



## **STAFF REPORT, FINDINGS OF FACT, AND RECOMMENDATIONS REGARDING CHARTER PETITION RENEWAL**

On November 7, 2025, the Alder Grove Charter School<sup>1</sup> (“AGCS” or “Charter”) submitted a continuing charter school petition (“Petition”). AGCS currently operates its resource center within the geographic boundaries of Eureka City Schools District (“District”) but is authorized by the South Bay Union School District. The purpose of this petition is to comply with the requirements of Education Code Section 47605.1 which was amended by Assembly Bill 1507 to require non-classroom-based charter schools to submit a petition to the governing board of the school district in which the charter school’s existing resource center is located. AGCS’s resource center is located within the boundaries of the District, and this petition was submitted in order to allow AGCS to operate as a charter school authorized by the District. The Petition is for the term from July 1, 2026 to June 30, 2031, and seeks approval to operate an existing independent study charter school that would serve approximately 500 students in grades TK through 12<sup>th</sup> grade.

In compliance with Education Code 47605(b), The District’s Board of Education (“Board”) held a public hearing on December 11, 2025, to gauge support for the Charter and hear from the Petitioners. District will conduct a second public hearing and render its decision on the request for renewal on February 12, 2026. This staff report was published 15 days before that hearing on January 29, 2026.

The findings of fact and recommendations below represent the District’s recommendation to the Board to conditionally renew the charter the District under the conditions outlined below and in Exhibit A. The District also recommends that the Board require the District and Charter enter into a Memorandum of Understanding (“MOU”) prior to June 1, 2026.

### **Background**

Alder Grove Charter School was first authorized in 2006 by South Bay Union Elementary School District as an independent study charter school that provided a voluntary public educational choice for families of students who chose to educate their children in the home environment. AGCS supports and celebrates individual differences and the uniqueness of each child. The AGCS initial mission was to provide students with personalized learning and to support parental choice in education. Over the years, the Charter School has adjusted the mission statement to align better with how it serves its students. AGCS’s commitment is to deliver personalized learning through strong family, educator, and community partnerships that empower students to achieve academic excellence and foster active citizenship. AGCS admits students in grades kindergarten through twelfth grade (K- 12) who resided in Humboldt County or adjacent counties. Independent study was offered to meet the unique personal and educational needs of those families who seek an established alternative instructional strategy. The student, parent/guardian, and a supervising credentialed teacher contracted as a team to facilitate this process.

AGCS operates as a non-classroom-based charter school serving students in kindergarten through 12<sup>th</sup> grade with a resource center in Eureka, CA.

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<sup>1</sup> The Charter was formerly known as Alder Grove Charter School-2 or AGCS-2 is changing its name to Alder Grove Charter School. Upon approval of this charter petition, AGCS shall notify the California Department of Education, the Humboldt County Office of Education, and all other relevant entities of its name change. All references herein to Alder Grove Charter School are intended to include the Charter School’s historical name, Alder Grove Charter School-2. The historical data shown for AGCS-2 can be found online under the previous name of Alder Grove Charter School-2.

## LEGAL STANDARD

Pursuant to Education Code 47607, charter renewals are governed by the same standards and criteria that govern initial charter petitions as well as the standards and criteria that are unique to the renewal process where a track record of the charter school exists for review. Specifically, a charter authorizer must review the renewal petition for compliance with Education Code 47605, including whether the petition contains 15 required petition elements. In addition, the charter authorizer must review the school performance record of the charter school using the criteria set out in Education Code 47607 and Education Code 47607.2. We discuss each set of legal criteria in more detail below.

### **1. Legal Criteria for Renewal under Education Code 47605**

Pursuant to Education Code 47607, a charter renewal petition must meet the requirements of Education Code 47605. Thus, a charter authorizer must review a renewal petition to determine the following:

- Whether the charter school presents a sound educational program;
- Whether the charter school is likely to successfully implement the program set forth in the petition;
- Whether the petition contains a “clear, unequivocal” affirmation of each of the conditions described in Education Code 47605(e);<sup>2</sup>
- Whether the petition contains “reasonably comprehensive descriptions” of all of the 15 elements required in a petition pursuant to Education Code 47605(c).

