

Yuba County Office of Education Staff Report Yuba County Career Preparatory Charter School (YCCPCS) Request for Material Revision

On April 15, 2024, the Yuba County Career Preparatory Charter School (YCCPCS) submitted a request for material revision to the Yuba County Office of Education. If approved, the request would be updated to include comprehensive descriptions that align with the petition review matrix's requirements (e.g., charter reform requirements, including but not limited to alignment with the eight state priorities, health and safety, staff qualifications, admissions, and independent study); newly enacted laws (e.g., independent study, discipline); and a missing 16th Element for countywide benefits describing each proposed location. In addition to ensuring all legal requirements are met, Yuba County Career Preparatory Charter School (YCCPCS) is requesting a material revision to its governance structure.

Background

Yuba County Career Preparatory Charter School (YCCPCS) is a California public countywide benefit charter school (Education Code 47605.6/ 47612.1) authorized by the Yuba County Board of Education (YCBE) and administered by the Yuba County Office of Education (YCOE). It began operating in July 1995 and is among the first charter schools to operate in California.

Today, charter schools are under the scrutiny of legislators and the public. Non-classroom-based charter schools across the state have drawn particular scrutiny for unethical practices and misuse of public funds. Therefore, the existing governance structure is not one that is favored as an authorizer best practice. The material revision would demonstrate that YCCPCS is well-managed by the Yuba County Office of Education (YCOE) and well-regulated by the Yuba County Board of Education (YCBE). It is important to note that the existing YCCPCS advisory body reviewed this material revision to the charter petition on February 6, 2024 with opportunity for public input and approved it on April 9, 2024.

The current five-year petition term is set to expire on 11/14/25, pursuant to SB 114 and Education Code section 47607.4, YCCPCS plans to submit the final renewal petition between spring and August 2025.

Public Hearing

In compliance with Education Code 47605(b), the Yuba County Board of Education held a Public Hearing to consider the level of support for the material revision to the petition. Education

Code 47605(b) requires that the Yuba County Board of Education conduct a second public hearing and render its decision on the material revision request within 90 days of receipt of the requested revision unless both parties agree to an extension. Any findings of fact must be shared with YCCPCS Charter at least fifteen (15) days prior to the determination hearing.

Material Revision

Education Code section 47607(a)(2) states a material revision to a charter petition is governed by the standards and criteria in section 47605, “and shall include, but not be limited to, a reasonably comprehensive description of any new requirement of charter schools enacted into law after the charter was originally granted or last renewed.”

In reviewing petitions for the establishment of charter schools pursuant to Section 47605, “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.”

Reasons for Denial

The authorizing board shall not deny a request to materially revise an existing charter 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 section 47605]. **This item does not pertain to a material revision.**
4. The petition does not contain an affirmation of each of the conditions described in subdivision (e) [of section 47605].
5. The petition does not contain reasonably comprehensive descriptions of all of the 15 elements set forth in [section 47605, subdivision (b)(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 for purposes of Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code. (Education Code § 47605(b))

Two other findings may support denial of a material revision that proposes to expand an existing 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. This finding must include an analysis and consideration of the fiscal impact of the proposed charter school. Pursuant to Education Code §47605(c)(7), the county board of education must also describe the specific facts and circumstances that analyze and consider:
 - a. The extent to which the proposed charter school would substantially undermine existing services, academic offerings, or programmatic offerings.
8. Whether the proposed charter school would duplicate a program currently offered within the school district and whether the existing program has sufficient capacity for the pupils proposed to be served within reasonable proximity to where the charter school intends to locate.
 - a. To deny a petition based on fiscal impact under 47605 (c)(8), the school district must demonstrate it is not positioned to absorb the fiscal impact of the proposed charter school.

(Ed. Code sec. 47607(a)(4).) For a material revision, analysis under paragraphs (7) and (8) above shall be limited to consideration only of the impact of the proposed material revision.

STAFF REPORT FINDINGS OF FACT: YCCPCS CHARTER REQUEST FOR MATERIAL REVISION

At a Glance

	Meets Requirements		Mostly Meets Requirements		Does Not Meet Requirements
GUIDING QUESTIONS BASED ON REASONS FOR DENIAL					
#1	<i>Does this charter present a sound educational program?</i>				
#2	<i>Are the petitioners demonstrably likely to successfully implement the program set forth in the petition?</i>				
#3	<i>Does the petition contain the number of signatures required?</i>				NA
#4	<i>Does the petition contain an affirmation of each of the conditions described in subdivision (e) [of section 47605]?</i>				

