

Panama-Buena Vista Union School District
"Excellence in Education"

Summary of Willie J Frink College Prep Charter Petition Findings / Evaluation Matrix

Criteria in **RED** indicate descriptions that are required under law to be included in the charter petition.

Criteria in **BLACK** are descriptions strongly suggested to be included to ensure that the charter petition is reasonably comprehensive.

Evaluation Standard "Met" - The charter petition demonstrates solid preparation and grasp of key issues that indicate a reasonably comprehensive description. Overall, the charter petition contains many characteristics of concise, specific and accurate information. The standard may be met if the charter petition requires additional elaboration that is not substantive in nature.

Evaluation Standard "Not Met" - The charter petition addresses some of the criteria but lacks meaningful detail. The description lacks important or key additional information needed to be reasonably comprehensive. It demonstrates lack of preparation, is unclear, uses generic information, or otherwise raises substantial concerns about the petitioner's understanding of the criteria. Additional substantive information is required to determine the charter petitioner's ability to implement or meet the requirement in practice.

PETITIONER CERTIFICATION		
Education Code section 47605(a)(1): A petition for the establishment of a charter school shall identify a single charter school that will operate within the geographic boundaries of that school district. A charter school may propose to operate at multiple sites within the school district if each location is identified in the charter school petition. The petition may be submitted to the governing board of the school district for review after either of the following conditions is met:		
	YES	NO
(A) The petition is signed by a number of parents or legal guardians of pupils that is equivalent to at least one-half of the number of pupils that the charter school estimates will enroll in the charter school for its first year of operation.	YES	
(B) The petition is signed by a number of teachers that is equivalent to at least one-half of the number of teachers that the charter school estimates will be employed at the charter school during its first year of operation.	YES	

FACILITY				
Have facilities been secured?	NO			
	STREET	CITY	STATE	ZIP CODE
Proposed Facility Address	NONE			
Facilities being considered (include any proposed funding source)	The Panama Buena-Vista Union School District (“District” or “P-BVUSD”) understands a facility is being considered and a lease agreement is being pursued in a location within the P-BVUSD boundaries. Limited funding is allocated in the budget to support the immediate/pre-opening renovations needed at the facility being considered (e.g., TK -2nd grade bathrooms, outside play area). The facility being considered has a small kitchen area. The District understands there is a plan to have all meals brought in during meal times. State and federal guidelines will need to be met to be eligible to receive budgeted reimbursement. The proposed budget is reliant upon revenue equal to 95% reimbursement of food expenses.			

RELATED BUSINESS ORGANIZATIONS AND OTHER CORPORATE AFFILIATIONS	
List all corporations or business entities related to the corporation proposed to operate the charter school and/or lead petitioner(s). Explain whether, and to what extent, those other entities will participate in operating the charter school.	
Related or Affiliated Entity Name and Contact Information	Services to be Provided, if any
Frink School Inc., a California nonprofit public benefit corporation	Frink School Inc. will operate Willie J Frink College Prep Charter (a direct-funded, independent charter school).

AFFILIATED SCHOOLS AND PRIOR CHARTER SCHOOL EXPERIENCE	
Any past or current operational charter schools affiliated with the proposed charter school?	YES, to some degree, as Willie J Frink College Prep Charter (Frink College Prep Charter) is relying heavily on the Fortune School's design and curriculum, with consent, but without any apparent legal or formal relationship.
Name of affiliated school(s)	Fortune School of Education; Fortune School will be used as a model with Dr. Fortune's permission stated in her letter submitted with Petition in Appendices.
Mailing address	2890 Gateway Oaks Dr. #100, Sacramento, CA 95833
Name of authorizing agency and contact name	Sacramento County Office of Education
Authorizing agency contact phone and email	Unknown

SPECIAL EDUCATION - SELPA INFORMATION	
Has the charter school applied for or been approved as a Local Educational Agency (LEA) member of a Special Education Local Plan Area (SELPA)?	NO
If yes, provide the name of SELPA and contact name.	
If no, explain intent for special education compliance as a charter school in the charter petition (see Supplemental Criteria section of this evaluation matrix). Frink College Prep Charter plans to be its own LEA and plans to apply to be a member of the P-BVUSD SELPA in conformity with Education Code section 47641 (a). According to the Petition, in the event that Frink College Prep Charter does not gain membership in a SELPA for its first year of operation, it shall by default, be categorized as a "school of the district" for special education purposes pursuant to Education Code section 47641 (b), and shall seek membership in a SELPA to commence year two of operation. For year one of operation, Frink College Prep Charter shall enter into an MOU with the District related to the delineation of duties between the District and Frink College Prep Charter, including the required "equitable contribution" from Frink College Prep Charter toward District-wide special education costs.	

REQUIRED PETITION ELEMENTS - THE 15 CHARTER ELEMENTS

A. Description of Vision, Mission, and Educational Program (Evaluation Criteria: EC §47605(c)(5)(A))

The Petition describes, at a minimum:		MET/ NOT MET; Page #	If "NOT MET" - Factual Findings:	Can or should the finding be addressed in an MOU? If yes, describe:
1. Targeted Student Populations and Community Need				
a. Students the charter school will try to educate and a demonstration of the need for the proposed educational program.		MET p. 8		
b. Grade levels and number of students the charter school plans to serve.		MET p. 16		
c. A clear, concise school mission and vision statement that aligns with the target population.		MET p. 8		
d. The needs and challenges of the student groups to be served.		MET pp. 13-15		
2. Attendance (5 CCR 11960)				
a. School year/academic calendar, number of school days and instructional minutes (Education Code section 47612.5(a)).		MET pp. 44-47		
b. Attendance expectations and requirements, including enrollment projections.		MET pp. 7; 16-17		
c. Master/daily schedule and proposed bell schedule.		MET pp. 45-47		
3. What It Means to Be an Educated Person in the 21st Century (5 CCR 11967.5.1 (f)(B))				
a. Goals that are consistent with enabling all pupils to become or remain self-motivated, competent, lifelong learners.		MET p. 10		

b. List of academic skills and qualities important for an educated person.	MET pp. 10; 18-22		
c. List of general nonacademic skills and qualities important for an educated person.	MET pp. 11-12		
4. How Learning Best Occurs/instructional Design, including subgroup program (CCR §11967.5.1 (f)(C))			
a. A framework for instructional design that is aligned with the needs of the students that the charter has identified as its target student population.	MET pp. 21-29		
b. Description of learning setting (e.g., site-based matriculation, independent study, tech-based).	MET pp. 28-29; 32		
c. Instructional approaches and strategies school will use that will enable the school's students, including subgroup populations such as English language learners (ELL), to master the content standards of the core curriculum areas adopted by the State Board of Education.	MET pp. 30-33; 39-40; 50-53; 54-64	Although there is mention of instructional approaches and strategies for student success, it is less specific in strategies and approaches in meeting the needs of specific subgroups including ELLs.	MOU to clarify strategies and approaches to meet the needs of specific subgroups.

