47605(b)(5)(I))	Sufficient	Insufficient	N/A
72-73	1. Describes manner in which annual, independent financial audit will be completed by December 15 th following the close of each fiscal year.		✓	
73	2. Describes who will be responsible for contracting and overseeing the independent audit		✓	
73	3. Specifies that the auditor will have experience in education finance		✓	
73	4. Provides scope and timing of audit, as well as required distribution of completed audit to the San Luis Obispo County Office of Education, State Controller’s Office and California Department of Education		✓	
73	5. Process and timeline for addressing any audit findings and/or resolving any audit exceptions and deficiencies to the satisfaction of the San Luis Obispo County Office of Education		✓	
	<p>Comments:</p> <p><i>The Petition relies upon stock provisions to describe its audit process. The description of how audit exceptions are handled is ambiguous since it involves the undefined "Audit Committee," in conjunction with the Executive Director, reviewing any exceptions and reporting to the Board. The membership of the Audit Committee is not defined in this section of the Petition, or as a subcommittee of the Board of Directors under the Governance section, so the role of the Business Officer Director is not specified. It is very unusual to have an audit process that does not involve the Business Officer in a lead role.</i></p>			
Page #	J. PUPIL SUSPENSION AND EXPULSION – (Education Code 47605(b)(5)(J))	Sufficient	Insufficient	N/A
74-81	1. Identifies the offenses for which students in the charter school must (where non-discretionary) and may (where discretionary) be suspended and, separately, the offenses for which students in the charter school must (where non-discretionary) or may (where discretionary) be expelled, providing evidence that the petitioners’ reviewed the offenses for which students must or may be suspended or expelled in non-charter public schools.		✓	
81; 82	2. Identifies the procedures by which parents/guardians and students will be informed about reasons for suspension or expulsion and of their due process rights in regard to suspension or expulsion		✓	
81-88	3. Describes the procedures by which students may be suspended or expelled, including a detailed, step-by-step process		✓	
74	4. Provides evidence that in preparing the lists of offenses and the procedures specified in the charter petition, the petitioners reviewed the lists of offenses and procedures that apply to students attending non-charter public schools, and provide evidence that the charter		✓	

	petitioners believe their proposed lists of offenses and procedures provide adequate safety for students, staff, and visitors to the school and serve the best interests the school's students and their parents/guardians.			
74-75; 81-88	5. Provides due process for all students and demonstrates strong understanding of relevant laws protecting constitutional rights of students, generally, and the rights of students with disabilities in regard to suspension and expulsion		✓	
74	6. Explains how policies and procedures regarding suspension and expulsion will be periodically reviewed, including, but not limited to, modification, as necessary, of the list of offenses for which students are subject to suspension or expulsion.		✓	
	<p>7. These procedures, at a minimum, shall include an explanation of how the charter school will comply with federal and state constitutional procedural and substantive due process requirements that is consistent with all of the following:</p> <p>(i) For suspensions of fewer than 10 days, provide oral or written notice of the charges against the pupil and, if the pupil denies the charges, an explanation of the evidence that supports the charges and an opportunity for the pupil to present his or her side of the story.</p> <p>(ii) For suspensions of 10 days or more and all other expulsions for disciplinary reasons, both of the following:</p> <p>(I) Provide timely, written notice of the charges against the pupil and an explanation of the pupil's basic rights.</p> <p>(II) Provide a hearing adjudicated by a neutral officer within a reasonable number of days at which the pupil has a fair opportunity to present testimony, evidence, and witnesses and confront and cross-examine adverse witnesses, and at which the pupil has the right to bring legal counsel or an advocate.</p> <p>(iii) Contain a clear statement that no pupil shall be involuntarily removed by the charter school for any reason unless the parent or guardian of the pupil has been provided written notice of intent to remove the pupil no less than five schooldays before the effective date of the action. The written notice shall be in the native language of the pupil or the pupil's parent or guardian or, if the pupil is a foster child or youth or a homeless child or youth, the pupil's educational rights holder, and shall inform him or her of the right to initiate the procedures specified in clause (ii) before the effective date of the action. If the pupil's parent, guardian, or educational rights holder initiates the procedures specified in clause (ii), the pupil shall remain enrolled and shall not be removed until the charter school issues a final decision. For purposes of this clause, "involuntarily removed" includes disenrolled, dismissed, transferred, or terminated, but does not include suspensions specified in clauses (i) and (ii).</p>		✓	

Comments:

In addition to the “Suspension and Expulsion Procedures” set forth in Element X of the Petition, the Charter School also has student discipline policies in its Health and Safety Plan (Petition, Appendix G), and that are contained in the Family Handbook posted on its website.

The Petition states that the Charter School’s discipline “policy serves as AACA’s policy and procedures for student suspension and expulsion and it may be amended from time to time without the need to amend the charter so long as the amendments comport with legal requirements.” This statement is problematic for two reasons. First, a significant change in the Charter School’s discipline policy would constitute a material revision, which would require authorizer approval under Ed. Code section 47607(a). Second, any inconsistencies between the Charter’s Suspension and Expulsion Procedures and the Charter School’s student discipline policy would raise a due process concern if students are provided access to contradictory information regarding the grounds and procedures for discipline.

There are also material and significant differences between the “Suspension and Expulsion Procedures” set forth in the Petition (which are substantially identical to those in the current Charter) and the procedures set forth in the Health and Safety Plan (Petition, Appendix G), which are also posted on the Charter School’s website. The Health and Safety Plan has definitions of “Suspension” and “Expulsion” that do not appear, and differ from those, in the Petition. The Health and Safety plan states that “[e]xpulsion means removal of a student from the immediate supervision and control, or the general supervision of school personnel” (Petition, Appendix G, p. 12), which is inconsistent with well-established usage and interpretation of that term. (See, e.g., Goss v. Lopez (1975) 419 U.S. 565; Scott B. v. Board of Trustees of Orange County High School of Arts (2013) 217 Cal.App.4th 117.) The Education Code contains due process requirements under Education Code 47605 (c)(5)(J)(ii) for “involuntary removal” from the charter school, and the Health and Safety Plan’s definition of “Expulsion” creates confusion as to how those due process rights would be applied to what the Charter School defines as “Expulsion.”*
**(https://www.almondacres.com/wp-content/uploads/2020/01/School_Safety_Plan_19_20.pdf.)*

Moreover, the Health and Safety Plan contains “Grounds for Suspension or Expulsion” (Petition, Appendix G, pp. 12-14) that only contain a subset of the grounds listed under Element X of the Petition. The Health and Safety Plan also differentiates between “discretionary” and “non-discretionary” grounds for expulsion and suspension inconsistently with how those grounds are treated in the Petition. The Health and Safety Plan contains “mandatory” grounds for expulsion that are inconsistent with the “Non-Discretionary Expellable Offenses” listed on p. 79 of the Petition.

Inconsistency in the grounds for expulsion between the Petition and the Health and Safety Plan/Policies may cause due process issues for students since it raises questions as to whether students had proper notice that certain conduct constituted grounds for discipline, and could lead to due process challenges in student discipline proceedings.

The Health and Safety Plan also lists on p. 13 disruption of school activities and willful defiance as

