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Published:**August 26, 2026****Board Meeting:****September 10, 2026****STAFF ANALYSIS, RECOMMENDATIONS, AND
RECOMMENDED FINDINGS OF FACT REGARDING
PRISM SCHOOL OF ARTS & TECHNOLOGY CHARTER SCHOOL
PETITION****ADMINISTRATION**GREG NEHEN
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Business ServicesDR. CHRIS GRADO
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Assistant Superintendent
Human Resources**I. BACKGROUND**

The Antelope Valley Union High School District (“District”) received on June 8, 2026, a charter petition (“Petition” or “Charter”) from Dr. Derrick Spiva, Lead Petitioner (“Petitioner”), seeking to establish a new public charter school to be called the Prism School of Arts and Technology Charter School. The Charter seeks approval from the District Board of Education (“Board”) for a term of five years, 2026, through June 30, 2031.

While not fully explained in the submitted Charter, Prism School of Arts and Technology Charter School is proposed to be operated by CreateTech Charter Schools, a California nonprofit public benefit corporation. The terms “Prism” and “Charter School” are used herein collectively, individually, and interchangeably to refer to both the nonprofit public benefit corporation and/or the proposed Prism School of Arts and Technology Charter School. The Board’s consideration and action on the Charter is governed by the standards, criteria, and procedures set forth in Education Code Section 47605.

The Charter proposes to serve students in grades Transitional Kindergarten (“TK”) through 12 and would commence operations in the 2027-2028 school year with a Year 1 enrollment of 200 students across all of grades K-12. The Charter School expects to grow to an enrollment of 810 kids by Year 5.

II. SUMMARY OF STAFF FINDINGS AND RECOMMENDATION TO THE BOARD

Based on its comprehensive evaluation of the Petition, the District staff recommends that the District Board of Trustees deny the Petition based on the following findings for denial of a charter school petition:

1. The Petitioners are demonstrably unlikely to successfully implement the program presented in the Petition.
2. The Petition does not provide a reasonably comprehensive description of all 14 required elements of a charter petition.

III. REVIEW OF PETITION

A. Timeline for Board Action

Pursuant to California Education Code section 47605(b), the Board must hold a public hearing on the Petition within 60 days of receipt, and, thereafter, the Board must act on the Petition within 90 days of receipt, which timeline may be extended to 120 days by mutual agreement. District staff findings and recommendations, including recommended findings, must be published at least 15 days prior to the Board meeting at which the Board will take final action.

The District sent notice of the timeline for review and action on the petition to the Lead Petitioner. The District held the required public hearing at a Board meeting held on July 23, 2026, at which time the Board considered the level of support for the Petition among teachers employed by the District, other employees of the District, and parents, in accordance with Education Code Section 47605(b).

The District posted the Charter on its website for the public to review. Notice of the July 23, 2026, Public Hearing was posted in accordance with the Brown Act. The District also accepted input via email and U.S. mail. At the public hearing, the Lead Petitioner presented an overview of the Charter, and counsel for the charter school spoke in support of the proposed school. The Lead Petitioner submitted a copy of the PowerPoint presentation used during the public hearing. No parents or community members spoke in favor of or against the Petition.

It is anticipated the Board will act on the Charter at its regular meeting on September 10, 2026. As required by the Charter Schools Act, this Staff Analysis, Recommendations, and Recommended Findings (“Staff Analysis”) and proposed Resolution, comprising District staff’s recommendations, including recommended findings on the Charter, was published on or before August 26, 2026. The District also provided the Lead Petitioner with a copy of this Staff Analysis on the same day.

B. The District’s Petition Review Process

Upon receipt of the Charter, the District convened a team of District staff to conduct a comprehensive review of the Charter, with guidance from District legal counsel. Each District staff team member reviewed the Charter, or sections thereof as relevant to their area(s) of expertise. The Petition was reviewed and recommendations made according to the standards set forth in Education Code Section 47605.

IV. STANDARD FOR EVALUATION OF CHARTER PETITION

The Legislature has established standards for the evaluation of new charter school petitions, as codified in Education Code Section 47605. A potential chartering authority has a responsibility—both to the students within its jurisdiction and to the taxpayers of the State of California, who will ultimately fund the charter school—to carefully review charter petitions submitted requesting approval in accordance with the standards and criteria in the Charter Schools Act. This review considers the academic needs of the pupils the school proposes to serve, whether the proposed charter school will be fiscally sound and of educational benefit to students proposed to attend, and whether approval is consistent with sound educational practice and with the interests of the community in which the school is proposing to locate.