d. Process for developing or adopting curriculum and teaching methods.	NOT MET pp. 38-42; 56	Although there is mention that core curriculum will be a combination of adopted and teacher-designed curricula, there is no mention of the process for adopting curriculum or teaching methods. The list of Curriculum on p. 42 of the Petition is not specific for Math, and the History/Social Studies and Visual & Performing Arts selected curricula are not state adopted options. English Language Development (ELD) curricula listed on p. 56 of the Petition are not state adopted options and do not align to the ELA Benchmark Advance option. It is not clear if the list provided in the Petition is supplemental curriculum.	MOU to clarify the curriculum adoption process and which materials are supplemental.
e. How the charter school will identify and meet the needs of students with disabilities (SWD), ELL students, students who are achieving substantially above or below grade level expectations and other special student populations (EC §52052 (a)(2)). The description demonstrates understanding of the likely ELL population. Includes sound approach to identify and meet the needs of subgroup populations.	MET pp. 54-64		MOU required. See comments at the end of the section.
f. Special education plan including, but not limited to, the means by which the charter school will comply with the provisions of Education Code section 47641.	MET p. 58		
g. A plan for professional development that aligns with the charter school's proposed program.	MET pp. 89-92		

5. Materials, Including Technology			
a. How staff and students' technology resources are aligned with the instructional program and meet state assessment requirements.	MET pp. 11; 38; 87	The Petition mentions the importance of technology, but does not list the actual resources.	MOU to address this omission.
b. What materials are available to students; student-to-computer ratio appears reasonable.	MET pp. 3; 6	The Petition mentions blended learning during centers providing Chromebooks at a 1:1 ratio, however there is no mention of how technology would be used during the instructional day or for assessments.	MOU to address this omission.
c. A description or plan for providing adaptive technology for special education students.	MET p. 62	The Petition mentions being responsible for assistive technology, but there is no description of the plan.	MOU to address this omission.
d. Common Core technology standards, digital assessments, and professional learning.	MET pp. 9; 68; 75-56	The Petition mentions professional learning on "Appropriate Use of Technology", yet there is no mention of technology standards.	MOU to address this omission.
6. Annual Goals (EC §52064)			
a. Annual goals for all pupils and for each subgroup of pupils identified pursuant to Education Code section 52052 that apply to the grade levels served.	MET p. 67	Reclassification rate and suspension rate goals are not specified for subgroups.	MOU to clarify specific subgroup target goals.
b. Goals tied to state priorities listed in Education Code section 52060(d) and LCAP, as appropriate. Additional priorities related to unique aspects of the proposed charter school program include goals and specific annual actions.	MET pp. 65-74		

c. Specific annual actions designed to achieve the stated goals.	MET pp. 65-74	There is a general statement for actions, the statement does not describe the specific, measurable steps to how each action will be reached.	MOU to clarify the LCAP development process and expectations.
7. Description Requirements for Charter Schools Serving High School Students (EC §47605(b)(5)(A)) - Not Applicable			
a. How parents will be informed about the transferability of courses to other public high schools.	N/A		
b. How parents will be informed about the eligibility of courses to meet college entrance requirements.	N/A		
c. How each student will receive information on how to complete and submit the Free Application for Federal Student Aid (FAFSA) or California Dream Act Application at least once before the student enters grade 12.	N/A		
Comments by review team: 2.b: Attendance for budgeting is projected to be 95%. This will need to be closely monitored and the budget adjusted during Interim reporting periods to account for any changes in ADA and resulting revenue projections. 2.c: The proposed Bell Schedule needs clarification of start/stop times of non-instructional breaks, including clarification of bell schedules for any days that are not going to follow the currently proposed bell schedule (e.g.: last day of school, day prior to extended break, conference week, Business Fair). These adjusted days will need to be considered to ensure that Instructional Minute requirements will still be met. The proposed Bell Schedule does not call out the amount of minutes or the specific time for Designated English Language Development. By placing it on the master bell schedule it will need to meet the California Department of Education's (CDE) requirement as protected time. 4.e: Although there is mention of how Frink College Prep Charter will identify students with disabilities and other subgroups, there is no mention of their plan to address specific needs of those students. In addition, as it pertains to special education, there is no substantive section on ELL/SWD students, except where they indicate that the box for "Linguistically Appropriate" will be marked on IEP goals. Interventions and supports are stated as Tier 2, but what they list are Tier I or base mandates for ELs.			

B. Measurable Student Outcomes (Evaluation Criteria: EC §47605(c)(5)(B))

The Petition describes, at a minimum:	MET/ NOT MET; Page #	If "NOT MET" - Factual Findings:	Can or should the finding be addressed in an MOU? If yes, describe:
1. Measurable pupil outcomes for all groups, i.e., specific assessment methods or tools listed for each exit outcome (EC §47607).	NOT MET pp. 54-55; 61; 75-76	Although there are specific state and local assessments listed, there are no specific assessment exit criteria described for reclassification, special education, or programs.	MOU to clarify the assessment exit criteria for all groups.
2. A description of how pupil outcomes align with the state priorities consistent with the Local Control and Accountability Plan (LCAP), as described in Education Code section 52060(d), that apply for the grade levels served or the nature of the program.	MET pp. 65-74		
3. Specific annual actions designed to achieve the stated goals.	MET pp. 65-74	There is a general statement for actions, the statement does not describe the specific, measurable, steps for each action.	MOU to clarify the LCAP development process and expectations.
4. Additional school priorities related to unique aspects of the proposed charter school program, with goals and specific annual actions.	NOT MET pp. 66-68	State Priority #2 - State Standards, Subpriority A, B, & C Goals to Achieve are duplicated. Actions to Achieve do not reflect a focus on instruction or integrated/designated ELD instruction. Subpriority A - identifies number of volunteer hours. Volunteering does not equal parent engagement.	MOU to outline specific, measurable outcomes for each subpriority goal and action.
5. Description of how pupil outcomes will address state content and performance standards in core academic areas.	MET pp. 72-74		
6. Description of how exit outcomes align with the mission and instructional design of the program.	NOT MET pp. 54-55; 61; 75-76	There are no specific assessment exit criteria described for reclassification, special education, or programs.	MOU to provide support in designing assessment exit criteria for specific subgroups or programs.

7. Description or affirmation that benchmark skills and specific classroom level skills will be developed.	MET pp. 8-16		
8. Schoolwide student performance goals students will achieve over a given period of time, including projected attendance levels, dropout percentage, and graduation rate goals.	MET pp. 65-74		
Comments by review team: The number of Professional Development (48 days/156 hours) does not seem feasible based on the academic calendar provided. English Learners curriculum and standards are referenced; Reclassification rates will be used as a method of measurement, but reclassification criteria was not explicitly described in the petition.			
C. Student Progress Measurement (Evaluation Criteria: EC §47605(c)(5)(C))			
The Petition describes, at a minimum:	MET/ NOT MET; Page #	If “NOT MET” - Factual Findings:	Can or should the finding be addressed in an MOU? If yes, describe:
1. Assessment tools that include all required state and federal assessments (e.g., SBAC, ELPAC) for purposes of accountability.	MET pp. 54; 61	All State Assessments and local assessments are listed for K-8th. Although there is mention of assessments for 504 or IEP determination, the specific assessment tools are not listed. Although there is mention that students who indicate a home language other than English on the Home Language Survey will be tested with the ELPAC, a distinction must be made as to which ELPAC (Initial) they will be given and which questions on the survey will determine if the identified students need to be tested.	MOU to clarify the EL mandates, expectations for assessments, 504, and IEP assessment options.