#5	<i>Does the petition contain reasonably comprehensive descriptions of all of the 15 elements set forth in section 47605, subdivision (c)(5)?</i>	See A-O & Supplemental sections below
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Elements		Topic	Meets Standards	Summary of Deficiency
A	Element 1	Educational Program		
B	Element 2	Measurable Student Outcomes		
C	Element 3	Student Progress Measurement		
D	Element 4	Governance		
E	Element 5	Employee Qualifications		
F	Element 6	Health and Safety		
G	Element 7	Racial/Ethnic Balance		
H	Element 8	Admissions		
I	Element 9	Independent Audits		
J	Element 10	Suspension / Expulsion		
K	Element 11	STRS		
L	Element 12	Attendance Alternatives		
M	Element 13	Post-Employment Rights		See information below

N	Element 14	Dispute Resolution		
O	Element 15	Closure Procedures		
Required Supplemental Information			Meets Standard	Summary of Deficiency
1. Financial/ Administrative Plan				
2. Facilities				
3. Impact Statement				
4. Special Education				See information below

Guiding Questions		Meets Standard
#6	<i>Does the petition contain a declaration of whether or not the charter school shall be deemed the exclusive public employer of the employees of the charter school?</i>	
#7	<i>Will the charter schools serve the interests of the entire community in which the school is proposing to locate?</i>	
#8	<i>Is the district positioned to absorb the fiscal impact of the proposed charter school?</i>	

Detailed Staff Report

#1 Does the petitioner present a sound educational program?

In their report, the petitioner was able to clearly articulate a sound educational model including a clearly articulated vision and mission statement. YCCPCS educates students in grades K through 12 and adults who need or desire an alternative learning model to traditional education. Students come to YCCPCS for various reasons, including flexible scheduling, specialized vocational opportunities with CTE onsite training, small class sizes, and hands-on learning opportunities. Some are attracted to faster credit acquisition, which allows them to ‘catch up’ after becoming credit deficient, and some can graduate early.

As a Dashboard Alternative Accountability School (DASS), YCCPCS serves an unduplicated count of at least 70% of the school's total enrollment (upon first entry to the school) that is composed of at-promise youth, as defined in CA Education Code §52052. The school must requalify for DASS status every three years.

Students attending YCCPCS have a history of being habitually truant, emotional distress or behavioral issues, teen parenting, other socio-economic issues, and health issues. Some students have experienced or are currently experiencing unpredictable and traumatic life conditions, which include absentee parent(s), emotional, physical, and sexual abuse, neglect, and mental illness.

#2 Are the petitioners demonstrably likely to successfully implement the program set forth in the petition?

The findings include the following:

- Although the petition discusses post-employment rights, the petitioner does not provide information on the following:
 - School district employee's return employment rights, including
 - whether, and how staff may resume employment within the district or authorizer

It is important to note that former employees of YCOE are bound by the contract if they choose to be reemployed. Post-employment rights are followed as stated in the YCCEA and YCOE Superintendent Collective Bargaining Agreement Article 30.b.

- The material revision does not provide a process for notifying the district of residence and authorizing LEA when a special education student enrolls, becomes eligible, ineligible and/or leaves the charter. The material revision provides a process for when a special education student leaves a charter. However, the material revision does not provide a process to notify the district and YCOE for when a student enrolls, becomes eligible / ineligible for special education.
- The material revision makes a statement that "YCCPCS adheres to the legal mandates outlined in the Individuals with Disabilities Education Improvement Act (IDEIA) in implementing regulations," which is missing critical information. A process for how the transition to and from a district when a student with an IEP enrolls in or transfers out of the charter is not provided.
- The petition does not clarify the responsibilities of each party for Due Process. Specifically the following are omitted in the petition:
 - The use of SELPA as a resource for Alternative Dispute Resolution.

- Parents / Guardians rights to receive parental safeguards which delineate due process rights.

The Yuba County Office of Education strongly encourages YCCPCS to add missing information to their petition in order to ensure legal compliance.

#3 Signature collection is not applicable to a material revision.

#4 Does the petition contain an affirmation of each of the conditions described in subdivision (e) [of section 47605]? Yes. All required affirmations are contained within the petition.

#5 Does the petition contain reasonably comprehensive descriptions of all of the 15 elements set forth in section 47605, subdivision (c)(5)?

The petition contains most of the required elements, however, a few of the required legal and/or comprehensive descriptions are missing, as described below and in the Supplemental Requirements that follow.

M. Element 13 (Post-employment Rights of Employees) is missing the following legal requirements:

- Although the petition discusses post-employment rights, the petitioner does not provide information on the following:
 - School district employee's return employment rights, including
 - whether, and how staff may resume employment within the district or authorizer

It is important to note that former employees of YCOE are bound by the contract if they choose to be reemployed. Post-employment rights are followed as stated in the YCCEA and YCOE Superintendent Collective Bargaining Agreement Article 30.b.

Required Supplemental Information

Special Education requirements are missing per Education Code 47641(a) and 47646.