If the District grants the Petition, the District will be designated as the chartering authority with oversight responsibility for Prism. Pursuant to Education Code section 47605(k), if the District denies the Petition, Prism may appeal the denial to the Los Angeles County Board of Education (“LACBOE”). If the LACBOE grants the



petition, the LACBOE becomes the chartering authority for Prism. If the LACBOE denies the Petition, then Prism may appeal to the State Board of Education (“SBE”). (Ed. Code, § 47605(k).)

Education Code section 47605(c), sets forth the following standards governing a school district governing board’s action on a charter petition:

- A. The board is to 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 establishment of charter schools should be encouraged.
- B. The board shall grant a charter for the operation of a school *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 proposes to locate.
- C. The Board shall consider the academic needs of the pupils the school proposes to serve.
- D. The board must hold a public hearing on the provisions of the Charter at which it considers the level of support for the charter by district teachers, other district employees, and parents/guardians.
- E. The board shall not deny the charter unless it makes written factual findings, specific to the particular charter, 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 Education Code Section 47605(a).
 - 4. The petition does not contain an affirmation of each of the conditions described in Education Code Section 47605(e).
 - 5. The petition does not contain reasonably comprehensive descriptions of all the following required elements:
 - a. A description of the educational program, including, but not limited to, a description of the annual goals and the students the charter school is attempting to educate;
 - b. The measurable pupil outcomes identified for use by the charter school;
 - c. The method by which student progress in meeting the pupil outcomes is to be measured;

- d. The governance structure of the charter school, including how parental involvement is ensured;
 - e. The qualifications of individuals to be employed by the charter school;
 - f. The procedures the charter school will follow to ensure the health and safety of pupils and staff;
 - g. The means by which the charter school will achieve a balance of racial and ethnic pupils, special education pupils, and English learner pupils reflective of the general population residing in the school district where it will be located;
 - h. Admission policies and procedures;
 - i. The procedures by which pupils can be suspended or expelled from the charter school for disciplinary reasons or otherwise involuntarily removed for any reason;
 - j. The manner by which employees will be covered by the State Teachers' Retirement System, the Public Employees' Retirement System, or federal Social Security;
 - k. The public school attendance alternatives for pupils residing within the school district who choose not to attend charter schools;
 - l. The rights of employees leaving employment of the school district to work in the charter school and any rights of return;
 - m. The procedures to be followed by the charter school and the chartering authority to resolve disputes;
 - n. The procedures to be followed if the charter school closes.
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 the Educational Employees Relations Act (EERA).
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 whether the existing program has sufficient capacity for the pupils proposed to be served within a 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 Education Code Section 42131 and the district superintendent of schools, in consultation with the County Office Fiscal Crisis and Management Assistance Team, certifies that approving the charter school would result in the school district having a negative interim certification pursuant to Education Code Section 42131, has a negative interim certification pursuant to Education Code Section 42131, or is under state receivership. Charter schools proposed in a school district satisfying one of these conditions shall be subject to a rebuttable presumption of denial.

Pursuant to Education Code Section 47605(h), the District Board must require charter petitioner(s) to provide information regarding the proposed operation and potential effects of the proposed school, including but not limited to:

1. The facilities to be used by the school, including specifying where the charter school intends to locate.
2. The manner in which administrative services of the school are to be operated.
3. Potential civil liability effects, if any, upon the charter school and the school district.
4. Financial statements that include a first-year operational budget, including startup costs, and cash flow and financial projections for the first three years of operation.
5. The names and relevant qualifications of all persons whom the petitioner nominates to serve on the charter school nonprofit corporation's board of directors.