2. At least one assessment method or tool listed for each of the exit assessments.	NOT MET pp. 54-55; 61; 75-76	Although there are specific state and local assessments listed, there are no specific assessment exit criteria described for reclassification, special education, or programs.	MOU to clarify designing of assessment exit criteria for specific subgroups or programs.
3. A variety of alternative assessment tools, including tools that use objective means of assessment consistent with the measurable pupil outcomes.	NOT MET pp. 54-55; 61; 75-76	There is no mention of alternative assessments for some State (Science or ELPAC) and all local assessments, including 504 or IEP determination. There are no specific assessment tools listed.	MOU to clarify the EL mandates, expectations for assessments, 504, and IEP assessment options.
4. Chosen assessments are appropriate for standards and skills the charter school seeks to measure.	NOT MET pp. 75-76	There are no Alternate Assessments listed for students on IEPs or 504s, ELPAC or Science.	MOU to clarify the EL mandates, expectations for assessments, 504, and IEP assessment options.
5. A plan for collecting, analyzing, using and reporting student and school performance to charter school staff and to students' parents and guardians, and for using the data continually to monitor and improve the charter school's educational program.	MET p. 77		
D. Governance Structure (Evaluation Criteria: EC §47605(c)(5)(D))			
The Petition describes, at a minimum:	MET/ NOT MET; Page #	If "NOT MET" - Factual Findings:	Can or should the finding be addressed in an MOU? If yes, describe:
1. Evidence of the charter school's incorporation as a nonprofit benefit corporation. a. Provides the names and relevant qualifications of all persons whom the petitioner nominates to serve on the governing body of the charter school (EC §47605(h)). b. Includes a set of bylaws and basic policies.	MET pp. 78-81; Bylaws pp. 1-13		

2. Evidence that the organization and design of the governance structure reflect the following: a. A seriousness of purpose to ensure that the charter will become and remain a viable enterprise. b. Understanding and assurance of compliance with open meeting requirements (the Brown Act, Political Reform Act, Government Code 1090, and the Corporations Code, including the Nonprofit Integrity Act).	MET pp. 3; 78-81	Article II of the Bylaws for the Corporation state the principal office of the corporation will be in Kern County. It also states that the Board of Directors may change the location of the principal office. Article VII, Section 13 provides the Board of Directors meetings will be at the principal office unless the Board designates another location. Read together, this potentially could violate Education Code section 47604.1(c) by violating the Brown Act if the principal office is moved outside of Kern County and Board of Directors meetings are held there.	MOU to confirm Board Meetings will be in compliance with the Brown Act.
3. Key features of governing structure including, but not limited to, the following: a. Delineation of roles and responsibilities of the governing board and staff. b. A clear description of the flexibility and level of autonomy the charter school has from the charter management organization over budget, expenditures, personnel, and daily operations. c. Size and composition of board, board committees, and/or advisory councils.	NOT MET pp. 78-81; Bylaws	3.b: Not Applicable as no affiliation with a Charter Management Organization has been declared. 3.c: All Term End limits list the same year. There are inconsistencies between the term limits listed and the narrative on p. 78 of the Petition, and the narrative in the Bylaws of Frink School, Inc p. 3 section 3 and section 5.	MOU to clarify the terms of office and to require a bylaw amendment.

d. Method of selecting initial board members and election or appointment of replacement board members.			
4. A process for involvement or input of parents and guardians in the governance of the charter school, including the following: a. A clear delineation of roles and responsibilities of parent councils, advisory committees and other supporting groups. b. A description how it shall notify the parents and guardians of applicant pupils and currently enrolled pupils that parental involvement is not a requirement for acceptance to or continuation at the charter school.	MET p. 82	4.b: The Petition does not specify how it will notify parents, which is specifically required by Education Code section 47605(n).	MOU to clarify adherence to Education Code section 47605(n).
5. Specific policies and internal controls that will prevent fraud, embezzlement and conflict of interest, and that ensure the implementation and monitoring of those policies.	NOT MET	Although the Conflict of Interest Code is included after the Corporate Bylaws, the Petition lacks references to specific policies and internal controls that will prevent fraud or embezzlement and that ensure the implementation and monitoring of those policies.	MOU to clarify specific policies and internal controls.
6. A description and frequency of board training and workshops.	MET p. 80		
7. Other important legal or operational relationships between the charter school and granting agency.	MET p. 79		

Comments by review team:

4.a: The Bylaws are inconsistent as Article VII, section 4 prohibits “interested persons,” defined as including anyone compensated by the Corporation, from being a director (p. 3). Board members Arleana Waller and Krissy Warren are also employees. Additionally, Article IX states per Education Code section 47604.1, an employee of the school who is a director will abstain from voting on certain issues (p. 9). Lastly, the Conflict of Interest Code at section VI, B., states the Corporation cannot enter into a contract or transaction in which a director directly or indirectly has a material financial interest.

7: In accordance with Education Code section 47604(c), the District requests that a P-BVUSD Board Member or District employee designee serves as a member of the Frink College Prep Charter. This trustee or District employee designee will be selected and approved by the P-BVUSD Board of Trustees.

E. Employee Qualifications (Evaluation Criteria: EC §47605(c)(5)(E))

The Petition describes, at a minimum:	MET/ NOT MET; Page #	If “NOT MET” - Factual Findings:	Can or should the finding be addressed in an MOU? If yes, describe:
1. Core and college preparatory teachers, and affirms all teachers will hold appropriate Commission on Teacher Credentialing certificates (EC §47605.4)	MET pp. 83; 86		
2. Those positions that the charter school regards as key and for which it specifies additional qualifications, responsibilities and accountability.	MET pp. 83-86; 87-89		
3. General qualifications for the various categories of employees (e.g., other administrative, instructional support, non-instructional support). These qualifications shall be sufficient to ensure the health and safety of the charter school’s faculty, staff and students.	MET pp. 83-89		
4. A clear plan for recruitment, selection, development and evaluation of staff and charter school leaders.	MET pp. 83; 89-92		

5. Roles and lines of authority for board and management positions.	NOT MET pp. 78-81; 83-86; Bylaws	Although the roles and lines of authority for management and board of director positions are laid out, the Bylaws are inconsistent as Article VII, Section 4 prohibits “interested persons,” defined as including anyone compensated by the Corporation, from being a director (p. 3). Board members Arleana Waller and Krissy Warren are also employees. Additionally, Article IX states per Education Code section 47604.1, an employee of the school who is a director will abstain from voting on certain issues (p. 9). Lastly, the Conflict of Interest Code at section VI, B., states the Corporation cannot enter into a contract or transaction in which a director directly or indirectly has a material financial interest. Indeed, one of the primary responsibilities of the Board is to “Hire and evaluate the Head of School.”	MOU to require fixing the inconsistencies between the Petition and the bylaws.
6. Qualifications for non-core, non-college-prep teaching positions staffed by non-certified teachers.	N/A		
7. Proposed teacher-to-student ratio.	MET p. 17		

Comments by review team:

3: Although this requirement is generally met, the description of the responsibilities and minimum qualifications for the Behaviorist position appear inconsistent. Typically, in order for an employee to be equipped to perform these broad responsibilities they would require a PPS credential and Master’s Degree in school psychology.

7: Although not explicitly stated, it appears the teacher-to-student ratio is intended to be 1:18 for TK and 1:22 for K-2. An additional adult will be required in each TK classroom to meet state adult to student ratios of no more than 1:12.