<p><i>grounds for suspension and expulsion. Education Code section 48901.1, added to the Education Code through SB 419 (which was chaptered on September 9, 2019), prohibits charter schools from suspending students in grades K-8, or expelling students in grades K-12, for disruption or willful defiance.</i></p> <p><i>The procedure for “Removal from Class by a Teacher/Parental Attendance” in the Health and Safety Plan (Petition, Appendix G, p. 14) does not appear in the Petition, and does not precisely align with the suspension procedure in the Petition. (Petition, p. 83). Moreover, the “Informal Conference” procedures in the Health and Safety Plan contain inconsistencies with the “Suspension Procedure” in the Petition. (Id.)</i></p> <p><i>The expulsion procedures in the Health and Safety Plan (Petition, Appendix G, p. 17) contain material differences from the “Expulsion Procedure” set forth in the Petition (Petition, p. 84), including who may expel, the mandatory/non-discretionary grounds for expulsion, the rights of complaining witnesses for hearings involving sexual assault/battery, and the written notice to expel. As for the right to appeal, the Petition and Health and Safety Plan contain contradictory provisions:</i></p> <p><i>Petition: “The pupil shall have no right of appeal from expulsion from AACA as the Almond Acres Charter Academy Board’s decision to expel shall be final.” (Petition, p. 87)</i></p> <p><i>Health and Safety Plan: “The student or parent/guardian is entitled to file an appeal of the Board’s decision to the County Board of Education. The appeal must be filed within 30 days of the Board’s decision to expel, even if the expulsion action is suspended and the student is placed on probation.” (Petition, Appendix G, p. 24.)</i></p> <p><i>Since AACA is an ongoing charter school, it should already have legally-compliant student discipline policies and the required Health and Safety Plan in place and harmonized with the student discipline section of the Charter. However, the differences between the student discipline grounds and procedures set forth in the current Charter, the Petition and the policies posted on the Charter School’s website cause significant due process concerns. Adding to the potential confusion is the “Almond Acres Charter Academy Discipline Matrix,” posted on the Charter School’s website (https://www.almondacres.com/wp-content/uploads/2018/12/AACA_Discipline_Matrix.pdf), which provides a third (and also inconsistent) source of authority for student discipline, and its Family Handbook (https://www.almondacres.com/wp-content/uploads/2019/12/AACA_Family_Handbook_19_20.pdf), which, on p. 26, provides another version of the list of grounds for suspension.</i></p> <p><i>The need for consistent disciplinary procedures is crucial for the Charter School, which has scored red for suspension for students with disabilities, Hispanic/Latino, White and Socioeconomically Disadvantaged students on the Dashboard for 2019.</i> (https://www.caschooldashboard.org/reports/40688250125807/2019/conditions-and-climate#suspension-rate)</p>			
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Page #	K. STAFF RETIREMENT SYSTEM – (Education Code 47605(b)(5)K)	Sufficient	Insufficient	N/A
88-89	1. Describes manner by which staff members will be covered by STRS, PERS and/or federal social security; or how the charter school will create a system to address employees' retirement funding	✓		
88-89	2. Specifies specific positions to be covered by each system and staff designated to ensure that arrangements for coverage are made	✓		
Page #	L. PUBLIC SCHOOL ATTENDANCE ALTERNATIVES – (Education Code 47605(b)(5)(L))	Sufficient	Insufficient	N/A
89	1. Specifies that the parent/guardian of each student enrolled in the charter school shall be informed that the student has no right to admission in a particular school or program of the SLOCOE as a consequence of enrollment in the charter school.		✓	
89	2. Specifies how parents/guardians will be informed that their student has no right to admission in a particular school or program of the SLOCOE as a consequence of enrollment in the charter school.		✓	
	<p>Comments:</p> <p><i>The required statements were not found in the Admissions section of the Family Handbook (https://www.almondacres.com/wp-content/uploads/2019/12/AACA_Family_Handbook_19_20.pdf), or the enrollment form (https://www.almondacres.com/wp-content/uploads/2020/07/Request-for-Enrollment-20.21-with-Date.pdf.)</i></p> <p><i>Of note, the Enrollment Form also provide applicants the chance to request enrollment in the “At Home Academy (homeschool-style program.) The Petition does not describe such a program.</i></p>			
Page #	M. POST-EMPLOYMENT RIGHTS OF EMPLOYEES – (Education Code 47605 M)	Sufficient	Insufficient	N/A
89	1. Consistent with applicable collective bargaining agreements, the petition describes the rights of any employee of the SLOCOE upon leaving the employment of SLOCOE to work at the charter school, if any, and of any rights of return to the SLOCOE after employment at a charter school, if any.	✓		
Page #	N. DISPUTE RESOLUTION – (Education Code 47605(b)(5)(M)N)	Sufficient	Insufficient	N/A
89-91	1. The petitioner identifies procedures to be followed by the charter school and SLOCOE to resolve disputes relating to provisions of the charter	✓		
90	2. None of the dispute resolution procedures shall interfere with SLOCOE’s right to pursue revocation of the charter pursuant to EC 47607 as appropriate, and its performance of its oversight duty pursuant to EC 47604.32, including its right to inspect or observe the charter school at any time.	✓		

Page #	O. CLOSURE PROCEDURES – (Education Code 47605(b)(5)(O))	Sufficient	Insufficient	N/A
91-92	<p>1. Outlines a detailed description of the process to be used if the charter school closes. The description of the process includes:</p> <ul style="list-style-type: none"> • Designation of who is the responsible entity to conduct closure-related activities. • Notification of the closure to parents/guardians and other concerned parties. • Preparation of a list of students for the entity responsible for closure-related activities. • Transfer and maintenance of all student records. • Transfer and maintenance of personnel records. • Completion of an independent final audit within six months of closure. • Disposal of any net assets remaining after all liabilities have been paid or otherwise addressed. • Completion and final of any annual reports required by law. • Source of funding for closure-related activities. 	✓		
	<p>Comments:</p> <p><i>Note: The closure procedure identifies the Public Employees’ Retirement System as one of the agencies that the Charter School would notify in the event of closure. However, under Element K, above, the Charter School states that it will not participate in PERS.</i></p>			

III. OTHER REQUIRED CHARTER ELEMENTS

Page #	A. EXCLUSIVE PUBLIC SCHOOL EMPLOYER DECLARATION	Sufficient	Insufficient	N/A
2	<p>1. Petition includes a declaration whether or not the charter school shall be deemed the exclusive public school employer of the employees of the charter school for the purposes of the Educational Employment Relations Act.</p>	✓		
	<p>Comments:</p> <p><i>This requirement is addressed in the “Affirmations” section (Petition, p. 4)</i></p>			
Page #	B. FACILITIES	Sufficient	Insufficient	N/A
94	<p>1. Identifies where the charter school intends to locate.</p>		✓	
94	<p>2. Describes the facilities to be used by the charter school including its safety and educational suitability.</p>		✓	
94	<p>3. Describes the current and projected availability of the facilities and applicable terms of such use.</p>		✓	

Comments:

The Petition raises several significant questions about its intended facility should the Petition be granted to operate within the boundaries of the Paso Robles Joint Unified School District.

The Petition, under the “Facilities” section (Petition, p. 96), cites Education Code section 47614 (“Proposition 39”), which could obligate the Paso Robles Joint Unified School District to provide the Charter School facilities if the Charter School met that statute’s eligibility requirements. The Petition goes on to state that:

In accordance with Education Code Section 47605.1(d), if AACA has attempted to locate a single site or facility to house its entire program within PRUSD’s boundaries, but such a facility or site is unavailable or is financially infeasible in the area in which AACA chooses to locate, therefore making AACA unable to locate within the geographic boundaries of PRUSD, AACA may establish one site in Paso Robles Joint Unified School District with the formal approval from PRUSD. (Petition, p. 96.)

The above paragraph makes no sense. It essentially states that if the Charter School is unable to locate a site within the boundaries of the Paso Robles Joint Unified School District, it would establish a site within that District with that District’s approval. It also appears to be an attempt to comply with the former Education Code section 47605.1(d), which has been revised and superseded by AB 1507 to eliminate the exception that the above paragraph appears to be attempting to invoke.

It has been reported that the Charter School has closed escrow on a proposed new site at 1145 Niblick Road in Paso Robles. (“Almond Acres Charter Academy Closes Escrow on New School Site,” Paso Robles Daily News, September 9, 2019.) It is not clear why the Charter School does not disclose, or discuss, this potential new facility in the “Facilities” section of its Petition.*

**(<https://pasoroblesdailynews.com/almond-acres-charter-academy-closes-escrow-on-new-school-site/98084/>.)*

There are other incongruities related to the Charter School’s proposed new facility. The “School Traffic Plan” attached to the Petition (Petition, Appendix G, p. 214-217) pertains to the Charter School’s current site at 1601 L Street San Miguel, CA 93451, and would have no application to a Charter School located within the boundaries of the Paso Robles Joint Unified School District. It is also not clear whether the emergency disaster plan included in the Charter School’s Health and Safety Plan applies to its current site or its anticipated new site.

Moreover, the Charter School’s long-term facilities planning does not appear to be sound or well thought out. AB 1507 modified Education Code section 47605(a)(5) to require charter schools to be located within the boundaries of their authorizers. While the Charter School has reportedly closed escrow on its proposed new site in Paso Robles, it is not clear what the Charter School’s

	<i>course of action would be if it did not obtain approval of this Petition from either the Paso Robles Joint Unified School District, the San Luis Obispo County Board of Education, or the State Board of Education on appeal, because the Charter School would not be allowed to locate within the Paso Robles Joint Unified High School District while authorized by the San Miguel Joint Union School District. The Charter School has committed to long-term financing of a \$15.5 million facilities bond for 25 years (Petition, Tab B) before receiving verification that it could legally operate a charter school at the proposed site.</i>			
Page #	C. SUCCESSFUL IMPLEMENTATION	Sufficient	Insufficient	N/A
8; Appx J	1. The Petition includes a thorough description of the education, work experience, credentials, degrees and certifications of the individuals comprising, or proposed to comprise, the directors, administrators and managers of the proposed charter school	✓		
N/A	2. The Petition includes a list of consultants whom the charter school has engaged, or proposes to engage, for the purpose of developing, operating and evaluating the charter school, together with a thorough description of the qualifications of such consultants.	✓		
8; Appx J	3. Does the information provided in the proposal confirm that the school will have the services of individuals who have the necessary background in curriculum, instruction, assessment, finance, facilities, business management, organization, governance and administration?	✓		
Page #	D. EFFECTIVE DATE	Sufficient	Insufficient	N/A
15	1. Does the Petition demonstrate that the charter school will commence operation by September 30 of its first year of operation?	✓		
Page #	E. FINANCIAL & ORGANIZATIONAL ACCOUNTABILITY	Sufficient	Insufficient	N/A
58, 60, 72-73, 93	1. A detailed review of the annual budget development, implementation and review process including the process by which the charter school leadership and governance team will monitor and report regarding the continuing financial solvency of the school.		✓	
93	2. Detailed description of the manner, format and content by which the charter school will regularly report its current and projected financial viability		✓	
93	3. Assurance that charter school shall annually prepare and submit the following financial documents and reports to the San Luis County Superintendent of Schools as required by EC 47604.33:	✓		
93	a. A preliminary budget on or before July 1 each year. For a charter school in its first year of operation, the information submitted pursuant to EC 47605(g) satisfies this requirement.	✓		
93	b. An updated Local Control Accountability Plan (LCAP) required by EC 47606.5 on or before July 1 each year.	✓		
93	c. An interim financial report, reflecting changes through October 31, on or before December 15 each year.	✓		
93	d. A second interim financial report, reflecting changes through January 31, on or before March 15 each year.	✓		

93	e. A final unaudited, financial report for the full prior year on or before September 15 each year.	✓		
93	4. Description of the process by which the school will comply with all reports required for charter schools by law; includes sending a copy of each required report to SLOCOE	✓		