The District believes that, given the nature and operational structure of independent charter schools and the necessity that they operate independently outside of the traditional noncharter public school system and the structure of a school District and in accordance with the law, it is imperative that any charter petitioner establishes its capacity to prepare a fully formed and compliant charter petition that comports with the requirements of the Charter Schools Act and establishes that approval is consistent with sound educational practice and the interests of the community where the charter school proposes to locate. It is not the role of the Board or the District to provide a "roadmap" to approval or to substitute the District's experience and expertise for that of the charter petitioners. Instead, charter petitioners must establish that they will be able to operate the proposed charter school independently and in a manner that serves students and provides them a sound educational experience by providing a clear, complete, fully developed and reasonably comprehensive charter petition that complies with the requirements of the Charter Schools Act.

Part of any assessment and analysis of a charter is consideration of whether the charter petitioners have presented a legally and educationally appropriate petition and have not simply relied upon or been guided by findings made in prior considerations of their charter, or District staff's comments prior to submission of the charter, as a roadmap for approval. For these reasons, the District has determined that in recommending denial of Prism's

Charter, it is most appropriate to limit its analysis, recommendations, and recommended findings to those issues and findings on which basis the District staff is recommending that the Board deny the Charter at this time. This Staff Analysis will not go through each component and element of the Charter or address every issue, omission, or flaw therein, but will focus on those matters that form the basis for the recommendations and recommended findings of denial set forth herein and in the proposed resolution of denial.

The complete Charter that the District is acting on is available for review at: [Charter Proposal](#).

V. RECOMMENDATION

Based upon its comprehensive review and analysis of the Petition and accompanying documents, District staff recommends that the Petition be denied. In order to submit a charter petition to a potential chartering authority, the charter petitioner must submit a signed certification that the petitioner deems the charter petition to be complete, so it is incumbent on the petitioner to submit a complete charter. Moreover, charter schools are exempt from most laws governing school districts. Instead, charter schools are primarily bound by the terms of their approved charter, and not by extraneous statements or representations made by the petitioners which are not part of the charter and are not binding on the proposed charter operators. It is appropriate for the Board to review and act on the Charter as submitted by Prism. The Board, as the potential chartering authority is not obligated to seek further clarification or correction from the petitioners who have submitted the Charter and certified that it is complete.

Moreover, Prism is not an operating school and has submitted a proposal based on its own projections and speculation. Similarly, the District and Board must also have the Prism Charter based in some part on projections, taking account of the District's knowledge, expertise, and experience and the available facts, and the District is not required to accept as accurate the petitioners' projections or speculation regarding its Charter. Denial of a charter does not require the Board to prove that a certain outcome will ensue. Rather, the Charter Schools Act requires the Board to consider and act on the Charter in accordance with the standards detailed above, and **the Board** must make written factual findings specific to the particular Charter in order to deny it, whether or not the petitioners agree with the Board's findings.

As detailed below and in the attached proposed Resolution of Denial, staff recommends that the Board deny the Prism Charter based on the facts specific to the Prism Charter set forth below and in the proposed Resolution that support the following denial findings:

1. The Petitioners are demonstrably unlikely to successfully implement the program presented in the Petition;
2. The Petition does not provide a reasonably comprehensive description of all 15 required elements of a charter petition.

Staff further recommends that the Board adopt the proposed Resolution making the written findings of denial as recommended in this Staff Analysis.

VI. REVIEW OF THE CHARTER PETITION

- A. The Petitioners Are Demonstrably Unlikely to Successfully Implement the Program Set Forth in the Petition (Ed. Code § 47605(c)(2))



1. History of Involvement with Failed Charter Schools, Including Antelope Valley Synergy School of Performing Arts and Technology, Academy of Creative Technologies – Antelope Valley, and SCALE Leadership Academy

While not binding on the Board, the State Board of Education’s (“SBE”) regulations governing SBE consideration of charter petitions specifies that the SBE will take the following factor into consideration in determining whether charter petitioners are “demonstrably unlikely to successfully implement the program.”

(1) If the petitioners have a past history of involvement in charter schools or other education agencies (public or private), the history is one that the SBE regards as unsuccessful, e.g., the petitioners have been associated with a charter school of which the charter has been revoked or a private school that has ceased operation for reasons within the petitioners' control.

(Cal. Code Regs., Tit. 5 § 11967.5.1(c).) Staff finds this standard instructive and agrees that this factor clearly supports the recommended finding that the Prism petitioners are demonstrably unlikely to successfully implement the Charter.