F. Health and Safety Procedures (Evaluation Criteria: EC §47605(c)(5)(F))

The Petition describes, at a minimum:	MET/ NOT MET; Page #	If "NOT MET" - Factual Findings:	Can or should the finding be addressed in an MOU? If yes, describe:
1. A comprehensive charter school safety plan, and assurance that all charter school staff will be trained on this plan and that the plan will be updated annually.	NOT MET pp. 94-95	The Petition generically describes the components of a school safety plan and indicates it will be reviewed and adopted annually by March 1. The Petition does not describe a comprehensive charter school safety plan or training process for staff.	MOU to clarify and describe the comprehensive charter school safety plan.
2. Assurances that the charter school will require a criminal background clearance report and proof of tuberculosis (TB) examination prior to employment.	NOT MET p. 93	The petition does not state that all certificated and classified staff, regardless of amount of time spent in contact with students, must submit to a TB risk assessment as required by Education Code section 49406.	MOU to be in compliance with Education Code section 49406.
3. Assurances that the charter school will adopt procedures to prevent acts of bullying and cyberbullying, and make the California Department of Education (CDE) online training module available to all employees who interact with students.	MET p. 95		
4. Affirmation that charter schools with grades 7-12 will adopt a suicide prevention policy. Policy must be adopted in conjunction with a variety of stakeholders and must address the needs of specifically high-risk groups.	NOT MET p. 94	The affirmation does not state that the policy will be adopted in conjunction with a variety of stakeholders and that it will address the needs of specifically high-risk groups.	MOU to clarify details of the suicide prevention policy.

5. Health and safety practices for students and staff. Health and safety policies and practices should include, but not be limited to, the following: • Mandated child abuse reporting. • Natural disasters and emergencies, including seismic safety (structural integrity and earthquake preparedness). • Required immunizations, vision, hearing and scoliosis health screenings, and administration of medications to the same extent as would apply if the students attended a non-charter public school. • Staff training on emergency and first aid response (e.g., epi pen usage, defibrillator) • Notification to students, parents and guardians on how to access student mental health services on campus and/or in the community • Assurances that in grades 6-12, if applicable, the charter school identifies the most appropriate method of informing parents and guardians of human trafficking prevention resources. a. References include health- and safety-related policies and procedures or the date by which they will be adopted and submitted to the authorizer.	NOT MET p. 93 p. 94	The Petition does not address natural disasters and emergencies, including seismic safety. Although the Petition references adherence to Health & Safety Code sections 120325 - 120375, it does not specify how it will conduct vision, hearing and dental screenings, or how medication administration and Epi-pen training will be provided. The Petition does not include AED/defibrillator training components. The Petition does not include information regarding how to access mental health services on campus. Not applicable. The Petition does not include a date by which the petitioners will submit health and safety related policies to the authorizer.	MOU to address this omission.
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6. Assurances regarding compliance with the Americans with Disabilities Act (ADA).	MET p. 1		
G. Racial and Ethnic Balance (Evaluation Criteria: EC §47605(c)(5)(G))			
The Petition describes, at a minimum:	MET/ NOT MET; Page #	If “NOT MET” - Factual Findings:	Can or should the finding be addressed in an MOU? If yes, describe:
1. Specific practices and policies the charter school will design and implement to attract a diverse applicant pool and enrollment that reflects the general population, including special populations, that reside within the district’s territorial jurisdiction.	MET pp. 96-97		
2. Practices and policies appear likely to achieve racial and ethnic balance.	MET pp. 96-97		
Comments by review team: The Petition indicates that it will target Black American and Low Income students: “When looking at the 2018-2019 pre-pandemic achievement rates of both Black American students and students from low-income families - two populations Willie J Frink intends to target in its recruitment efforts -”. The Frink College Prep Charter must also work to meet the target demographics of the District’s general population; one method cannot be chosen over the other. In addition, the Petition also indicates that they will likely have a higher than District percentage of Black American students and other students of color due to their curriculum. While likely true, they must demonstrate a robust program to solicit and engage all races/ethnicities to comply with Education Code section 47605 (c)(5)(G).			

H. Admissions Policies and Procedures, If Applicable (Evaluation Criteria: EC §47605(c)(5)(H))

The Petition describes, at a minimum:	MET/ NOT MET; Page #	If "NOT MET" - Factual Findings:	Can or should the finding be addressed in an MOU? If yes, describe:
1. The following assurances: The charter school shall be nonsectarian in its programs, admission policies, employment practices, and all other operations, shall not charge tuition, and shall not discriminate against a pupil 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 Penal Code section 422.55, including immigration status, equal rights, and opportunities in the educational institutions of the state.	MET pp. 1; 99		
2. A clear description of admission policies that meet the state and federal permissive preferences.	MET pp. 1; 99		
3. A clear description of how students in the community will be informed and given an equal opportunity to attend the charter school. All promotional material must clearly state the charter school will serve ALL students.	MET p. 97		
4. Proposed admissions and enrollment requirements, process and timeline, which include the following: a. Information to be collected through the interest form, application form, and/or enrollment form. b. Assurances that enrollment preferences will not require mandatory parent volunteer hours as a criteria for admission.	MET p. 99		

5. Description of the public random drawing processes that comply with state and federal laws.	MET p. 100		
6. Assurances that preferences, if given, are not likely to negatively impact the racial, ethnic and unduplicated pupil balance the charter school strives to reflect.	NOT MET	Although p. 17 of the Petition refers to the recruiting efforts of Frink College Prep Charter to achieve a racial and ethnic balance reflecting the general population of the District, admission preferences beginning on p. 100 of the Petition do not include any assurances that those preferences are not likely to negatively impact the racial, ethnic and unduplicated pupil balance Frink College Prep Charter strives to reflect.	MOU to address this omission.

Comments by review team:

The Petition indicates on pg. 100 (Kindergarten Enrollment) that “in order for a child to enroll in Transitional Kindergarten or Kindergarten at Willie J Frink College Prep, the child must be toilet trained unless the child has a documented medical reason from their physician.” However, public school agencies cannot prevent any student from enrolling in a school district or charter due to not being toilet trained.

I. Annual Independent Financial Audits (Evaluation Criteria: EC §47605(c)(5)(I))

The Petition describes, at a minimum:	MET/ NOT MET; Page #	If “NOT MET” - Factual Findings:	Can or should the finding be addressed in an MOU? If yes, describe:
1. The manner in which the audit will be conducted.	MET p. 102		
2. Procedures to select and retain an independent auditor, including: - Qualifications that will be used for the selection of an independent auditor. - Assurance that the auditor will have experience in education finance.	MET p. 102		
3. Assurance that the annual audit will employ generally accepted accounting principles.	MET p. 102		

4. Scope and timing of audit, as well as distribution of completed audit to authorizer, county office, State Controller, California Department of Education, and/or other agencies required by law.	MET p. 102		
5. A process and timeline that the charter school will follow to address any audit findings and/or resolve audit exceptions.	MET p. 102		
6. Assurance that the charter school will satisfy any audit deficiencies to the satisfaction of the authorizer.	MET p. 102		
7. Who is responsible for contracting with and overseeing the independent audit.	MET p. 102		
J. Suspension and Expulsion Procedures (Evaluation Criteria: EC §47605(c)(5)(J))			
The Petition describes, at a minimum:	MET/ NOT MET; Page #	If "NOT MET" - Factual Findings:	Can or should the finding be addressed in an MOU? If yes, describe:
1. A process for suspensions of fewer than 10 days, including the following: a. Oral or written notice of the charges against the pupil. b. If the pupil denies the charges, an explanation of the evidence that supports the charges. c. How an opportunity will be provided for the pupil to present a rebuttal to the charges.	MET p. 103		