F. FINANCIAL PLAN				
Page #	1. First year operational budget	Sufficient	Insufficient	N/A
Appx H; Tab F.5	a. Start-up costs		✓	
Tab F.5	b. Cash flow for first three years		✓	
Appx H; TabF.5	c. Financial projections for first three year		✓	
	<p>Comments:</p> <p><i>The Charter School claims in the Petition that it “continues to celebrate healthy financial reserves.” (Petition, p. 8.) However, the Charter School does not provide any data in its budget or fiscal documents to support this claim because the proposed revised budget does not contain any information from prior fiscal years. However, a FAR 300 report run by the County Office shows a \$144,000 discrepancy between the Charter School’s claimed ending fund balance at the end of the 2019-2020 Fiscal Year, and its listed beginning fund balance for Fiscal Year 2020-2021. (Exhibit E.) The FAR 300 report also shows that the Charter School maintains \$66,755 in a PayPal account, and \$102,559 with an unspecified “Fiscal Agent.” (See, Exhibit E.) The maintenance of funds outside of the generally recognized revenue funds constitutes an unsound fiscal practice.</i></p> <p><i>Education Code section 42100(c) establishes that the Superintendent of Public Instruction determines the format of the forms used for district budget submittal. The SPI has adopted the Standardized Account Code Structure (SACS). (https://www.cde.ca.gov/fg/sf/fr/.) The Charter School’s budget fails to follow generally accepted accounting principles. Education Code section 47605(h) requires the Petitioner to “provide financial statements that include a proposed first-year operational budget, including startup costs, and cashflow and financial projections for the first three years of operation.” The Charter School uses the incorrect method for projecting its cash flow. In its “Revised Budget” provided to the County Office on appeal, the Petitioner misuses the net change in fund balance to demonstrate cash flow. Under the SACS accounting system, cash flow breaks the fiscal year down into 12 monthly units and shows the entity’s cash position on a monthly basis. The Charter School appears to equate “operating income” as its ending fund balance, and also an illustration of its “cash flow.”</i></p> <p><i>The Charter School also incorrectly calculates its reserve. The reserve is calculated on total restricted and unrestricted expenditures. The reserve calculated in the Petitioner’s budget is 3% of expenses. For a school of its proposed size, the Charter School should have a 5% reserve. (See, e.g., 5 CCR § 15450 § 15450.)</i></p>			

	<p><i>According to the budget narrative, starting in Fiscal Year 2021-2022, the Charter School will begin debt service on the bond financing its new facility at approximately \$1.3 million annually, for 25 years. (Petition, Tab F.5, p. 4.) Expenses under "Services and Other Operating" accordingly increase approximately \$1.2 million between 2020-2021 and 2021-2022. In terms of the percentage of expenses, the other categories of expenses that decrease starting with Fiscal Year 2021-2022 are Classified Salaries and Employee Benefits. However, while the projected student enrollment doubles between 2020-2021 and 2023-2024, the projected expenses for employee benefits is not projected to increase proportionately, despite the fact that the number of employees will have to increase to accommodate a 100% increase in pupil population. Moreover, in the out years of the budget, the percentage of employee salaries of all expenses remains well below the industry standard of 85%. Without commonly provided backup data, such as certificated and classified FTE and class-size ratios, there is no way to confirm that employee benefits are sufficiently budgeted to offset the effect of financing the facilities bond. The Charter School cannot reduce its employee compensation in response to increased financing costs and still maintain that it provides competitive employee compensation.</i></p> <p><i>In the revised budget, in Fiscal Years 2021-2022, 2022-2023 and 2023-2024, the Charter School anticipates that 10.16% of its revenues will consist of "Other Local Revenue (ind. Donations & Fundraising)." However, these amounts far exceed the \$250 per family payment that the Charter School referenced in its "Response to District Staff Report and Findings," p. 2 of 27. ("ACA Response to District Findings," Tab D.) The budget narrative contains no information about what the source of this significant "soft" funding would be. The "average donation of approximately \$250 a student" also is of concern. Although the Charter School would no doubt characterize the donations as voluntary, parents could feel compelled by peer pressure or stigma to donate, in violation of Education Code section 47605(e)(1)'s provision that charter schools shall not charge tuition.</i></p> <p><i>The County Office is further concerned about errors and inaccuracies in the budget. For example, from Fiscal Year 2021-2022 to 2022-2023, the enrollment of students in Grades 7-8 inexplicably falls from 60 to 31. Because the Charter School did not provide year-to-year enrollment by grade level, the movement of cohorts through grade levels cannot be determined, and this precipitous drop appears to be mathematically unviable.</i></p> <p><i>In the authorizer's study of the Charter School's cash position, the authorizer found that ACA would be cash negative starting November 2020. The Charter School's response was that it has obtained other funds outside of their LCFF apportionment and that they will receive a Payroll Protection Program (PPP) loan from the federal government that will improve their cash position.</i></p> <p><i>The County Office is also concerned about the Charter School's statement on p. 96 of its Petition that "[o]versight of the authorizer and the County Office of Education is provided to</i></p>			
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	<p><i>assure compliance and fiscal solvency.” It is the Charter School’s responsibility, as a separate and autonomous entity, to “assure” its fiscal solvency, subject to the oversight of its authorizer.</i></p> <p><i>The Charter School is also delinquent on several financial payments to its current authorizer. (Exhibit E.)</i></p>			
Page #	2. Planning Assumptions	Sufficient	Insufficient	N/A
Tab F.5	a. Number/types of students		✓	
Appx H; Tab F.5	b. Number of staff		✓	
Appx H; Tab F.5	c. Facilities needs		✓	
Appx H; Tab F.5	d. Costs of all major items are identified and within reasonable market ranges		✓	
Appx H; Tab F.5	e. Revenue assumptions in line with state and federal funding guidelines	✓		
Appx H; Tab F.5	f. Revenue from “soft” sources less than 10% of ongoing operational costs		✓	
Appx H; Tab F.5	g. Timeline allows window for referenced grant applications to be submitted and funded	✓		
	<p>Comments:</p> <p><i>See comments under F(1) (“First year operational budget”), above.</i></p>			
Page #	3. Start-up Costs	Sufficient	Insufficient	N/A
Appx H; Tab F.5	a. Clearly identifies all major start-up costs		✓	
Appx H; Tab F.5	i. Staffing	✓		
Appx H; Tab F.5	ii. Facilities		✓	
Appx H; Tab F.5	iii. Equipment and Supplies	✓		
Appx H; Tab F.5	iv. Professional Services		✓	
Appx H; Tab F.5	b. Assumptions in line with overall school design plan		✓	
Appx H; Tab F.5	c. Identifies potential funding source		✓	
Appx H; Tab F.5	d. Timeline allows for grant and fundraising money to become available	✓		
	<p>Comments:</p> <p><i>The budgeted expenses for “Services & Other Operating Expenses” nearly triple from</i></p>			

	<i>\$648,098 to \$1,770,673 for 2021-2022 to 2022-2023, without explanation.</i>			
Page #	4. Annual Operating Budget	Sufficient	Insufficient	N/A
Appx H; Tab F.5	a. Annual revenues and expenditures clearly identified by source		✓	
Appx H; Tab F.5	b. Revenue assumptions closely related to applicable state and federal funding formulas	✓		
Appx H; Tab F.5	c. Expenditure assumptions reflect school design plan		✓	
Appx H; Tab F.5	d. Expenditure assumptions reflect market costs		✓	
Appx H; Tab F.5	e. "Soft" revenues not critical to solvency		✓	
Appx H; Tab F.5	f. Strong reserve or projected ending balance (the larger of 3% of expenditures or \$25,000)		✓	
N/A	g. If first year is not in balance, identifies solvency in future years and sources of capital sufficient to cover deficits until the school year when the budget is projected to balance		✓	
Appx H; Tab F.5	h. Expenditure for general liability, workers compensation & other types of insurance with evidence that petitioners have researched cost and availability: policies to name the SLOCOE as also insured and provide hold harmless agreement	✓		
Appx H; Tab F.5	i. Expenditure sufficient for reasonably expected legal services	✓		
Appx H; Tab F.5	j. Expenditure for Special Education excess costs consistent with current experience in the school district/county	✓		
	Comments: <i>See comments under F(1) ("First year operational budget"), above.</i>			
Page #	5. Cash Flow Analysis	Sufficient	Insufficient	N/A
Tab F.5	a. Monthly projection of revenue receipts in line with local/state/federal funding disbursements		✓	
Tab F.5	b. Expenditures projected by month and correspond with typical/reasonable schedules		✓	
Tab F.5	c. Show positive fund balance each month and/or identify sources of working capital		✓	
	Comments: <i>See comments under F(1) ("First year operational budget"), above.</i>			

Page #	6. Long Term Plan	Sufficient	Insufficient	N/A
Appx H; Tab F.5	a. Projects revenues and expenditures for at least two additional years		✓	
Appx H; Tab F.5	b. Revenue assumptions based on reasonable potential growth in local, state and federal revenues		✓	
Appx H; Tab F.5	c. Revenue assumptions based on reasonable student growth projections		✓	
Appx H; Tab F.5	d. Reasonable cost-of-living and inflation assumptions	✓		
Appx H; Tab F.5	e. Annual fund balances are positive or sources of supplemental working capital are identified	✓		
	Comments: <i>See comments under F(1) ("First year operational budget"), above.</i>			