Publicly available information and information known to the District from its role as the chartering authority for both Antelope Valley Synergy School of Performing Arts and Technology Charter School (“Synergy”) and Academy of Creative Technologies – Antelope Valley Charter School (“ACT-AV”), establish that Prism’s Lead Petitioner, Dr. Spiva, was the Executive Director for Synergy, ACT-AV, and most recently also the Executive Director of SCALE Leadership Academy-East (“SCALE”).

Synergy Charter School

The District approved the Synergy Charter Petition in April 2023. Dr. Spiva was also the lead petitioner for the Synergy charter submission and served as Synergy’s Executive Director. Synergy and Dr. Spiva made many of the same representations regarding the need for the school, the soundness of the educational program, and that the school would be operated in a fiscally and operationally sound manner to serve students, that are contained in the Prism Charter Petition. Unfortunately, Synergy closed after just a few months of operation.

Notably, Synergy did not comply with the closure procedures set forth in its approved charter petition and required by law and Synergy failed to pay many of its employees and creditors when it suddenly closed in 2023. The District worked with the Los Angeles County Office of Education (“LACOE”) and the California Department of Education (“CDE”) in an effort to assist with Synergy’s close-out procedures and an attempt to determine Synergy’s fiscal position. For many months, the District received concerns and claims from unpaid former Synergy employees and vendors seeking compensation owed to them by Synergy. Regrettably, the District, LACOE, and CDE were unable to locate any remaining Synergy funds, including funds to cover claims for unpaid wages, STRS contributions for former employees, or Synergy’s other outstanding debts. Synergy’s abrupt closure also left its students scrambling for other educational placements in the middle of the school year.

The District finds Synergy’s operation and closure under the leadership of Prism’s Lead Petitioner to be clearly unsuccessful.

ACT-AV Charter School

In 2024, Keleen Wrighten, Lead Petitioner submitted to the District a charter petition for ACT-AV to be operated and governed by CreateTech Charter Schools, a nonprofit corporation. On or about May 15, 2024, the District



Board took action to approve the ACT-AV Charter, **with conditions**. The conditions were necessary to help ensure ACT-AV was properly prepared and positioned to open as proposed for the 2025-26 school year.

While, as noted above, the Charter's description of its proposed governance structure is so brief that it does not even identify the corporation that is proposed to govern Prism, the governance documents attached to the Charter include the Articles of Incorporation and Bylaws for CreateTech Charter Schools, which is the same non-profit corporation that operated and governed ACT-AV. In fact, the heading of the Bylaws specifies, "Bylaws of the Academy of Creative Technologies Antelope Valley." Ms. WRIGHTEN, Teresa Green, and James Culver served on the CreateTech Board that governed ACT-AV throughout its planning and operational term. Prism identified Ms. Green and Mr. Culver as Prism Board of Directors members. Ms. WRIGHTEN signed the Prism Petition expressing meaningful interest in teaching at the proposed school. Dr. Spiva was employed as ACT-AV's Executive Director and CEO.

ACT-AV failed to meet the conditions of its approval in a timely manner and was not authorized to open to students for 2025-26 school year, but ACT-AV ignored the District's repeated directives and persisted in efforts to open for the 2025-26 school year. The District repeatedly advised ACT-AV that it was not authorized to operate with students for the 2025-26 school year. Nevertheless, ACT-AV did not comply with the conditions for opening or the District's directives and opened for student instruction without authorization on September 8, 2025.

On September 9, 2025, the District learned from a notice from the Department of Justice to ACT-AV, that ACT-AV provided to the District ("DOJ Notice") that only September 8, 2025 (the day ACT-AV opened to students) did the Department of Justice ("DOJ") preliminarily approve ACT-AV to conduct background checks and clearances that are required prior to employing any employees at a charter school.

The DOJ's notice specified that in order for ACT-AV's application to conduct background clearances to move forward, Dr. Spiva was required to submit his own fingerprints to DOJ for clearance, after which DOJ would continue processing ACT-AV's application. This document established that ACT-AV was not authorized to do so and could not have completed the background check clearances legally required for employees (and/or contractors) as a mandatory prerequisite for them working at ACT-AV.

In response, the District immediately issued ACT-AV a notice to immediately cease and desist operations ("Notice") due to its failure to comply with legally mandated background check and clearance requirements. This Notice specified that ACT-AV was prohibited from opening its doors to students on September 10, 2025, due to this vital omission by ACT-AV that put student health and safety at risk. The District simultaneously notified LACOE, CDE, and DOJ of this serious violation.