2. A process for suspensions of 10 days or more and all other expulsions for disciplinary reasons, including the following: a. Timely, written notice of the charges against the pupil and an explanation of the pupil's basic rights. b. A process of hearing adjudicated by a neutral officer within a reasonable number of days, and to which the pupil has the right to bring legal counsel or an advocate.	MET p. 103		
3. 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 with written notice, and that ensures the written notice shall be in the native language of the pupil or the pupil's parent or guardian.	MET p. 103		
4. Understanding of relevant laws protecting constitutional rights of students. Petitioner's understanding of relevant laws should indicate that their proposed lists of offenses and procedures provide adequate safety for pupils, staff and visitors to the school, and serve the best interests of the school's pupils and their parents and guardians. a. Provides due process for all students and demonstrates understanding of the rights of students with disabilities, in regard to suspension, expulsion and involuntary dismissal. b. Explanation of how the authorizer may be involved in disciplinary matters.	MET p. 103		

Comments by review team:

The Petition outlines the approach to student discipline, however nowhere in the petition does it outline Restorative Practices or Alternatives to Suspension.

K. Staff Retirement System (Evaluation Criteria: EC §47605(c)(5)(K))

The Petition describes, at a minimum:	MET/ NOT MET; Page #	If “NOT MET” - Factual Findings:	Can or should the finding be addressed in an MOU? If yes, describe:
1. A statement of what retirement options will be offered to employees a. State Teachers’ Retirement System (STRS) (if STRS, then all teachers must participate). b. Public Employees’ Retirement System (PERS). c. Social Security	MET p. 121	On page 121, the Petition states that Frink College Prep Charter does not intend to participate in the CalSTRS or CalPERS retirement systems. However, on page 126, the Petition states that the retirement systems will be notified of a closure of the school. Further, paragraph II.A. of the Budget Narrative appendix states that Frink College Prep Charter is planning to be a member of the CalSTRS and CalPERS retirement systems, and it has budgeted legally required contributions to CalSTRS and CalPERS based on proposed certificated and classified salaries.	MOU must address this inconsistency.

2. Whether retirement will be offered, with language clearly reflecting one of the following choices for each retirement system: Coverage will be offered to eligible employees. The charter school retains the option to elect the coverage at a future date. The charter school will not offer coverage.	NOT MET	On page 121, the Petition states that Frink College Prep Charter does not intend to participate in the CalSTRS or CalPERS retirement systems. However, on page 126, the Petition states that the retirement systems will be notified of a closure of the school. Further, paragraph II.A. of the Budget Narrative appendix states that Frink College Prep Charter is planning to be a member of the CalSTRS and CalPERS retirement systems, and it has budgeted legally required contributions to CalSTRS and CalPERS based on proposed certificated and classified salaries.	MOU must address this inconsistency.
3. Who is responsible for ensuring that the appropriate arrangements for coverage have been made.	MET p. 121		
Comments by review team: The Petition is unclear regarding what retirement options will be offered to Frink College Prep Charter staff. In Element 11, Retirement Systems, the Petition states, “Willie J Frink College Prep does not intend to participate in the California State Teachers’ Retirement System (CalSTRS) or the California Public Retirement System (CalPERS).” However, on page 126, the Petition states that CalPERS and CalSTRS would be notified of a closure of the Frink College Prep Charter. Further, in the Budget Narrative appendix, at paragraph II.A., the Petition states that Frink College Prep Charter is planning to be a member of the CalSTRS and CalPERS retirement systems, and has budgeted legally required contributions to CalSTRS and CalPERS based on proposed certificated and classified salaries. A clarification of the employee retirement plans provided may result in the need for a revision to the initially proposed budget, as well as a revised Cash Flow Statement to determine continued liquidity and solvency.			

L. Public School Attendance Alternatives (Evaluation Criteria: EC §47605(c)(5)(L))

The Petition describes, at a minimum:	MET/ NOT MET; Page #	If "NOT MET" - Factual Findings:	Can or should the finding be addressed in an MOU? If yes, describe:
1. Attendance alternatives for students who reside within the county and choose not to attend the charter school.	MET p. 122		

M. Post-employment Rights of Employees (Evaluation Criteria: EC §47605(c)(5)(M))

The Petition describes, at a minimum:	MET/ NOT MET; Page #	If "NOT MET" - Factual Findings:	Can or should the finding be addressed in an MOU? If yes, describe:
1. School district employees' return to employment rights, including the following: a. Whether, and how staff may resume employment within the district or authorizer. b. The ability to transfer sick and/or vacation leave to and from the charter school and another LEA c. Whether staff will continue to earn service credit (tenure) in the district while employed at the charter.	MET p. 123		

N. Dispute Resolution Procedures (Evaluation Criteria: EC §47605(c)(5)(N))

The Petition describes, at a minimum:	MET/ NOT MET; Page #	If "NOT MET" - Factual Findings:	Can or should the finding be addressed in an MOU? If yes, describe:
1. A process for the charter and the authorizer to settle disputes related to the provisions of the charter.	MET pp. 124-125		
2. The process by which the charter will resolve internal complaints and disputes. a. Includes Uniform Complaint procedures and a description of how this process is communicated to parents, staff and the community.	MET p. 124	The Petition indicates that the Charter will have an internal dispute resolution process to be used for all internal disputes related to the Charter's operations, but it does not describe this process. It indicates that the Charter will maintain a Uniform Complaint Policy and Procedures and that a copy will be provided to parents, students, Board members, volunteers, and staff.	MOU to clarify the process and a date by which Uniform Complaint Policy and Procedures will be provided.
3. Acknowledgement that, except for disputes between the chartering authority and the charter school, all disputes involving the charter school shall be resolved by the charter school according to the charter school's own internal policies.	MET p. 124		
4. Statement that if any such dispute concerns facts or circumstances that may be cause for revocation of the charter, the authorizer shall not be obligated by the terms of the dispute resolution process as a precondition to revocation.	MET pp. 124-125		
Comments by review team: The Petition indicates that the dispute resolution procedures set forth are intended as a starting point for a discussion with the District about these procedures.			