Page #	G. SPECIAL EDUCATION/SELPA (SAN LUIS OBISPO COUNTY SELPA CHARTER SCHOOL POLICY)	Sufficient	Insufficient	N/A
44	1. Identifies whether the charter will be an independent LEA for special education purposes	✓		
Tab D	2. Has consulted with the San Luis Obispo County SELPA Director	✓		
Tab D	a. Discussed special education responsibilities of charter			
Tab D	b. Discussed application of SELPA policies			
44-50	3. Describes how special education services will be provided consistent with San Luis Obispo SELPA Plan and/or policies and procedures		✓	
Tab E	a. Includes fiscal allocation plan			
Page #	4. If charter not an independent LEA:	Sufficient	Insufficient	N/A
N/A	a. Clarifies in charter or an MOU the responsibilities of each party for service delivery			✓
N/A	1. Referral			✓
N/A	2. Assessment			✓
N/A	3. Instruction			✓
N/A	4. Due Process			✓
N/A	5. Agreements describing allocation of actual and excess costs			✓
N/A	6. Charter fiscally responsible for fair share of any encroachment on general funds			✓

Page #	5. If charter is LEA within SELPA:	Sufficient	Insufficient	N/A
Tab D	a. Notifies SELPA Director of intent prior to February 1 st of the preceding school year	✓		
94	b. Located within San Luis Obispo County SELPA geographical boundaries	✓		
Appx H Tab F.5	c. Provides current operating budget in accordance with Ed Code 42130 and 42131	✓		
Tab E	d. Provides assurances that all students will be instructed in safe environment	✓		
Tab B	e. Provides copy of original charter petition and any amendments	✓		
N/A	f. Responsible for any legal fees relating to application and assurances process	✓		
44-49	g. Meets the terms of the “Agreement Regarding the Organization, Implementation, Administration and Operation of the San Luis Obispo SELPA”	✓		
44-49	h. Meets the terms of all San Luis Obispo SELPA policies and procedures	✓		
Tab E	i. Charter fiscally responsible for fair share of any encroachment on general funds	✓		
Page #	6. Petition includes the following assurances:	Sufficient	Insufficient	N/A
44-49	a. The charter will comply with all provisions of IDEA	✓		
49	b. No student will be denied admission based on disability or lack of available services	✓		
29-35	c. Will implement a Student Study Team process		✓	
49-50	d. Any student potentially in need of Section 504 services will be the responsibility of the charter school	✓		
45	7. Petition/MOU describes the process for notifying district of residence and the SLOCOE when a special education student enrolls, becomes eligible, ineligible and/or leaves the charter school.	✓		
Page #	8. Overview of how special education funding and services will be provided by:	Sufficient	Insufficient	N/A
44-49; Tab D; Tab E	a. Charter School		✓	
N/A	b. San Luis Obispo County Office of Education			✓
Tab D	c. SELPA			✓
45	9. Petition/MOU describes the transition to or from a district when a student with an IEP enrolls in, or transfers out of, the charter school	✓		

	Comments: <i>See Element A, p. 6, above, for deficiencies in the special education program description.</i>			
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Page #	H. OTHER CHARTER PETITION REQUIREMENTS	Sufficient	Insufficient	N/A
	<p>(A) A charter school shall not discourage a pupil from enrolling or seeking to enroll in the charter school for any reason, including, but not limited to, academic performance of the pupil or because the pupil exhibits any of the characteristics described in clause (iii) of subparagraph (B) of paragraph (2).</p> <p>(B) A charter school shall not request a pupil's records or require a parent, guardian, or pupil to submit the pupil's records to the charter school before enrollment.</p> <p>(C) A charter school shall not encourage a pupil currently attending the charter school to disenroll from the charter school or transfer to another school for any reason, including, but not limited to, academic performance of the pupil or because the pupil exhibits any of the characteristics described in clause (iii) of subparagraph (B) of paragraph (2). This subparagraph shall not apply to actions taken by a charter school pursuant to the procedures described in subparagraph (J) of paragraph (5) of subdivision (c).</p> <p>(D) The department shall develop a notice of the requirements of this paragraph. This notice shall be posted on a charter school's internet website. A charter school shall provide a parent or guardian, or a pupil if the pupil is 18 years of age or older, a copy of this notice at all of the following times: (i) When a parent, guardian, or pupil inquires about enrollment. (ii) Before conducting an enrollment lottery. (iii) Before disenrollment of a pupil.</p> <p>(E) (i) A person who suspects that a charter school has violated this paragraph may file a complaint with the chartering authority. (ii) The department shall develop a template to be used for filing complaints pursuant to clause (i). (Ed. Code 47605 Subd. (e)(4).)</p>		✓	
	<p>A petition to establish a charter school shall contain, in addition to the reasonably comprehensive description of the procedures by which pupils can be suspended or expelled from the charter school for disciplinary reasons or otherwise involuntarily removed from the charter school for any reason and the explanation of how the charter school will comply with federal and state constitutional procedural and substantive due process requirements that are required by Section 47605, a statement that the suspension procedures will include both of the following requirements:</p> <p>(a) Upon the request of a parent, a legal guardian or other person holding the right to make education</p>		✓	

	<p>decisions for the pupil, or the affected pupil, a teacher shall provide to a pupil in any of grades 1 to 12, inclusive, who has been suspended from school for two or more schooldays, the homework that the pupil would otherwise have been assigned.</p> <p>(b) If a homework assignment that is requested pursuant to subdivision (a) and turned into the teacher by the pupil either upon the pupil's return to school from suspension or within the timeframe originally prescribed by the teacher, whichever is later, is not graded before the end of the academic term, that assignment shall not be included in the calculation of the pupil's overall grade in the class. (Ed. Code 47606.2)</p>			
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EXHIBIT A - ALMOND ACRES CHARTER SCHOOL ACADEMIC PERFORMANCE

**Grade 4 Detailed Test Results Over Time
ENGLISH LANGUAGE ARTS/LITERACY**

Achievement Level Distribution Over Time

Achievement Level	Grade 3 (2017-18)	Grade 4 (2018-19)
Mean Scale Score	2385.0	2448.8
Standard Exceeded: Level 4	12.82 %	15.63 %
Standard Met: Level 3	17.95 %	18.75 %
Standard Nearly Met: Level 2	25.64 %	28.13 %
Standard Not Met: Level 1	43.59 %	37.50 %
Percentage Exceeded/Met (3/4)	30.77 %	34.38 %

MATHEMATICS

Achievement Level Distribution Over Time

Achievement Level	Grade 3 (2017-18)	Grade 4 (2018-19)
Mean Scale Score	2389.6	2452.9
Standard Exceeded: Level 4	5.13 %	3.13 %
Standard Met: Level 3	25.64 %	28.13 %
Standard Nearly Met: Level 2	30.77 %	46.88 %
Standard Not Met: Level 1	38.46 %	21.88 %
Percentage Exceeded/Met (3/4)	30.77 %	31.26 %

Grade 5 Detailed Test Results Over Time
ENGLISH LANGUAGE ARTS/LITERACY

Achievement Level Distribution Over Time			
Achievement Level	Grade 3 (2016-17)	Grade 4 (2017-18)	Grade 5 (2018-19)
Mean Scale Score	2423.8	2430.5	2479.2
Standard Exceeded: Level 4	29.03 %	7.69 %	22.73 %
Standard Met: Level 3	29.03 %	30.77 %	13.64 %
Standard Nearly Met: Level 2	9.68 %	15.38 %	18.18 %
Standard Not Met: Level 1	32.26 %	46.15 %	45.45 %
Percentage Exceeded/Met (3/4)	58.06 %	38.46 %	36.37 %

MATHEMATICS

Achievement Level Distribution Over Time			
Achievement Level	Grade 3 (2016-17)	Grade 4 (2017-18)	Grade 5 (2018-19)
Mean Scale Score	2442.3	2447.5	2443.4
Standard Exceeded: Level 4	19.35 %	3.85 %	9.09 %
Standard Met: Level 3	32.26 %	30.77 %	18.18 %
Standard Nearly Met: Level 2	19.35 %	30.77 %	13.64 %
Standard Not Met: Level 1	29.03 %	34.62 %	59.09 %
Percentage Exceeded/Met (3/4)	51.61 %	34.62 %	27.27 %

Grade 6 Detailed Test Results Over Time
ENGLISH LANGUAGE ARTS/LITERACY

Achievement Level Distribution Over Time

Achievement Level	Grade 4 (2016-17)	Grade 5 (2017-18)	Grade 6 (2018-19)
Mean Scale Score	2464.3	2530.2	2546.1
Standard Exceeded: Level 4	25.64 %	25.71 %	20.00 %
Standard Met: Level 3	33.33 %	48.57 %	40.00 %
Standard Nearly Met: Level 2	15.38 %	8.57 %	32.00 %
Standard Not Met: Level 1	25.64 %	17.14 %	8.00 %
Percentage Exceeded/Met (3/4)	58.97 %	74.28 %	60.00 %

MATHEMATICS

Achievement Level Distribution Over Time

Achievement Level	Grade 4 (2016-17)	Grade 5 (2017-18)	Grade 6 (2018-19)
Mean Scale Score	2485.2	2528.4	2544.5
Standard Exceeded: Level 4	23.08 %	34.29 %	32.00 %
Standard Met: Level 3	33.33 %	22.86 %	20.00 %
Standard Nearly Met: Level 2	23.08 %	25.71 %	32.00 %
Standard Not Met: Level 1	20.51 %	17.14 %	16.00 %
Percentage Exceeded/Met (3/4)	56.41 %	57.15 %	52.00 %