Charter renewal petitions must also contain a reasonably comprehensive description of any new requirement of charter schools enacted into law after the charter was originally granted or last renewed. See 5 CCR 11967.5.1 (providing the criteria to be used by the State Board of Education (“SBE”) in reviewing charter petitions). Pursuant to Education 47605, 47607, and 47607.2, a board that denies a charter renewal petition must make written findings to support any of the grounds listed under Education Code 47605.

### **2. Legal Criteria for Renewal of AGCS as a “Middle-Performing” Charter School under Education Code 47607.2.**

Pursuant to legislation passed in 2020 (Assembly Bill 1505), the California Department of Education (“CDE”) began to classify all charter schools into three renewal “tiers” – high, middle, and low – based upon the charter school’s results on the California School Dashboard. See Education Code 47607 and 47607.2<sup>3</sup>. The law creates a presumption that the renewal of a high-performing charter school will be *granted*; that the renewal of a low-performing charter school will be *denied*; and, as to a middle-performing charter school, a charter authorizer “may” grant renewal after considering certain renewal criteria.

The renewal criteria that traditionally applied to “middle tier” charter schools are outlined in Education Code § 47607.2 which is inoperative after Jan. 1, 2026. As to a “middle tier” charter school, a five-year renewal is possible, and following conditions apply: (1) The authorizer must consider all

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<sup>2</sup> See 5 CCR 11967.5.1 (providing the criteria to be used by the State Board of Education (“SBE”) in reviewing charter petitions).

<sup>3</sup> Education Code § 47607.2 is inoperative after Jan. 1, 2026.

dashboard indicators for all student subgroups, and (2) Charter school does not fit criteria for Bottom Tier or Top Tier

**Findings of Fact**

Our attention turns now to application of the legal criteria set out above to the specific renewal petition of Charter and its track record of serving students. As explained in more detail below, staff recommends that the Board grant the request to renew the charter for a term of five years from July 1, 2026 through June 30, 2031 conditioned upon AGCS signing and agreeing to the conditions attached as Exhibit A, and executing a Memorandum of Understanding by June 1, 2026.

**Concerns Regarding School Performance**

AGCS has been identified by CDE as a middle-performing charter school. Thus, the District may approve the Petition for a five-year term.

Turning to the school’s performance on the schoolwide performance on the state and local indicators, AGCS students score below the state standards as reflected in the chart below. In 2024, the school’s performance in both English Language Arts (ELA) and Mathematics fell into the "Yellow" category. However, 2025 data reflects that the overall student performance in English Language Arts and Mathematics declined, and fell into the “Orange” category.

Specifically, in 2025, students scored 17.3 points below standard on the English Language Arts Academic Indicator, which marked a decline of .3 points from the prior year. On the Math Academic Indicator in 2025, students scored 69.6 points below standard, which marked a decline of 8.9 points from the prior year.

2025 Dashboard	AGCS	
	ELA	Math
All Students	-17.3	-69.6
EL	n/a	n/a
African American	n/a	n/a
Hispanic/Latino	-5.1	-79.1
Two or More Races	-2.7	-48.9
White	-22.4	-66.6
SED	-18.8	-76.6
SWD	-45.4	-107.8
Homeless	-39.6	-93.6

While the District notes the school’s low performance on the English Language Arts and Mathematics Academic Indicators, including a decline in the most recent year, the District finds that these concerns may be adequately addressed through the conditions related to measurable student outcomes set forth in Exhibit A. District staff recommend that the Board condition renewal on

agreement with the conditions regarding improving measurable student outcomes as outlined in Exhibit A.

### Student Discipline

Pursuant to a legislation passed in 2024, Education Code 48901.1 prohibits charter schools from suspending or expelling for “having disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, school officials, or other school personnel engaged in the performance of their duties.” The petition makes no specific mention of this law. As such, the District recommends that the Board condition renewal on AGCS providing an assurance that it will comply with EC 48901.1, which prohibits suspension or expulsion on the basis of having disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, school officials, or other school personnel engaged in the performance of their duties

### Special Education

AGCS’s petition proposes that AGCS will operate as a dependent of the District for special education purposes. The District recommends that the Board condition approval on agreement with the condition outlined in Exhibit A and the MOU regarding making an assurance of responsibility for special education services for all enrolled students.