O. Closure Procedures (Evaluation Criteria: EC §47605(c)(5)(O))

The Petition describes, at a minimum:	MET/ NOT MET; Page #	If "NOT MET" - Factual Findings:	Can or should the finding be addressed in an MOU? If yes, describe:
1. The procedures to be used if the charter school closes, including the following: a. Who is the responsible entity or person that will conduct closure related activities. b. How the charter will communicate the closure to students, parents and guardians, the authorizing entity, the county office of education, the charter's special education local plan area, the retirement systems in which the school's employees participate, and the California Department of Education. c. Who will conduct the process for the completion and submission of final financial reports, expenditure reports for entitlement grants, and the filing of any required final expenditure and performance reports.	MET p. 126		
2. The maintenance plan for pupil records and the manner in which parents and guardians may obtain copies of pupil records if the charter school closes, including how information will be preserved and transferred.	MET p. 126		

3. A process for how the charter will ensure a final audit of the charter school. a. An assurance the audit will be conducted within six (6) months of closure. b. The disposition of the charter school's assets. c. Plans for disposing net assets including at least the following: ● The disposition of all assets of the charter, including cash and accounts receivable and an inventory of property, equipment and other items of material value. ● An accounting of all liabilities, including accounts payable and any reduction in apportionments as a result of audit findings or other investigations, loans, and unpaid staff compensation. ● An assessment of the disposition of any restricted funds received by or due to the charter. ● Process for the return of any donated materials and property in accordance with any conditions established when the donation of such materials or property was accepted.	MET pp. 126-127		
4. The transfer and maintenance of personnel records in accordance with applicable law.	NOT MET	The Petition does not indicate, in the event of a school closure, how they will handle the transfer and maintenance of personnel records in accordance with applicable law.	MOU to address this omission.

Comments by review team:

In the event of a closure, remaining assets will need to be distributed, per Articles of Incorporation. Bylaw Article V indicates assets may be given to an educational, public or charitable organization. Articles of Incorporation also indicate assets on dissolution of the corporation shall be given to a nonprofit for educational, charitable or religious purpose. California tax dollars should not be given to a religious or general charitable organization upon closure, so the MOU should require amendment of the bylaws to permit donation of remaining assets, if any, to a California educational agency, including charter schools.

REQUIRED SUPPLEMENTAL CRITERIA**Financial and Administrative Plan (Evaluation Criteria: EC §47605(h))**

The Petition describes, at a minimum:	MET/ NOT MET; Page #	If “NOT MET” - Factual Findings:	Can or should the finding be addressed in an MOU? If yes, describe:
1. A first year operational budget: a. Annual revenues and expenditures clearly identified by source. b. Revenue assumptions in alignment with applicable state and federal funding formulas.	NOT MET	1.b: The budget narrative indicates that the Charter School Facilities Grant Program is funded at \$1,470 per ADA, but the budget formulas are based on \$1,420, which is the correct rate for the 2023-24 grant. Based on AB740 Program Eligibility for First Year Charter Schools, “the Authority will calculate the school’s ADA based on 90% of the school’s enrollment.” Therefore, with an enrollment of 150, funding will be \$1,420 for 135 students, totalling \$191,700, whereas the budget projection assumes funding of \$210,549, a difference of \$18,849 in overprojected revenue.	MOU must include a provision that the Charter will submit a revised budget and cash flow statement within 60 days of MOU approval.

l. Expenditures for required student meals that meet federal nutritional requirements. m. The alignment of LCAP expenditures with the charter's budget.		1.m: Although the LCAP is not required to be completed before July 1 of the first year of operation, the budget must reflect the ability for the goals and actions within the LCAP to be funded adequately. The District encourages early adoption of goals and actions to allow adequate time to review and amend the proposed budget as needed to ensure compliance and ongoing fiscal solvency.	
2. Financial projections include a clear description of planning assumptions: a. Revenues and expenditures in the budget correlate with the number and/or types of students by grade level. b. Expenditure assumptions correlate with the number of staff in the budget.	NOT MET pp. 121; 126; Appendices	2.b: Although the budget allocates funds for Substitute Teachers, there is no budget allocation for Substitutes for Classified Staff. In order to meet state required Adult:Student ratios of 1:12 in TK classrooms, Frink College Prep Charter must plan on ensuring adequate staffing in those classrooms. On page 121, the Petition states that Frink College Prep Charter does not intend to participate in the CalSTRS or CalPERS retirement systems.	MOU must include a provision that the Charter will submit a revised budget and cash flow statement within 60 days of MOU approval. MOU must address this inconsistency.

c. Expenditure assumptions correlate with the facility needs in the budget d. Expenditure assumptions in alignment with the overall school design plan. e. Revenues based on state and federal funding guidelines	However, on page 126, the Petition states that the retirement systems will be notified of a closure of the school. Further, paragraph II.A. of the Budget Narrative appendix states that Frink College Prep Charter is planning to be a member of the CalSTRS and CalPERS retirement systems, and it has budgeted legally required contributions to CalSTRS and CalPERS based on proposed certificated and classified salaries 2.c: The budget does not reflect material funding sources or expenditure line items for initial capital facilities improvements and renovations, estimated to be in the 100s of thousands of dollars. 2.e: The budget narrative indicates that the Charter School Facilities Grant Program is funded at \$1,470 per ADA, but the budget formulas are based on \$1,420, which is the correct rate for the 2023-24 grant. Based on AB740 Program Eligibility for First Year Charter Schools, “the Authority will calculate the school’s ADA based on 90% of the school’s enrollment.” Therefore, with an enrollment of 150, funding will be \$1,420 for 135 students, totalling \$191,700, whereas the budget	
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f. Revenues based on reasonable potential growth in local, state and federal categories. g. Revenues based on reasonable student growth projections. h. Revenue from sources such as grants, loans, donations and other non-guaranteed funds not necessary for the charter to maintain fiscal solvency. i. Timeline for any referenced grant applications to be submitted and funded. j. Positive reserves are maintained in all three years. k. Fund balances are positive, or sources of supplemental working capital are identified.		projection assumes funding of \$210,549, a difference of \$18,849 in overprojected revenue. Any assumptions for other reimbursement eligible expenditures are not defined within the budget narrative. The budget narrative indicates that State Lottery revenue is projected to be \$237 per student, but the budget calculation was made at \$247 per student. 2.i: The budget narrative does not reference the necessary timeline for the application for the SB70 Charter School Facilities Grant Program, which is a materially significant revenue source.	
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3. Start-up costs a. Reasonable allocation for all major start-up costs, including the following: • Staffing • Facilities Equipment and supplies • Professional services • Technology materials • Assessment systems/materials • Legal costs b. In alignment with the overall school design plan. c. Potential funding sources. d. Timeline that allows for grant applications and fundraising efforts to be completed in time, if included in start-up costs.	NOT MET	3.a: The budget does not reflect material funding sources or expenditure line items for initial capital facilities improvements and renovations, estimated to be in 100s of thousands of dollars. 3.d: The budget narrative does not reference the necessary timeline for the application for the SB70 Charter School Facilities Grant Program, which is a materially significant revenue source.	MOU must include a provision that the Charter will submit a revised budget and cash flow statement within 60 days of MOU approval.
4. Cash flow projections for first three years: a. Monthly projection of revenue receipts in line with local, state and federal funding disbursements. b. Expenditures are projected by month and correspond with typical or reasonable schedules. c. Balance sheet accounts are projected by month. d. Show positive cash balance each month and/or identify sources of working capital.	MET		

5. Structure for administrative services and operations a. Outline or process for how personnel transactions will be conducted (i.e., hiring, payroll, leaves and retirement). b. Accounting and payroll processes that reflect an understanding of school business practices and the expertise needed to carry out the required functions. c. Plan and timeline to develop and assemble school business practices and expertise. d. Explanation of how the school intends to manage risk, including any policies and procedures. e. If operated by a nonprofit organization, an affirmation that it will provide additional 501(c)(3) fiscal reports.	MET		
Comments by review team: 3.d: The budget narrative does not reference any timeline for the application for the SB70 Charter School Facilities Grant Program, which is a materially significant revenue source. 4.a-d: Although the Monthly Cash Forecast does not project any months wherein there is a negative cash balance, the cash balances do appear to reach operationally dangerously low levels, necessitating short-term cash loans which incur additional interest costs to maintain positive cash balances. In some months, there does not appear to be enough cash to support any emergency expenditures.			