Grade 7 Detailed Test Results Over Time
ENGLISH LANGUAGE ARTS/LITERACY

Achievement Level Distribution Over Time

Achievement Level	Grade 5 (2016-17)	Grade 6 (2017-18)	Grade 7 (2018-19)
Mean Scale Score	2475.4	2458.3	*
Standard Exceeded: Level 4	11.11 %	0.00 %	*
Standard Met: Level 3	33.33 %	18.75 %	*
Standard Nearly Met: Level 2	27.78 %	37.50 %	*
Standard Not Met: Level 1	27.78 %	43.75 %	*
Percentage Exceeded/Met (3/4)	44.44 %	18.75 %	

MATHEMATICS

Achievement Level Distribution Over Time

Achievement Level	Grade 5 (2016-17)	Grade 6 (2017-18)	Grade 7 (2018-19)
Mean Scale Score	2494.3	2466.4	*
Standard Exceeded: Level 4	16.67 %	6.25 %	*
Standard Met: Level 3	11.11 %	6.25 %	*
Standard Nearly Met: Level 2	50.00 %	37.50 %	*
Standard Not Met: Level 1	22.22 %	50.00 %	*
Percentage Exceeded/Met (3/4)	27.78 %	12.50 %	

Grade 8 Detailed Test Results Over Time
ENGLISH LANGUAGE ARTS/LITERACY

Achievement Level Distribution Over Time			
Achievement Level	Grade 6 (2016-17)	Grade 7 (2017-18)	Grade 8 (2018-19)
Mean Scale Score	2528.1	2569.6	2606.6
Standard Exceeded: Level 4	26.09 %	25.00 %	30.77 %
Standard Met: Level 3	21.74 %	31.25 %	38.46 %
Standard Nearly Met: Level 2	13.04 %	12.50 %	15.38 %
Standard Not Met: Level 1	39.13 %	31.25 %	15.38 %
Percentage Exceeded/Met (3/4)	47.83 %	56.25 %	69.23 %

MATHEMATICS

Achievement Level Distribution Over Time			
Achievement Level	Grade 6 (2016-17)	Grade 7 (2017-18)	Grade 8 (2018-19)
Mean Scale Score	2491.9	2545.2	2557.6
Standard Exceeded: Level 4	17.39 %	37.50 %	15.38 %
Standard Met: Level 3	26.09 %	6.25 %	15.38 %
Standard Nearly Met: Level 2	8.70 %	25.00 %	53.85 %
Standard Not Met: Level 1	47.83 %	31.25 %	15.38 %
Percentage Exceeded/Met (3/4)	43.48 %	43.75 %	30.76 %

EXHIBIT B: DEMOGRAPHIC PROFILE, ALMOND ACRES CHARTER ACADEMY, SAN MIGUEL JOINT UNION SCHOOL DISTRICT AND PASO ROBLES JOINT UNIFIED SCHOOL DISTRICT

Report Totals

Name	Total	African American	American Indian or Alaska Native	Asian	Filipino	Hispanic or Latino	Pacific Islander	White	Two or More Races	Not Reported
Almond Acres Charter Academy	241	0.4%	0.8%	0.0%	0.0%	24.9%	0.0%	68.9%	5.0%	0.0%
San Miguel Joint Union	869	0.3%	0.6%	0.3%	0.1%	54.9%	0.1%	40.9%	2.6%	0.1%
Paso Robles Joint Unified School District	6,869	1.2%	0.3%	0.7%	0.3%	55.3%	0.1%	38.9%	2.3%	0.9%
San Luis Obispo County	34,387	0.8%	0.4%	1.6%	1.0%	41.1%	0.2%	50.1%	4.2%	0.6%
Statewide	6,163,001	5.3%	0.5%	9.3%	2.4%	54.9%	0.4%	22.4%	3.9%	0.9%

Source: DataQuest (ACA/SMUSD: <https://dq.cde.ca.gov/dataquest/dqcensus/EnrEthLevels.aspx?cds=40688250125807&aggllevel=school&year=2019-20>;
 PRUSD: <https://dq.cde.ca.gov/dataquest/dqcensus/EnrEthYears.aspx?cds=4075457&aggllevel=district&year=2019-20>)





Subgroup	Almond Acres Charter Academy	San Miguel Union School District	Paso Robles Unified School District
English Learners	15 (6.2%)	243 (38.7%)	1,261 (18.3%)
Foster Youth	1	1	41
Homeless Youth	3	136	196
Migrant Education	0	60	208
Students with Disabilities	33 (13.7%)	74 (11.8%)	843 (12.3%)
Socioeconomically Disadvantaged	74 (30.7%)	493 (78.5%)	3,494 (50.9%)
All Students	241	628	6,869

Source: AACA, San Miguel: <https://dq.cde.ca.gov/dataquest/dqcensus/EnrCharterSub.aspx?cds=4068825&agglevel=district&year=2019-20>;
Paso Robles: <https://dq.cde.ca.gov/dataquest/dqcensus/EnrCharterSub.aspx?cds=4075457&agglevel=district&year=2019-20>

EXHIBIT C: ALMOND ACRES CHARTER ACADEMY DASHBOARDS, 2017-2019

Almond Acres Charter Academy

Explore the performance of Almond Acres Charter Academy under California's Accountability System.

<p>Suspension Rate</p>  <p>Yellow</p>	<p>English Learner Progress</p>  <p>No Performance Color</p>	<p>English Language Arts</p>  <p>Orange</p>	<p>Mathematics</p>  <p>Yellow</p>
<p>Basics: Teachers, Instructional Materials, Facilities</p> <p>STANDARD MET</p>	<p>Implementation of Academic Standards</p> <p>STANDARD MET</p>	<p>Parent and Family Engagement</p> <p>STANDARD MET</p>	<p>Local Climate Survey</p> <p>STANDARD MET</p>

School Details

Optional Narrative Summary
 Completed By Almond Acres Charter Academy

Almond Acres Charter Academy serves students and families through northern San Luis Obispo county. The school completed its five year renewal and was awarded a six year accreditation by the Western Association of Schools and Colleges last spring. Enrollment has increased from 150 students in 2012 to over 300 currently. AACA is an independent Charter School which provides flexibility and variability to the use of all curriculum, instruction, and assessment strategies.

<p>NAME</p> <p>Almond Acres Charter Academy</p>	<p>ADDRESS</p> <p>1601 L Street San Miguel, CA 93451-9107</p>	<p>WEBSITE</p> <p>http://www.aacacademy...</p>	<p>GRADES SERVED</p> <p>K-8</p>
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Student Population

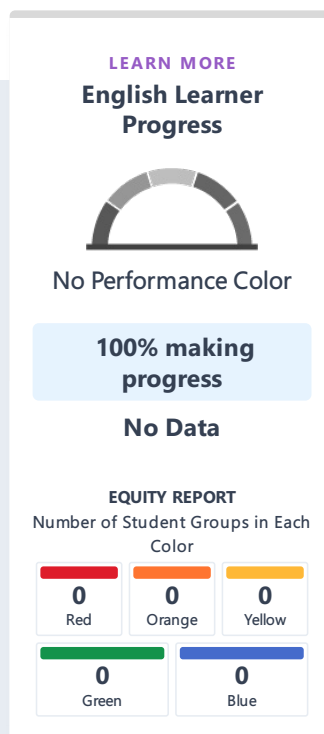
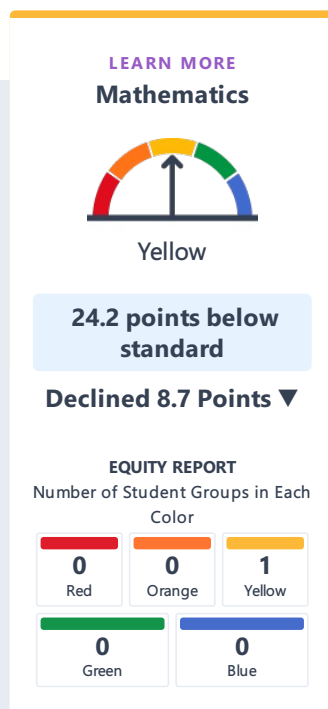
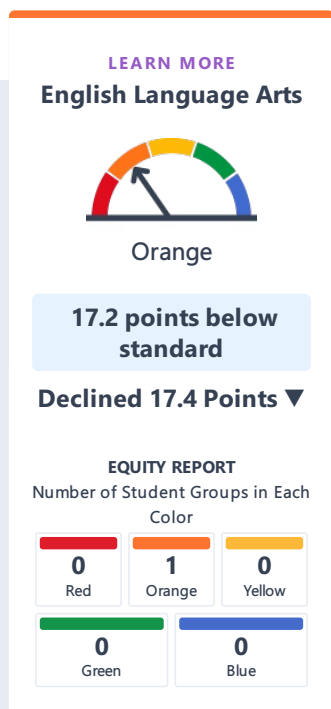
Explore information about this school's student population.

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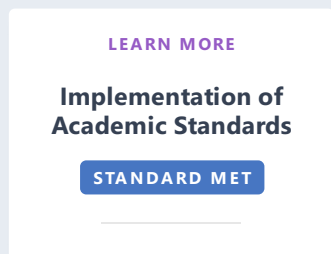
ALMOND ACRES CHARTER ACADEMY

Academic Performance

View Student Assessment Results and other aspects of school performance.



Local Indicators



ALMOND ACRES CHARTER ACADEMY

Conditions & Climate

View data related to how well schools are providing a healthy, safe and welcoming environment.

