

**Panama-Buena Vista Union School District**

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**BOARD OF TRUSTEES**

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TO: P-BVUSD Board of Trustees

FROM: Charter Petition Review Team

RE: Findings and Recommendations Regarding the Willie J Frink College Prep Charter Petition

**I. Introduction**

The Panama-Buena Vista Union School District (“District” or “P-BVUSD”) received a petition (“Petition”) from Willie J Frink College Prep Charter (“Frink College Prep Charter”) on April 21, 2023, to establish a charter school in the P-BVUSD boundaries. A public hearing was held on June 13, 2023. The District has scheduled a hearing and decision on the Frink College Prep Charter for the August 8, 2023, Board Meeting. Per Education Code section 47605(b), the Petitioners granted the District’s request for an additional 30 days to review the Petition. The following is a summary of the Charter Petition Review Team’s Findings and Recommendations after a thorough review of the Petition.

**II. Timetable and Standards for Review of Charter Petition**

Education Code section 47605(b) provides:

No later than 60 days after receiving a petition, in accordance with subdivision (a), the governing board of the school district shall hold a public hearing on the provisions of the charter, at which time the governing board of the school district shall consider the level of support for the petition by teachers employed by the school district, other employees of the school district, and parents. Following review of the petition and the public hearing, the governing board of the school district shall either grant or deny the charter within 90 days of receipt of the petition, provided, however, that the date may be extended by an additional 30 days if both parties agree to the extension. A petition is deemed received by the governing board of the school district for purposes of commencing the timelines described in this subdivision on the day the petitioner submits a petition to the district office, along with a signed certification that the petitioner deems the petition to be complete. The governing board of the school district shall publish all staff recommendations, including the recommended findings and, if applicable,

the certification from the county superintendent of schools prepared pursuant to paragraph (8) of subdivision (c), regarding the petition at least 15 days before the public hearing at which the governing board of the school district will either grant or deny the charter. At the public hearing at which the governing board of the school district will either grant or deny the charter, petitioners shall have equivalent time and procedures to present evidence and testimony to respond to the staff recommendations and findings.

Further, Education Code section 47605(c) provides in part:

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.

### **III. Charter Petition Review Team**

Superintendent Russell established a team with expertise in various areas, including business/fiscal services, curriculum/instruction, health and safety, human resources, special education, English Language Learners, governance, and legal, to review the Frink College Prep Charter Petition. In addition, facilities staff provided input on the proposed Frink College Prep Charter facility. These Findings are the result of the extensive, collaborative efforts of the Superintendent and the entire review team.

### **IV. Board of Education Review Criteria (EC §47605(c))**

Education Code section 47605(c) provides in part:

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) of Education Code section 47605.
4. The petition does not contain an affirmation of each of the conditions described in subdivision (e) of Education Code section 47605.
5. The petition does not contain reasonably comprehensive descriptions of all of the 15 required elements provided in Education Code section 47605 (c)(5).
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.
7. The charter school is demonstrably unlikely to serve the interests of the entire community in which the school is proposing to locate.

**V. Charter Review Team Findings – Based on the Attached Review Matrix**

A. This summary and the attached matrix, together, are the written factual findings of the Charter Review Team. If the Board of Trustees determines the Petition should be denied, it is recommended that the Board of Trustees adopt these written factual findings as the Board's written factual findings required for denial, and upon which the denial is based. If the Board of Trustees determines to approve the Petition, it is recommended that the approval be conditioned upon the execution by both parties of an Memorandum of Understanding ("MOU") that corrects or requires correction of the specific items marked "NOT MET" in the attached matrix.

B. The Petition presents significant information on the proposed educational program, which appears capable of being successfully implemented. However, the Charter Petition Review Team has identified several areas of concern, most of which could be alleviated by additional information or completed preparation.

For example:

1. Instructional approaches and strategies throughout the Petition could be more detailed.
2. The curriculum developing/adopting process is not described, the intended technology resources are not defined, and the alignment with the instructional program is not detailed. Further, there is no detailed plan for providing or using the required adaptive technology.
3. The annual goals for all pupils and subgroups should be more detailed, along with the specific, measurable actions to be taken to achieve the goals.