Back Office Providers (Evaluation Criteria: EC §47605(h))			
The Petition describes, at a minimum:	MET/ NOT MET; Page #	If "NOT MET" - Factual Findings:	Can or should the finding be addressed in an MOU? If yes, describe:
1. Name of the back office provider and a description of support used by the charter.	MET p. 129		
2. Affirmation that the back office provider will provide timely submissions of calendared items by their respective due dates.	NOT MET	Although the Petition references a plan to work with EdTech to provide back office support, no affirmations were provided within the context of the Petition.	No, see comment below.
3. Affirmation that the back office provider will provide timely submissions of requests for information.	NOT MET	Although the Petition references a plan to work with EdTech to provide back office support, no affirmations were provided within the context of the Petition.	No, see comment below.
Comments by review team: Affirmations by the back office provider may be provided within the context of a completed contract between Frink College Prep Charter and EdTech.			
Charter Management Organization (CMO) (Evaluation Criteria: EC §47605(h))			
The Petition describes, at a minimum:	MET/ NOT MET; Page #	If "NOT MET" - Factual Findings:	Can or should the finding be addressed in an MOU? If yes, describe:
1. Name and relationship of CMO to charter school, including the following: • Roles • Responsibilities • Payment structure • Conditions for renewal and termination • Investment disclosure	N/A		
Comments by review team: This section appears to be not applicable to the Petition as presented, as there is no reference to a partnership with a Charter Management Organization within the Petition or the Appendices.			

Facilities (Evaluation Criteria: EC §47605(h))

The Petition describes, at a minimum:	MET/ NOT MET; Page #	If "NOT MET" - Factual Findings:	Can or should the finding be addressed in an MOU? If yes, describe:
1. Location of facility a. The types and the location of the charter school facility or facilities that the petitioner proposes to operate, including the following: • Size and resources • Safety • Educational suitability b. The address of the facility or a schedule for securing the facility, including the person responsible for securing the location. c. Assessment and analysis of anticipated facilities needs and viability of potential sites.	NOT MET pp. 48-50	The facility being considered does not currently have appropriate safety mechanisms (e.g., fencing, adequate play area, fall protection, classroom security). The Petition does not outline plans for how/where to deliver PE as required. There is no mention how the facility will be utilized to provide PE. The Petition discusses a day in the life of a Frink College Prep Charter student that mentions yoga, but does not provide any description of how or where physical activity will be offered or provided.	MOU to ensure all required items will be present prior to opening the charter. MOU to outline how PE minutes will be provided.

2. Current and projected availability a. Current and projected availability of each charter school site, and schedule for securing the facility. b. Assurances of legal compliance with all health and safety, ADA, and applicable building codes. c. Adequate budget for anticipated costs, including renovation, rent, maintenance and utilities. d. Statement of whether a request will be made for use of authorized owned facilities. e. Lease or occupation agreement for privately obtained facilities, and/or a copy of the lease agreement.	NOT MET	2.a: Facility being considered does not include student restrooms and safety items 2.b: The Petition does not provide assurances regarding compliance with the ADA or its amendments. Clarity is needed about whether the facility being considered will be ADA compliant. 2.c: Budget information does not appear to reflect adequate funding for required renovations and student bathroom installation. 2.d: No statement provided. 2.e: No lease provided.	MOU to ensure appropriate facilities are secured and ADA accessibility outlined. MOU to ensure ADA compliance. MOU must include a provision that the Charter will submit a revised budget showing adequate funding for necessary renovations within 60 days of MOU approval. MOU to require the Charter to provide a copy of lease or other document regarding facilities.
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Impact Statement (Evaluation Criteria: EC §47605(h))

The Petition describes, at a minimum:	MET/ NOT MET; Page #	If "NOT MET" - Factual Findings:	Can or should the finding be addressed in an MOU? If yes, describe:
1. Number of students anticipated to enroll.	MET p. 7		
2. Whether the charter will request to purchase support services from the authorizer.	MET p. 129		

3. Affirmation there will be a memorandum of understanding between the authorizer and charter school.	MET pp. 1-3		
4. Processes and policies between the charter and its authorizer, including the following: a. Process, activities and associated fees for oversight of the charter. b. Processes, timelines, and evaluation criteria for annual review and site visits. c. Regular, ongoing fiscal and programmatic performance monitoring and reporting. d. Process, timelines and evaluation criteria for charter renewal. e. Other important legal or operational relationships between authorizer and charter school.	NOT MET	4.a.-c: No language on these items in the Petition. 4.d: Although p. 7 of the Petition correctly references a charter term of July 1, 2024-June 30, 2029, pages 90, 96, and 130 of the Petition state the charter term will be from 2023-2028.	MOU to cover all such items. MOU to correctly state actual proposed charter authorization term as 2024-2029.
5. Criteria and procedure for the selection of a contractor, if applicable, including the following a. Process for determining necessary expertise. b. Selection of the contractor or contractors, if applicable.			
6. Potential civil liability effects, if any, upon the school and the authorizer.	MET p. 130		

Community Statement (Evaluation Criteria: EC §47605(c)(7))			
The Petition describes, at a minimum:	MET/ NOT MET; Page #	If "NOT MET" - Factual Findings:	Can or should the finding be addressed in an MOU? If yes, describe:
1. How the charter school will not substantially undermine existing school district services, academic offerings, or program offerings.	MET pp. 18-22		
2. Whether the charter school petition duplicates a program currently offered by the district, and whether the existing program has sufficient capacity for the pupils proposed to be served within reasonable proximity of where the charter school intends to locate.	MET pp. 18-22		
Special Education (Evaluation Criteria: EC §47641(a) and EC §47646)			
The Petition describes, at a minimum:	MET/ NOT MET; Page #	If "NOT MET" - Factual Findings:	Can or should the finding be addressed in an MOU? If yes, describe:
1. The school's special education structure (3 options): a. Charter school will be an independent LEA for special education purposes. b. Charter school will be a school within the district. c. The charter school will be a SELPA.	MET pp. 58-61; Appendices		MOU to describe effects of Frink College Prep Charter not becoming an LEA, including District participation in special education and Frink College Prep Charter's equitable contribution toward District-wide special education costs.
2. How special education services will be provided consistent with the SELPA plan and/or policies and procedures. a. Includes a fiscal allocation plan in alignment with the SELPA the charter plans to join.	MET pp. 58; 63; Appendices		