[LEARN MORE](#)

Suspension Rate



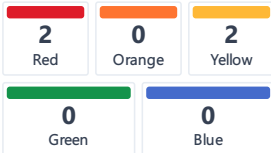
Yellow

5.6% suspended at least once

Declined 0.7% ▼

EQUITY REPORT

Number of Student Groups in Each Color



Local Indicators

[LEARN MORE](#)

Basics: Teachers, Instructional Materials, Facilities

STANDARD MET

[LEARN MORE](#)

Parent and Family Engagement

STANDARD MET

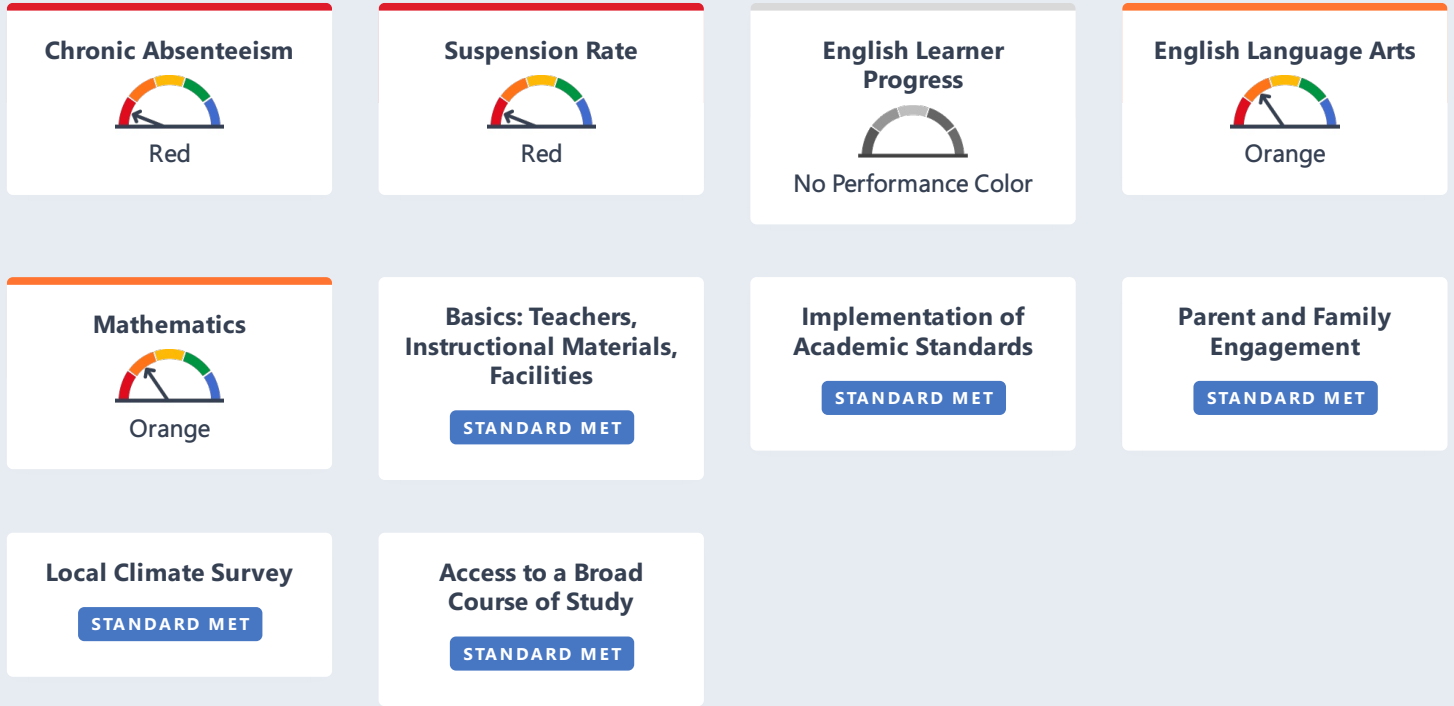
[LEARN MORE](#)

Local Climate Survey

STANDARD MET

Almond Acres Charter Academy

Explore the performance of Almond Acres Charter Academy under California's Accountability System.



School Details

Optional Narrative Summary
 Completed By Almond Acres Charter Academy

Almond Acres Charter Academy serves students and families through northern San Luis Obispo County. The school completed its five-year renewal and was awarded a six-year accreditation by the Western Association of Schools and Colleges in 2016. Enrollment has increased from 150 students in 2012 to 283 currently. AACA is an independent Charter School which provides flexibility and variability to the use of all curriculum, instruction, and assessment strategies.

NAME	ADDRESS	WEBSITE	GRADES SERVED
Almond Acres Charter Academy	1601 L Street San Miguel, CA 93451-9107	http://www.aacacademy...	K-8

Student Population

Explore information about this school's student population.

Enrollment

Socioeconomically Disadvantaged

English Learners

Foster Youth

ALMOND ACRES CHARTER ACADEMY

Academic Performance

View Student Assessment Results and other aspects of school performance.

LEARN MORE

English Language Arts



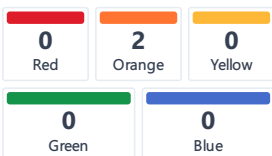
Orange

27.5 points below standard

Declined 10.4 Points ▼

EQUITY REPORT

Number of Student Groups in Each Color



LEARN MORE

Mathematics



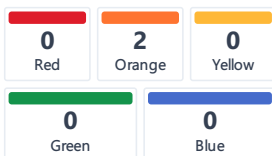
Orange

39.8 points below standard

Declined 15.6 Points ▼

EQUITY REPORT

Number of Student Groups in Each Color



LEARN MORE

English Learner Progress

English Language Proficiency Assessments for California Results

Level 4 - Well Developed

25%



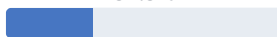
Level 3 - Moderately Developed

37.5%



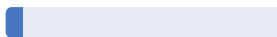
Level 2 - Somewhat Developed

31.3%



Level 1 - Beginning Stage

6.3%



Local Indicators

LEARN MORE

Implementation of Academic Standards


STANDARD MET

Academic Engagement

See information that shows how well schools are engaging students in their learning.

[LEARN MORE](#)

Chronic Absenteeism



Red

15.2% chronically absent

Increased 4.1% ▲

EQUITY REPORT
Number of Student Groups in Each Color

2 Red	1 Orange	1 Yellow
0 Green	0 Blue	

Local Indicators

[LEARN MORE](#)

Access to a Broad Course of Study


STANDARD MET

Conditions & Climate

View data related to how well schools are providing a healthy, safe and welcoming environment.

[LEARN MORE](#)

Suspension Rate



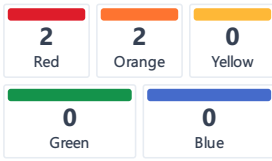
Red

7.4% suspended at least once

Increased 1.8% ▲

EQUITY REPORT

Number of Student Groups in Each Color



Local Indicators

[LEARN MORE](#)

Basics: Teachers, Instructional Materials, Facilities

STANDARD MET

[LEARN MORE](#)

Parent and Family Engagement

STANDARD MET

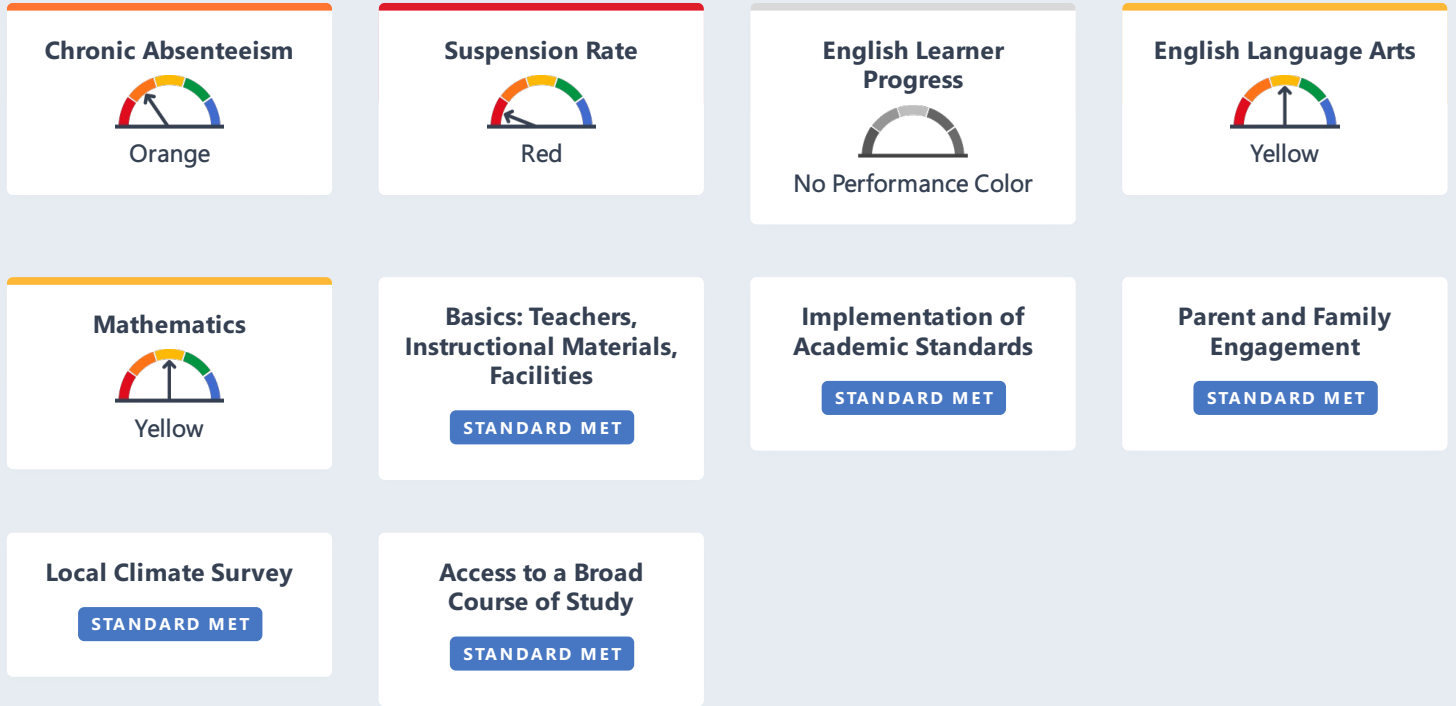
[LEARN MORE](#)

Local Climate Survey

STANDARD MET

Almond Acres Charter Academy

Explore the performance of Almond Acres Charter Academy under California's Accountability System.