### School Safety Plan

Senate Bill 98 authorizes the denial of a charter school petition if it does not include a safety plan that includes procedures specifically designed to notify parents and guardians of students, as well as teachers, administrators, and school personnel of the presence of immigration enforcement on campus. The Comprehensive School Safety Plan submitted by AGCS along with the petition is from 2023-24 and requires updating in order to fully address this requirement.

### Fiscal Reporting

Based on the fiscal information provided in the petition, the District recommends that AGCS continue to provide regular fiscal reporting to the District, including but not limited to, a 45-day budget update, as appropriate. The District recommends that the Board condition the renewal on AGCS’s agreement with the condition outlined in Exhibit A regarding fiscal reporting.

## **Conclusion**

As described above, the District desires that AGCS operate as an independent charter, including for special education purposes. However, until AGCS can join a SELPA (Special Education Local Plan Area), the District is agreeable to a short-term arrangement that allows AGCS to operate as a District-dependent charter school for the purposes of special education through an MOU executed between the District and the AGCS. Thus, as explained in more detail above, staff recommends that the Board grant the request to renew the charter of AGCS for a term of five years from July 1, 2026 through June 30, 2031 conditioned upon AGCS signing and agreeing to the conditions attached as Exhibit A, and executing a Memorandum of Understanding by June 1, 2026. District staff recommends that the Board adopt these Findings of Fact as its own.

## EXHIBIT A

### List of Conditions

#### Memorandum of Understanding

- District and AGCS shall negotiate a Memorandum of Understanding addressing the respective rights and obligations of the parties consistent with the authorizer-charter relationship, including but not limited to the conditions set forth below, which shall be executed no later than June 1, 2026, and approved by the respective governing boards of the parties prior to the commencement of AGCS's renewal term on July 1, 2026.

#### Student Discipline

- By July 1, 2026, AGCS will provide the District with an assurance that AGCS will comply with EC 48901.1, which prohibits suspension or expulsion for "having disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, school officials, or other school personnel engaged in the performance of their duties."
- By July 1, 2026, AGCS will develop, adopt and make available to the District revised expulsion policies and procedures which align with the updates to EC 48916 and 48916.1 enacted through Assembly Bill 1230 which became effective January 1, 2026.

#### School Safety Plan

By July 1, 2026, AGCS shall provide the District with a copy of its current adopted comprehensive School Safety Plan which must include procedures specifically designed to notify parents and guardians of students, as well as teachers, administrators, and school personnel of the presence of immigration enforcement on campus.

#### Response to Immigration Enforcement

- By July 1, 2026, AGCS will develop, adopt, and make available to the District policies and procedures that comply with the requirements of Assembly Bill 49 and Assembly Bill 419.

#### Special Education

- In conjunction with the approval of the charter petition, AGCS and the District shall sign consent to an MOU which provides an acknowledgement to the District that AGCS 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 and provide an assurance to the District that AGCS will assume full responsibility for appropriate accommodations to address the needs of any student.

#### Fiscal Reporting

- AGCS shall agree, through the parties' MOU, to annually prepare and submit the following reports to the District and County Superintendent of Schools:
  - On or before July 1, a preliminary budget;
  - A 45 Day Budget Update as appropriate;
  - On or before July 1, LCAP or annual update to LCAP;
  - On or before December 15, a first interim financial report, reflecting changes through October 31;

- On or before March 15, a second interim financial report, reflecting changes through January 31; and
- On or before September 15, a final unaudited report for the full prior fiscal year.
- For each of the aforementioned reports, AGCS will submit the following accompanying information to the District:
  - System- generated Financial Statement (by Resource and Total);
  - System- generated Budget Report with full account string;
  - Assumptions used in creating budget or interim reports;
  - The LCFF calculator used to determine LCFF revenue;
  - Cash flow reports (the District will also have the right to ask for interim cash flow reports when necessary);
  - Multi-year reports for budget and interim reports.

Reporting

- AGCS shall report their progress on the conditions outlined above as requested at the District regular board meetings and provide copies of all requested documents to the Board.

By signing this document, AGCS acknowledges and agrees to the requirements set forth herein.

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Tim Warner, Director

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Date