3. Affirmation that the charter school will assume full responsibility for appropriate accommodations to address the needs of any student.	MET p. 59		
4. Acknowledgment that the charter is responsible for providing special education, instruction and related services to the students enrolled in the school, regardless of any student's district of residence.	MET p. 50		
5. The process for notifying a student's district of residence and authorizing LEA when a special education student enrolls, becomes eligible or ineligible, and/or leaves the charter.	NOT MET	The Petition does not indicate how Frink College Prep Charter will notify the District when a student with disabilities enrolls, or becomes eligible or ineligible, and/or leaves the District.	MOU to address this omission.
6. The transition to or from a district when a student with an individualized education program (IEP) enrolls in or transfers out of the charter.	MET p. 62		
7. Evidence that the school has consulted with a SELPA, such as a letter from SELPA confirming receipt of application. The evidence should demonstrate the following: a. An understanding of the charter's special education responsibilities. b. A draft application of SELPA policies, or assurance that such policies will be created.	NOT MET	Although the Petition indicates that it plans to apply to be an Independent LEA within the SELPA LEA, Frink College Prep Charter has not yet submitted that request.	MOU to address this omission.
8. Includes the following assurances: a. The charter will comply with all provisions of IDEA. b. No student will be denied admission based on disability or lack of available services.	NOT MET pp. 1 (a); 2; 62 (b); 61 (c); 59 (d)		MOU to address this omission.

c. A student study team (SST) process will be implemented.		7.c: Although the Petition mentions that an SST meeting can be called for behavior concerns, the Petition does not specify a process for an SST.	
d. Any student in need of Section 504 services will receive such services.			
e.			
If the charter will not be an independent LEA			
1. Clarifies in the charter petition or in a memorandum of understanding the responsibilities of each party for service delivery, including referral, assessment, instruction, due process, and agreements describing allocation of actual excess costs.	N/A		
2. An assertion that the charter will be fiscally responsible for its fair share of any contributions from general funds.	N/A		
If the charter school is an independent LEA within a SELPA			
1. Notifies the SELPA director of its intent to participate before February 1 of the preceding school year.	MET p. 58		
2. Includes its current operating budget in accordance with Education Code section 42130 and Education Code section 42131.	MET		
3. Understands that the charter school is fiscally responsible for its fair share of any contributions from general funds.	MET p. 58		
4. Asserts responsibility for any legal fees related to the application and assurances process.	NOT MET		MOU to address this omission.
5. Demonstrates it is located within SELPA's geographical boundaries.	MET p. 18		
6. Asserts all instruction will be in a safe environment.	MET p. 28		
7. Affirms the terms of the agreement will be met regarding the organization, implementation, administration and operation of the SELPA.	MET p. 58		

Comments by review team:

Petition 1: A request to join the P-BVUSD SELPA has not yet been received. However, it is noted that if Frink College Prep Charter does not receive LEA status in the P-BVUSD SELPA in the first year of operation, then it will act as a school of the District. Yet, the Petition does not reference “equitable contribution” as required by Education Code section 47646(c).

Petition 2: Although the Petition identifies El Dorado Charter SELPA within its multi-year fiscal allocations, it uses that as a benchmark as that particular charter SELPA uses statewide rates. However, the Petition indicates that Frink College Prep Charter plans to apply to be a LEA within the P-BVUSD SELPA. Yet, it does not use a fiscal allocation plan in alignment with the District’s SELPA. It does note that Frink College Prep Charter understands that it will be subject to the allocation plan of the SELPA.

Independent LEA 1. The Petition indicates that it plans to be its own Independent LEA within the P-BVUSD SELPA, but it does not indicate a specific date in which it will notify the District. However, the Petition goes on to indicate that “in the event that the Charter seeks membership in a different state-approved SELPA, the Charter shall provide notice to the District, the SELPA, and CDE, before June 30th of the year before services are to commence.”

Independent LEA 3. The Petition indicates that “the Charter school is ready to discuss this arrangement, or mutually agreed upon reasonable alternative, in our discussions with the District to develop an MOU.”

Budget assumptions include an assumption that the school, as an LEA for Special Education, will join a SELPA and contract with P-BVUSD for Special Education services (pg. 58). Elsewhere, budget assumptions indicate (as does the Petition) that there will be SPED staff and P-BVUSD services. This seems inconsistent, or not adequately explained, as to what level of Special Education services will be provided internally as opposed to via contract with P-BVUSD or others.

Frink College Prep Charter may seek resources and services (e.g., Speech, Occupational Therapy, Adapted P. E., Nursing and Transportation) from the SELPA, subject to SELPA approval and availability. It may also provide related services by hiring credentialed or licensed providers through private agencies or independent contractors (p. 61).

It is unclear how transportation services will be utilized within Frink College Prep Charter. The Petition indicates, “Willie J Frink College Prep shall not provide transportation to and from school, unless it chooses otherwise, except for special education students, pursuant to an IEP.” (p. 130) However, it does not outline who Frink College Prep Charter will work with or the process needed to provide transportation to students with an IEP.

Required Declaration (Evaluation Criteria: EC §47605(c)(6))			
The Petition describes, at a minimum:	MET/ NOT MET; Page #	If "NOT MET" - Factual Findings:	Can or should the finding be addressed in an MOU? If yes, describe:
1. Declaration of whether or not the charter school shall be deemed the exclusive public employer of the employees of the charter school for purposes of Chapter 10.7 (commencing with section 3540) of Division 4 of Title 1 of the Government Code.	MET p. 1		
Required Affirmations (Evaluation Criteria: EC §47605(e))			
The Petition describes, at a minimum:	MET/ NOT MET; Page #	If "NOT MET" - Factual Findings:	Can or should the finding be addressed in an MOU? If yes, describe:
1. Affirmation that the school will be nonsectarian in its: • Programs • Admission policies • Employment practices • All other operations	MET p. 1		
2. Affirmation that the school shall not charge tuition.	MET p. 1		
3. Affirmation that the school shall not discriminate against any pupil 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 California Penal Code section 422.55.	MET p. 1		

4. Affirmation that admission to a charter school shall not be determined according to the place of residence of the pupil, or of the pupil's parent or legal guardian, within this state, except that an existing public school converting partially or entirely to a charter school under this part shall adopt and maintain a policy giving admission preference to pupils who reside within the former attendance area of that public school.	MET p. 1		
5. Affirmation that the charter school shall admit all pupils who wish to attend the charter school.	MET p. 1		
6. Affirmation that the school will comply with federal, state and local laws as required for charter schools.	MET p. 1		

Charter School Petition Review Findings of Fact (Evaluation Criteria: EC §47605(c))

In reviewing petitions for the establishment of charter schools pursuant to this section, the chartering authority shall be guided by the intent of the Legislature that charter schools are and should become an integral part of the California educational system and that the establishment of charter schools should be encouraged. The governing board of the school district 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 shall consider the academic needs of the pupils the school proposes to serve. The governing board of the school district shall not deny a petition for the establishment of a charter school unless it makes written factual findings, specific to the particular petition, setting forth specific facts to support one or more of the following findings:

- (1) The charter school presents an unsound educational program for the pupils to be enrolled in the charter school.
- (2) The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition.
- (3) The petition does not contain the number of signatures required by subdivision (a).
- 4) The petition does not contain an affirmation of each of the conditions described in subdivision (e).
- (5) The petition does not contain reasonably comprehensive descriptions of all of the 15 elements (A - O).
- (6) The petition does not contain a declaration of whether or not the charter school shall be deemed the exclusive public employer of the employees of the charter school for purposes of Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code.
- (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.
- (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 1240 and the county superintendent of schools, in consultation with the County Office Fiscal Crisis and Management Assistance Team (FCMAT), certifies that approving the charter school would result in the school district having a negative interim certification pursuant to Section 1240, has a negative interim certification pursuant to section 1240, 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.