4. Alternate assessment tools for students on Individualized Education Plans or 504 Plans are not included.
5. There appears to be an inconsistency between the Petition and Frink School Inc bylaws regarding the terms of office of initial board members.
6. More information is needed on policies and internal controls to prevent fraud and embezzlement.
7. Information received indicates two (2) initial Board Members will also be Frink College Prep Charter employees, but the board bylaws preclude board membership of “interested persons,” including those receiving compensation from the corporation, and the corporation is the employer of Frink College Prep Charter employees. The bylaws also indicate employed board members will abstain from voting on certain issues, indicating a lack of clarity on employees as board members. The Conflict of Interest Code precludes corporate approval of any contract in which a board member has a material financial interest.
8. The description of the required safety plan and training on the plan is not reasonably comprehensive, and practices do not address natural disasters or emergencies. In addition, per Education Code section 49406, TB screening must be required of all Frink College Prep Charter staff.
9. The affirmation of a suicide prevention policy does not confirm adoption in conjunction with stakeholders or address the special needs of high-risk groups.
10. Medication administration, EpiPen, and defibrillator training are not described.
11. There are multiple conflicting statements as to employee retirement plans, with the Petition indicating CalSTRS or CalPERS retirement options will not be offered to staff; however, the budget reflects costs for funding such plans. 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.
12. There is no description of how personnel records will be handled if Frink College Prep Charter closes.
13. The Charter Petition Review Team believes upon closure of the charter school, all remaining assets should be donated to a California educational agency, including a California charter school, with no tax dollars being donated to general charities or religious charities.

14. The Charter Petition Review Team estimates hundreds of thousands of dollars are required to do facility upgrades and modifications, including the installation of adequate student restrooms, in the proposed facility before opening. Yet, the proposed budget does not include this.
15. The proposed charter “term” has not been updated and reflects a start date of July 1, 2023.

C. In the opinion of the Charter Petition Review Team, the following items were found acceptable:

1. Petition Signatures: The petition contains the number of signatures for Parents/Guardians and Teachers as required by subdivision (a) of Education Code section 47605.
2. Charter Petition Findings:
  - a. A reasonably sound educational program for the pupils to be enrolled in the charter school was found. (Education Code §47605(c)(1))
  - b. It was found that the Petitioners are likely to be successful at implementing the program. (Education Code §47605(c)(2))
  - c. Signature requirements were met. (Education Code §47605(c)(3))
  - d. An affirmation of each of the conditions described in subdivisions (d) and (e) were found. (Education Code §47605(c)(4))
  - e. A reasonably comprehensive description of all 15 required elements was found. (Education Code §47605(c)(5))
  - f. The petition contains a declaration of whether or not the charter school shall be deemed the exclusive public employer.
  - g. The charter school is likely to serve the interests of the entire community in which the school is proposing to locate.

## **VI. Charter Petition Review Team Recommendations**

1. The Charter Petition Review Team findings in the attached *Summary of Willie J Frink College Prep Charter Petition Findings / Evaluation Matrix* identify a number of required elements that do not meet, or only partially meet the defined element. The Charter Petition Review Team believes that, while not insignificant, these concerns can be addressed in an MOU between the District and the Petitioner.
2. If all deficient elements identified in the attached *Summary of Willie J Frink College Prep Charter Petition Findings / Evaluation Matrix* are adequately addressed in an

MOU, the Charter Review Team recommends that the District Board of Trustees approve the Willie J Frink College Prep Charter Petition. To the extent the Charter Petition Review Team recommends Board approval, this recommendation is contingent on the approval of an MOU.

3. In the event the Board of Trustees determines the Petition should be denied, the Charter Petition Review Team recommends the Board adopt these findings of fact as the required written findings supporting the denial. (Check all that apply):

- ☐ 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. N/A
- ☐ 4. The Petition does not contain an affirmation of each of the conditions described in subdivision (e) of Education Code section 47605.
- ☐ 5. The Petition does not contain reasonably comprehensive description of all of the 15 required elements provided in Education Code section 47605 (c)(5).
- ☐ 6. N/A
- ☐ 7. N/A

## **VII. Additional Information**

The Petitioner's vision to be a distinguished school of choice that will close the gap in opportunities and achievement for African American students and students of color is commendable. However, the 2021-22 Assessment Comparison data shown below, gathered from the California School Dashboard and the California Assessment of Student Performance and Progress, between Fortune Schools (the school model outlined throughout the Petition) and P-BVUSD, do not show a significant difference in achievement in English Language Arts, Math, Chronic Absenteeism, and Suspensions. Importantly, the data shows that P-BVUSD African American Students outperform students who attend Fortune Schools in multiple assessed areas.