Rather than acknowledging that ACT-AV was out of compliance with its legal obligations, which are necessary to protect the health and safety of students who attended the school, Dr. Spiva sent a written response on September 10, 2025, wherein he indicated that ACT-AV would not comply with the District's directive to immediately cease and desist providing instruction due to ACT-AV's failure to complete mandatory DOJ background clearances. Notwithstanding the September 8, 2026, DOJ Notice specifying that ACT-AV was not authorized to conduct DOJ background clearances, Dr. Spiva's email asserted that all employees assigned to the campus were compliant with DOJ clearance requirements, but he provided no evidence of such compliance other than his own statements to overcome the clear information in the DOJ Notice. ACT-AV did, in fact, continue to operate with students again on September 10, 2025.



On September 10, 2025, the District issued a second notice directing ACT-AV immediately to cease operations due to its failure to comply with the mandatory background checks in violation of law and the need to protect student health and safety. The District's notice further specified that should ACT-AV persist in attempting to operate in the absence of the required background checks, the District would pursue other actions as necessary. Again, the District simultaneously notified LACOE, CDE, and the DOJ.

ACT-AV defied the District's second notice and continued to remain open to students on September 11 and 12, 2025.

Given ACT-AV's noncompliance, the District implemented the statutory procedure for revocation of the ACT-AV charter by determination of a severe and imminent threat to pupil health or safety. At a public meeting on September 15, 2026, the District Board revoked the ACT-AV Charter, effective September 15, 2025. ACT-AV was required immediately to cease all operations and commence implementation of the closure protocol as its Charter has been revoked with immediate effect. A copy of the Board's Notice of Revocation issued to ACT-AV on September 15, 2025, is attached hereto as Exhibit A.

The ACT-AV Board and Dr. Spiva failed to comply with the directive and legal obligation to complete the charter closure procedures specified in the Charter and law.

ACT-AV appealed the District's revocation to the Los Angeles County Board of Education ("LACBOE"). On December 16, 2025, LACBOE upheld the District's revocation of the ACT-AV Charter. A copy of LACBOE's decision is attached hereto as Exhibit B.

Again, the District finds ACT-AV's operation and revocation under the leadership of Prism's Lead Petitioner and the CreateTech Corporation to be clearly unsuccessful.

SCALE Leadership Academy-East:

Mr. Spiva was employed by SCALE Leadership Academy as its Executive Director in June 2026. On June 24, 2026, the Riverside County Board of Education ("RCBOE") denied SCALE's appeal of its request for renewal of its charter. Mr. Spiva addressed the RCBOE at the June 24th meeting in his capacity as SCALE's Executive Director. RCOE staff made a number of findings related to fiscal and operational issues at SCALE, which findings the RCBOE adopted in denying the charter renewal. A copy of the RCOE Staff report is attached hereto as Exhibit C.

While recognizing that Dr. Spiva did not serve as SCALE's Executive Director for long, he was SCALE's Executive Director at the time RCBOE denied the appeal of its request for renewal. Again, the District finds SCALE's operation and nonrenewal based on numerous factual findings made by RCBOE to be unsuccessful.

The Lead Petitioner's affiliation with Synergy, ACT-AV and SCALE Leadership Academy -East establishes a past history of involvement in unsuccessful charter school efforts. Prism also proposes to be operated by the same corporation, with at least one of the same members of the Board of Directors, as operated the failed ACT-AV, which was forced to close because of its noncompliance with legal mandates that placed its students' health and safety at risk.

The health and safety, operational, governance, and fiscal issues that led to the forced closures of three charter schools – Synergy, ACT-AV and SCALE – at which the Lead Petitioner was serving as the Executive Director constitute an unsuccessful history with prior charter schools. Particularly when taking into account the nature of



these failures and school closures and their impacts on students, employees, the community, and the District, as well as Synergy and ACT-AV's failures under Dr. Spiva's leadership to comply with those schools' closure protocols, constitute compelling evidence that the petitioners are demonstrably unlikely to successfully implement the program set forth in the Prism Charter.