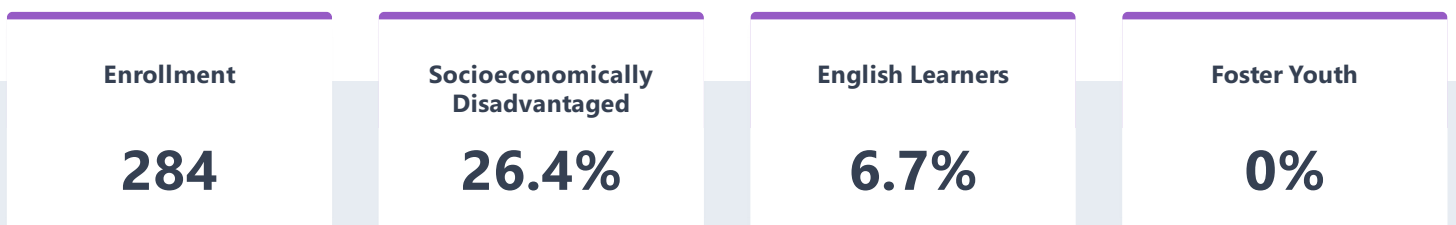


School Details

NAME Almond Acres Charter Academy	ADDRESS 1601 L Street San Miguel, CA 93451-9107	WEBSITE http://www.aacacademy...	GRADES SERVED K-8
---	--	---	-----------------------------

Student Population

Explore information about this school's student population.




Academic Performance

View Student Assessment Results and other aspects of school performance.

[LEARN MORE](#)

English Language Arts



Yellow

9.2 points below standard


Increased 18.8 Points ▲

EQUITY REPORT
Number of Student Groups in Each Color

0 Red	0 Orange	2 Yellow
1 Green	0 Blue	

[LEARN MORE](#)

Mathematics



Yellow

30.3 points below standard

Increased 9.3 Points ▲

EQUITY REPORT
Number of Student Groups in Each Color

0 Red	2 Orange	0 Yellow
1 Green	0 Blue	

[LEARN MORE](#)

English Learner Progress

69.2% making progress towards English language proficiency

Number of EL Students: 13

Progress Levels

Very High = 65% or higher
High = 55% to less than 65%
Medium = 45% to less than 55%
Low = 35% to less than 45%
Very Low = Less than 35%

Local Indicators

[LEARN MORE](#)

Implementation of Academic Standards

STANDARD MET

Academic Engagement

See information that shows how well schools are engaging students in their learning.

[LEARN MORE](#)

Chronic Absenteeism



Orange

15.6% chronically absent

Maintained 0.4%

EQUITY REPORT

Number of Student Groups in Each Color

1 Red	1 Orange	1 Yellow
1 Green	0 Blue	

Local Indicators

[LEARN MORE](#)

Access to a Broad Course of Study

STANDARD MET

ALMOND ACRES CHARTER ACADEMY

Conditions & Climate

View data related to how well schools are providing a healthy, safe and welcoming environment.

[LEARN MORE](#)

Suspension Rate



Red

9.5% suspended at least once

Increased 2.1% ▲

EQUITY REPORT

Number of Student Groups in Each Color

4 Red	0 Orange	0 Yellow

0

Green

0

Blue

Local Indicators

LEARN MORE

**Basics: Teachers,
Instructional Materials,
Facilities**

STANDARD MET

LEARN MORE

**Parent and Family
Engagement**

STANDARD MET

LEARN MORE

Local Climate Survey

STANDARD MET

EXHIBIT D: ALMOND ACRES CHARTER ACADEMY FAR 300 REPORT

FUND :62 CHARTER SCH ENTERPRISE FUND

OBJT	Beg. Balance/ Adjusted Budget	Current Activity	Year to date Activity	Encumbrances	Balance	%used
Beginning balance						
9110 CASH IN COUNTY TREASURY	527,386.47	314,293.03-	314,293.03-	0.00	213,093.44	
9120 CASH IN BANK	288,204.13	6,847.21-	6,847.21-	0.00	281,356.92	
9128 CASH IN PAY PAL	20,073.25	46,682.14	46,682.14	0.00	66,755.39	
9135 CASH WITH A FISCAL AGENT	66,500.00	36,059.99	36,059.99	0.00	102,559.99	
9140 CASH COLLECTIONS AWAITING DEP	1,416.81	1,416.81-	1,416.81-	0.00	0.00	
9209 ACCOUNTS RECEIVABLE-NEW YEAR	0.00	406,854.12	406,854.12	0.00	406,854.12	
9210 ACCOUNTS RECEIVABLE PRIOR YEAR	263,558.08	263,558.08-	263,558.08-	0.00	0.00	
9330 PREPAID EXPENDITURES (EXPENSES)	9,600.00	0.00	0.00	0.00	9,600.00	
9335 PREPAID PAYROLL EXPENSE	396.95	109.74	109.74	0.00	506.69	
9420 IMPROVEMENT OF SITES	619,100.85	0.00	0.00	0.00	619,100.85	
9425 ACCUM DEPRECIATION-IMP SITES	619,100.83-	0.00	0.00	0.00	619,100.83-	
9440 EQUIPMENT	163,627.51	0.00	0.00	0.00	163,627.51	
9445 ACCUMULATED DEPREC-EQUIPMENT	10,908.50-	16,363.00-	16,363.00-	0.00	27,271.50-	
9509 CURRENT LIABILITIES-NEW YEAR	0.00	214,726.82-	214,726.82-	0.00	214,726.82-	
9510 ACCOUNTS PAYABLE (CURRENT LIAB)	161,832.28-	161,832.28	161,832.28	0.00	0.00	
9511 STRS PASS THROUGH	0.00	0.00	0.00	0.00	0.00	
9513 OASDHI PASS THROUGH	0.00	0.00	0.00	0.00	0.00	
9514 VOL DEDS	0.00	0.00	0.00	0.00	0.00	
9515 UNEMPLOYMENT	226.14-	14.68	14.68	0.00	211.46-	
9516 W/COMP PASS THROUGH	11,009.82-	480.66-	480.66-	0.00	11,490.48-	
9517 MEDICARE	0.00	0.00	0.00	0.00	0.00	
9521 MEDICAL	60,348.86-	6,506.52-	6,506.52-	0.00	66,855.38-	
9575 DUE TO EMPLOYEES SUMMER W/H	43,404.79-	6,098.50-	6,098.50-	0.00	49,503.29-	
TOTAL Beginning balance	1,053,032.83	178,737.68-	178,737.68-	0.00	874,295.15	
Current year revenue						
8011 REV LIMIT STATE AID-CURR YEAR	949,387.00	928,760.00	928,760.00	0.00	20,627.00	97.8
8012 Rev Limit State Aid EPA	171,518.00	171,518.00	171,518.00	0.00	0.00	100.0
8019 REV LIMIT STATE AID-PRIOR YEAR	0.00	18,530.00	18,530.00	0.00	18,530.00-	N/A
8096 TRFR TO CHARTER SCH IN LIEU TX	870,374.00	891,001.00	891,001.00	0.00	20,627.00-	102.4
8097 PROPERTY TAXES TRANSFERS	103,998.00	102,389.00	102,389.00	0.00	1,609.00	98.5
8181 SP ED ENTITLEMENT PER UDC	47,827.00	47,827.00	47,827.00	0.00	0.00	100.0
8290 ALL OTHER FEDERAL REVENUES	41,270.00	41,270.00	41,270.00	0.00	0.00	100.0
8550 MANDATED COST REIMBURSEMENT	4,318.00	4,318.00	4,318.00	0.00	0.00	100.0
8560 STATE LOTTERY REVENUE	48,769.00	50,320.41	50,320.41	0.00	1,551.41-	103.2
8590 ALL OTHER STATE REVENUES	187,118.00	179,230.34	179,230.34	0.00	7,887.66	95.8
8660 INTEREST	6,330.00	6,330.29	6,330.29	0.00	0.29-	100.0
8675 TRANSPORTATION FEES FR INDIV	35,797.00	35,796.90	35,796.90	0.00	0.10	100.0
8694 DONATIONS	119,894.45	123,907.09	123,907.09	0.00	4,012.64-	103.3
8698 STALE-DATED WTS/PRIOR YR WTS	0.00	45.00	45.00	0.00	45.00-	N/A
8699 ALL OTHER LOCAL REVENUES	22,980.00	22,979.96	22,979.96	0.00	0.04	100.0
8792 TF OF APPORT FROM COE	159,639.00	166,232.38	166,232.38	0.00	6,593.38-	104.1
8980 CONTRIBUTIONS FR UNRESTR REV	0.00	0.00	0.00	0.00	0.00	N/A
TOTAL Current year revenue	2,769,219.45	2,790,455.37	2,790,455.37	0.00	21,235.92-	
*TOTAL Beginning balance + Revenue	3,822,252.28	3,843,488.20	3,843,488.20			*