|                 | Student Population |                                  |        |                                          |       |                  |       |
|-----------------|--------------------|----------------------------------|--------|------------------------------------------|-------|------------------|-------|
|                 | All Students       | Socio-Economically Disadvantaged |        | English Language Learners                |       | African American |       |
| P-BVUSD         | 18,785             | 75.30%                           | 14,145 | 15.90%                                   | 2,987 | 8.10%            | 1,522 |
| Fortune Schools | 1,817              | 76.20%                           | 1,385  | 6.80%                                    | 124   | 63.00%           | 1,145 |
| Hardy Brown     | 384                | 79.70%                           | 306    | Not a statistically significant subgroup |       | 64.10%           | 246   |

| English Language Arts (Met or Exceeded Standard) |              |       |                                  |       |                                          |     |                  |     |
|--------------------------------------------------|--------------|-------|----------------------------------|-------|------------------------------------------|-----|------------------|-----|
|                                                  | All Students |       | Socio-Economically Disadvantaged |       | English Language Learners                |     | African American |     |
| P-BVUSD                                          | 47.76%       | 8,972 | 42.30%                           | 5,983 | 16.32%                                   | 487 | 34.16%           | 520 |
| Fortune Schools                                  | 28.94%       | 526   | 27.17%                           | 376   | 7.69%                                    | 10  | 26.81%           | 307 |
| Hardy Brown                                      | 42.95%       | 165   | 37.50%                           | 115   | Not a statistically significant subgroup |     | 43.48%           | 107 |

| Math (Met or Exceeded Standard) |              |       |                                  |       |                                          |     |                  |     |
|---------------------------------|--------------|-------|----------------------------------|-------|------------------------------------------|-----|------------------|-----|
|                                 | All Students |       | Socio-Economically Disadvantaged |       | English Language Learners                |     | African American |     |
| P-BVUSD                         | 29.97%       | 5,630 | 24.37%                           | 3,447 | 9.82%                                    | 293 | 14.81%           | 225 |
| Fortune Schools                 | 21.25%       | 386   | 19.61%                           | 272   | 20.76%                                   | 26  | 17.86%           | 204 |
| Hardy Brown                     | 37.06%       | 142   | 33.82%                           | 104   | Not a statistically significant subgroup |     | 30.43%           | 75  |

| Chronic Absenteeism |              |       |                                  |       |                                          |       |                  |     |
|---------------------|--------------|-------|----------------------------------|-------|------------------------------------------|-------|------------------|-----|
|                     | All Students |       | Socio-Economically Disadvantaged |       | English Language Learners                |       | African American |     |
| P-BVUSD             | 40.40%       | 7,589 | 44.10%                           | 6,238 | 39.40%                                   | 1,177 | 45.40%           | 691 |
| Fortune Schools     | 60.30%       | 1,096 | 63.30%                           | 876   | 43.20%                                   | 53    | 62.70%           | 718 |
| Hardy Brown         | 63.80%       | 245   | 65.00%                           | 199   | Not a statistically significant subgroup |       | 64.50%           | 159 |

| Suspensions (At least one day) |              |     |                                  |     |                                          |    |                  |     |
|--------------------------------|--------------|-----|----------------------------------|-----|------------------------------------------|----|------------------|-----|
|                                | All Students |     | Socio-Economically Disadvantaged |     | English Language Learners                |    | African American |     |
| P-BVUSD                        | 2.60%        | 488 | 3.00%                            | 424 | 2.70%                                    | 81 | 6.50%            | 99  |
| Fortune Schools                | 14.70%       | 267 | 16.00%                           | 222 | 2.30%                                    | 3  | 18.30%           | 209 |
| Hardy Brown                    | 6.80%        | 26  | 6.80%                            | 21  | Not a statistically significant subgroup |    | 7.70%            | 19  |

Notwithstanding this information, the Charter Petition Review Team recommends support of options within our public education system by partnering with Willie J Frink College Prep Charter School to address the learning gaps of our African American students and students of color. As stated above, to the extent the Charter Petition Review Team recommends Board approval, this recommendation is contingent on the approval of an MOU addressing the stated concerns.