Moreover, given this history, and the direct impact of these school failures and resulting closures on students who were enrolled in those schools, District staff is not satisfied that approving the Charter is consistent with sound educational practice or the interest of the community in which Prism is proposing to locate. Notably, two of Dr. Spiva's past failed charter schools were authorized, briefly operated, and abruptly closed in the District's boundaries, failing the same community in which Prism is now proposing to locate. 2

Consideration of the academic needs of the pupils Prism proposes to serve also supports denial of the Charter. The students Prism proposes to serve, would not be served – academically or otherwise – were Prism to be approved and then fail.

Budget and Fiscal Plan

It is incumbent on the Charter petitioners to establish their capacity to develop, implement, and operate a charter school that is educationally sound and complies with the requirements of the Charter Schools Act. This includes a mandatory requirement that the petitioner provide financial statements that include a proposed first-year operational budget, including startup costs, and cash flow and financial projections for the first three years of operation. Naturally, those financial documents must be fiscally sound and reasonable.

There are a number of concerns with Prism's financial plan and, based on the District's experience and expertise in school finance, Prism's budget assumptions are overly optimistic and unrealistic, thereby creating an unacceptable level of risk of financial insolvency. Although the concerns were numerous, the following discussion will focus on a few of the most salient issues that impact Prism's financial viability.

a. Unrealistic Enrollment Projections

There is no indication of any parent/guardian or student interest in and support for the Prism Charter proposal. The petitioners have not been able to demonstrate any actual parent/guardian or student desire or need for the proposed school. The Charter includes no parent/guardian signatures of support or any other indicia of interest in and/or support for the Charter, despite the Charter and petitioners' statements at the public hearing that their target student population is from a geographic area within the District. The petitioners provided no evidence of such interest other than their own self-serving statements. The proposed Charter School is not viable without an adequate student population to sustain it both fiscally and educationally.

Additionally, Prism's budget is predicated on an enrollment projection of 200 students in the first year, with an increase to 810 students by year five of the charter term. This is an unusually large initial enrollment number that is not consistent with typical initial enrollment for a new charter school generally and, further, it is inconsistent with the experience of the two charter schools that Dr. Spiva operated within District boundaries in the 2023-2024 and the 2025-2026 academic years. Additionally, a proposal to increase to 810 students by year five is also inconsistent with typical charter school enrollment and growth experiences, and Prism has provided no basis for or evidence supporting this highly optimistic and unrealistic projected enrollment.

The Charter School's funding and budget – thus its ability to develop and implement the program proposed in the Charter – would depend primarily on the number of students enrolled and their attendance. The more students,

the greater the funding. The unreasonably overestimated projected starting enrollment and growth would mean that Prism's budget projections are similarly overstated. As such, the proposal is likely to create an unworkable budget and correspondingly unstable educational program for the proposed students. The result would be the proposed Charter School's inability to establish and implement with fidelity the program described in the Charter.

Unfortunately, unsound and unbalanced budgets lead to charter schools closing or failing to provide the program promised in their charters, at students' expense. All too frequently, these issues arise based on charter petitioners overestimating revenues based on overly optimistic and unrealistic enrollment/attendance assumptions while simultaneously underestimating expenses. This concern is exacerbated when petitioners base their financial and programmatic projections on inflated enrollment/attendance projections because the level of funding necessary to provide the services and program described in the charter and/or mandated by law exceeds the funding received for the smaller number of students actually enrolled at a charter school, particularly if a charter school's initial expenditures are premised on an unrealistically high anticipated enrollment. To wit, FCMAT's June 2023 publication, *Charter School Indicators of Risk*, includes as one such risk indicator, "Enrollment and/or ADA projections and assumptions not based on historical data, industry standards, and other reasonable considerations."¹

As such, Prism's inflated enrollment "projections" combined with its seeming overestimate of revenues and underestimate of expenses establish an unacceptably high level of risk and demonstrate that Prism is unlikely to be able to successfully implement the program described in the Charter.

b. Unrealistic Proposed Timeline for Opening

Inexplicably, given the late date of Prism's submission of its Charter to the District and its lack of evidence of parent/guardian/student interest, much less enrollment, the Charter School proposes to open on September 15, 2026. A charter school in its first year of operation must commence instruction within the first three months of the fiscal year and Prism would only qualify for apportionment if it commences instruction by September 30, 2026. Even were Prism to wait until the last possible day to open for the year, such timing is unrealistic and inherently unsound.