FUND :62 CHARTER SCH ENTERPRISE FUND

OBJT	Beg. Balance/ Adjusted Budget	Current Activity	Year to date Activity	Encumbrances	Balance	%used
Expense						
1xxx CERTIFICATED PERSONNEL	1,327,098.33	1,312,191.38	1,312,191.38	0.00	14,906.95	98.9
2xxx CLASSIFIED PERSONNEL	331,024.00	332,939.03	332,939.03	0.00	1,915.03-	100.6
3xxx EMPLOYEE BENEFITS	575,286.73	573,035.17	573,035.17	0.00	2,251.56	99.6
4xxx BOOKS AND SUPPLIES	176,365.51	92,371.29	92,371.29	0.00	83,994.22	52.4
5xxx OTH OPERATING EXPEND D N USE	681,567.00	642,293.18	642,293.18	0.00	39,273.82	94.2
6xxx CAPITAL OUTLAY	10,909.00	16,363.00	16,363.00	0.00	5,454.00-	150.0
TOTAL Expense	3,102,250.57	2,969,193.05	2,969,193.05	0.00	133,057.52	
Ending balance						
9790 FUND BAL-UNDESIG/UNAPPROP	301,324.52	72,973.05	72,973.05	0.00	374,297.57	
9791 FUND BAL-BEGINNING BALANCE	1,053,032.83-	0.00	0.00	0.00	1,053,032.83-	
TOTAL Ending balance	751,708.31-	72,973.05	72,973.05	0.00	678,735.26-	
**Fund balance	720,001.71	874,295.15	874,295.15			**

EXHIBIT E: ALMOND ACRES CHARTER ACADEMY DELINQUENT PAYMENTS TO SMJUSD

AACA INVOICE RECONCILIATION

INVOICE DATE	INVOICE NUMBER	INVOICE DESCRIPTION	INVOICE AMOUNT	DATE PAID	WARRANT NUMBER	WARRANT AMOUNT	INVOICE BALANCE	COMMENTS
		2017-18 PAST DUE INVOICES						
6/30/2019	192009	2017-18 Lease Agreement	\$241,466.68	12/13/2017	04222296	\$26,829.63		Per 2018-19 FUA, Section 3 Part D "For the 2017-18 fiscal year only, the Parties agree that the Service Fee shall equal \$241,466.68 which includes a one-time oversight reconciliation payment in the amount of \$50,000 in addition to the costs for District Services. District acknowledges that Charter School has paid an initial installment of the Service Fee for the 2017-18 fiscal year in the amount of \$80,488.89 on or before November 1, 2017. Commencing on April 1, 2018, Charter school shall pay the remaining unpaid balance of the 2017-18 Service Fee in the monthly payments of \$20,122.22 each." AACA owes San Miguel the final payment of \$32,779.95 to meet the \$241,466.68 agreement
				12/13/2017	04222296	\$53,659.26		
				10/10/2018	04248939	\$128,197.84	\$32,779.95	
6/30/2019	192002	PART/LABOR - BROKEN WINDOW BY STUDENT	\$464.06				\$464.06	Original Invoice #180010 dated 06/12/2018
		2018-19 PAST DUE INVOICES						The 2018-19 Calculation is based of CDE LCFF Revenue received per P2 Certification and an 8% for Facility Usage and a 1% Administration fee.
6/30/2019	192018	2018-19 Lease/Oversight Chg: JULY 18 THRU JAN 19	\$118,956.46	6/10/2019	04268521	\$107,864.26	\$11,092.20	Orig Inv #190014, Inv Amt \$137,706.31: reduce inv \$18,749.85 per P2 Cert of LCFF Rev
6/30/2019	192019	2018-19 Lease/Oversight Chg: FEB 2019 THRU MAR 2019	\$33,987.56	6/10/2019	04269734	\$30,818.36	\$3,169.20	Orig Inv #190021, Inv Amt \$39,344.66: reduce inv \$5,357.10 per P2 Cert of LCFF Rev
6/30/2019	192020	APRIL 2019 Lease/Oversight Chg	\$16,993.78	6/24/2019	04269734	\$15,409.18	\$1,584.60	Orig Inv #190031, Inv Amt \$19,672.33: reduce inv \$2678.55 per P2 Cert of LCFF Rev
5/22/2019	190034	2018-19 Lease/Oversight Chg: MAY 2019 - JUNE 2019	\$33,987.56	8/14/2019	04273008	\$30,818.39	\$3,169.17	Orig Inv #190034, Inv Amt \$39,344.66: reduce inv \$5,357.10 per P2 Cert of LCFF Rev
		2019-20 INVOICES DUE						The 2019-20 Calculation is based of CDE LCFF Revenue received per P2 Certification and an 8% for Facility Usage and a 1% Administration fee. Agreement states "This Agreement is made this 3rd day of March, 2020 and effective July 1, 2019 (the "Effective Date")
11/21/2019	200007	2019-20 Lease Oversight Chg: JULY 2019 THRU NOV 2019	\$89,987.90	12/20/2019	04283017	\$32,202.00		Orig Inv Amt \$89,987.90: reduce inv \$14,620.05 per P2 Cert of LCFF Rev less \$8,998.85 credit taken on Inv #200008 - December 2019 Use of Facilities for July - Nov 2019 Adj = Total Corrected Adj of \$5,621.20
		Credit for P2 Certification of LCFF Revenues	-\$5,621.20				\$52,164.70	
11/21/2019	200008	DECEMBER 2019 Lease Oversight Charge	\$7,198.96	4/29/2020	04291848	\$7,198.96		Inv Amt should be \$6,074.72 = Dec Chg of \$15,073.57 less credit of \$8,998.85, APPLY CREDIT TO INV#200007
		Credit for P2 Certification of LCFF Revenues	-\$1,124.24				-\$1,124.24	
12/13/2019	200017	2019-20 Lease/Oversight Chg: JAN 2020	\$16,197.81	1/29/2020	04285409	\$6,440.40		Orig Inv Amt \$16,197.81: reduce inv \$1,124.24 per P2 Cert of LCFF Rev
		Credit for P2 Certification of LCFF Revenues	-\$1,124.24					
		"True-Up" payment FROM INV #200017		4/29/2020	04291848	\$6,440.40	\$2,192.77	
1/13/2020	200018	2019-20 Lease/Oversight Chg: FEB 2020	\$16,197.81	1/29/2020	04285409	\$6,440.40		Orig Inv Amt \$16,197.81: red inv \$1,124.24 per P2 Cert of LCFF Rev
		Credit for P2 Certification of LCFF Revenues	-\$1,124.24					
		"True-Up" payment FROM INV #200018		4/29/2020	04291848	\$6,440.40	\$2,192.77	
2/11/2020	200026	MARCH 2020 Lease/Oversight Chg (pd from non-treasury acct)	\$16,197.81	3/9/2020	00001504	\$16,197.81		Orig Inv Amt \$16,197.81: reduce inv \$1,124.24 per P2 Cert of LCFF Rev, APPLY CREDIT TO INV#200007
		Credit for P2 Certification of LCFF Revenues	-\$1,124.24				-\$1,124.24	
2/12/2020	200027	LATE FEES - INV #200007, 200008, 200017, 200018	\$6,797.52				\$6,797.52	
3/2/2020	200031	APRIL 2020 Lease/Oversight Chg	\$16,197.81	3/25/2020	04289828	\$16,197.81		Orig Inv Amt \$16,197.81: reduce inv \$1,124.24 per P2 Cert of LCFF Rev, APPLY CREDIT TO INV#200007
		Credit for P2 Certification of LCFF Revenues	-\$1,124.24				-\$1,124.24	
4/15/2020	200037	MAY 2020 Lease/Oversight Chg	\$16,197.81	4/29/2020	04291848	\$5,781.14		Orig Inv Amt \$16,197.81: reduce inv \$1,124.24 per P2 Cert of LCFF Rev, invoice was

		Credit for P2 Certification of LCFF Revenues	- \$1,124.24						reduced \$10,416.67 for custodials service with no backup provided, APPLY CREDIT TO
		Credit for Custodial Services	- \$10,416.67					-\$1,124.24	INV#200007
6/3/2020	200042	JUNE 2020 Lease Oversight Chg	\$16,197.81	6/8/2020	04294236	\$16,197.81			Orig Inv Amt \$16,197.81: red inv \$1,124.24 per P2 Cert of LCFF Rev - APPLY CREDIT TO
		Credit for P2 Certification of LCFF Revenues	- \$1,124.24					-\$1,124.24	INV#200007
6/25/2020	200043	BUS LABOR CHARGES	\$665.60					\$665.60	
6/30/2020	200045	2019/20 PYSCHOLOGIST SERVICES	\$11,230.07					\$11,230.07	Orig Inv Amt \$36,863.93: reduce inv \$25,633.86 (invoiced on 3/2/2020, inv #200030)
6/30/2020	200046	LIBRARY WORK RENEWAL BASED ON P2	\$237.00					\$237.00	
6/30/2020	CREDIT	REMAINING CUSTODIAL SERVICE CREDIT	- \$1,523.43					-\$1,523.43	TOTAL CUSTODIAL SERVICES = \$11,940.10 LESS \$10,416.67 CREDIT TAKEN ON INV #200037 = \$1,523.43, APPLY CREDIT TO INV#200007
6/30/2020	CREDIT	CREDIT FOR UTILITY USE	- \$1,012.75					-\$1,012.75	PER AGREEMENT W/ KAREN, WILL SHARE REDUCED UTILITY COST W/ AACA FOR MONTHS THAT SCHOOL WAS CLOSED, APPLY CREDIT TO INV#200007

TOTAL BALANCE DUE TO SAN MIGUEL \$119,582.23