The following information is missing from the material revision:

- The material revision does not provide a process for notifying the district of residence and authorizing LEA when a special education student enrolls, becomes eligible, ineligible and/or leaves the charter. The material revision provides a process for when a special education student leaves a charter. However, the material revision does not

provide a process to notify the district and YCOE for when a student enrolls, becomes eligible / ineligible for special education.

- The material revision makes a statement that “YCCPCS adheres to the legal mandates outlined in the Individuals with Disabilities Education Improvement Act (IDEIA) in implementing regulations,” which is missing critical information. A process for how the transition to and from a district when a student with an IEP enrolls in or transfers out of the charter is not provided.
- The petition does not clarify the responsibilities of each party for Due Process. Specifically the following are omitted in the petition:
 - The use of SELPA as a resource for Alternative Dispute Resolution.
 - Parents / Guardians rights to receive parental safeguards which delineate due process rights.

#6 Does the petition contain a declaration of whether or not the charter school shall be deemed the exclusive public employer of the employees of the charter school?

Yes, the material revision contains the appropriate declaration.

#7 Is the charter school demonstrably unlikely to serve the interests of the entire community in which the school is proposing to locate? This does not apply with the proposed material revision.

#8 Is the district positioned to absorb the fiscal impact of the proposed charter school?

This does not apply with the proposed material revision.

Conclusion

The implementation of AB 1505 (signed into law in 2019 shortly after the last petition renewal) and numerous laws implemented since were among the largest set of laws to be imposed upon charter schools since the inception of the Charter Schools Act. There is clear and convincing evidence a need to update the petition to include comprehensive descriptions that align with the petition review matrix's requirements (e.g., charter reform requirements, including but not limited to alignment with the eight state priorities, health and safety, staff qualifications, admissions, and independent study); newly enacted laws (e.g., independent study, discipline), and a missing 16th Element for countywide benefits describing each proposed location.

CA Education Code 47607(2)(A) states that material revisions of charters are governed by the standards and criteria in Section 47605 and shall include, but not be limited to, a reasonably comprehensive description of any new requirement of charter schools enacted into law after the charter was originally granted or last renewed.

The YCOE review team has determined that, to be successful in the long term, it will be critical for YCCPCS to address the documented findings. The following paragraphs contain language to

support the Yuba County Board of Education should they choose to approve **or** deny the Yuba County Career Preparatory Charter School's (YCCPCS) request for a material revision.

Should the Yuba County Board of Education **approve** the request for material revision, it is strongly recommended that the Board of Education adopt the findings in this Staff Report and conditionally approve the material revision contingent upon YCCPCS adding the following information by the established deadlines, to ensure compliance with Education Code. Missing the deadline would default to denial:

Element 13 (Post-employment Rights of Employees) is missing the following legal requirements:

- Although the petition discusses post-employment rights, the petitioner does not provide information on the following:
 - School district employee's return employment rights, including
 - whether, and how staff may resume employment within the district or authorizer

It is important to note that former employees of YCOE are bound by the contract if they choose to be reemployed. Post-employment rights are followed as stated in the YCCEA and YCOE Superintendent Collective Bargaining Agreement Article 30.b.

Required Supplemental Information

Special Education requirements are missing per Education Code 47641(a) and 47646.

The following information is missing from the material revision:

- The material revision does not provide a process for notifying the district of residence and authorizing LEA when a special education student enrolls, becomes eligible, ineligible and/or leaves the charter. The material revision provides a process for when a special education student leaves a charter. However, the material revision does not provide a process to notify the district and YCOE for when a student enrolls, becomes eligible / ineligible for special education.
- The material revision makes a statement that "YCCPCS adheres to the legal mandates outlined in the Individuals with Disabilities Education Improvement Act (IDEIA) in implementing regulations," which is missing critical information. A process for how the transition to and from a district when a student with an IEP enrolls in or transfers out of the charter is not provided.
- The petition does not clarify the responsibilities of each party for Due Process. Specifically the following are omitted in the petition:
 - The use of SELPA as a resource for Alternative Dispute Resolution.
 - Parents / Guardians rights to receive parental safeguards which delineate due process rights.

-or-

Should the Yuba County Board of Education **approve the material revision without conditions**, the Board does not need to make or adopt any written findings of fact.

-or-

Should the Yuba County Board of Education **deny** the Yuba County Career Preparatory Charter School (YCCPCS) request for material revision, it is necessary for the Board to make written findings specific to the material revision to support denial. In this event, it is strongly recommended that the Board adopt the following findings:

The Yuba County Office of Education's staff reviewed the request for material revision utilizing the criteria for approval set forth in Education Code Section 47605 and produced a written Staff Report including findings of fact. Based upon its comprehensive review and analysis of the request for material revision, the Yuba County Board of Education adopts the Staff Report as the written findings of the Board and, on that basis, denies the material revision based on the finding that the petitioners are demonstrably unlikely to successfully implement the program as proposed in the material revision. Reasons for denial include a lack of understanding of legal requirements.