On such a timeline, Prism could not even have a charter number or a County-District-School (CDS) code before opening. This timeline certainly does not provide time for Prism to complete any of the necessary preparations to open and successfully operate a school. This includes, but is not limited to, student recruitment and enrollment, acquisition of a facility (including certificates of occupancy, fire marshal approval, any improvements necessary to serve as a school aligned with the Charter, etc.), acquisition of curriculum, furnishings, and equipment, and recruiting, clearing, and hiring appropriate, high-quality employees.

On the issue of hiring, Prism would be required to complete DOJ background clearances on any and all employees. As demonstrated by ACT-AV's recent experience, a charter school has to apply for DOJ authorization to conduct such background checks, which can be a time-consuming process that requires multiple steps. Even after the DOJ authorizes a charter school to conduct background checks, it takes time for each potential employee of the charter school to be fingerprinted, for the DOJ to process each set of fingerprints, and for the charter school to receive the background check information and individually review it and clear each prospective employee.

¹ *Charter School Indicators of Risk or Potential Insolvency* (last revised 6/28/23) available at: <https://www.fcmat.org/indicators-risk> and <https://www.fcmat.org/PublicationsReports/Charters%20Indicators%20of%20Risk.pdf> [last visited on 7/6/2026]



The District believes it would be impossible for Prism to obtain authorization and complete those background clearances prior to its September 15, 2026, proposed opening date or the September 30, 2026, deadline to commence instruction.

As such, Prism's proposal to open in 2026-2027 is demonstrably unlikely to be successful.

2. The Petition Does Not Contain Reasonably Comprehensive Descriptions of All the Required Elements

Governance Structure

The Charter Petition makes no reference to the name of the corporation that will govern the proposed school, but, as noted above, the Charter attachments include Bylaws and Articles of Incorporation for a corporation called CreateTech Charter Schools, with the additional name Academy of Creative Technologies in the heading of the Bylaws. While this omission in the description of the governance structure alone establishes that the description is not reasonably comprehensive, the Charter is necessarily premised on CreateTech Charter Schools being the corporation that would govern the proposed school.

Again, this is the same corporation that operated and governed the revoked ACT-AV Charter School. Moreover, two of the three proposed members of the CreateTech Board of Directors whose bios were submitted with the Charter, James Culver and Teresa Green, also served on that Board of Directors when it operated ACT-AV and that charter was revoked by the District due to severe and imminent threats to student health and safety.

The District notes that the CreateTech Board of Directors repeatedly refused to comply with the terms and conditions the District imposed on ACT-AV as conditions to opening as well as the cease and desist directives issued to protect student health and safety. This Charter includes no information, evidence, or assurances that would alleviate the District's concerns that the same corporation operated by the same Board members would again fail to comply with and abide by any conditions imposed on the Charter's approval and/or the proposed Charter School's obligations imposed by law given its failures when operating ACT-AV.

The entire description of the governance structure in the Charter is barely over one page long, including a quarter of a page taken up by quoting the applicable legal standard and repeating a nondiscrimination affirmation that is also included in the affirmations section of the Charter. The remainder of this charter element consists of

- One paragraph about the Board of Directors, comprised of general statements about the role of a corporate board of directors with no particularity to this specific Board of Directors or its role and responsibility in operating and governing a public charter school. As already noted, it does not even name the corporation or specify that it will be a nonprofit corporation.
- One very short paragraph about the "Administration and Faculty Team." This paragraph consists of a conclusory statement about it the Board of Directors being supported by "a qualified administrative team" that will implement the Charter and lists a few administrative and teaching positions that will be used at the school.
- The longest portion, consisting of four paragraphs, describing "Parent Participation." A substantial portion of this space discusses annual parent surveys, as well as mention of an undefined parent committee, and a few additional items such as extracurricular activities for parents and students, and open houses to increase participation in instructional programs. None of this discussion actually



addresses how Prism would ensure parent involvement in governance, which is the requirement of this charter element.

These brief, generalized, and undefined provisions do not describe the actual governance structure of the proposed Prism Charter School and District staff believes this element does not contain a reasonably comprehensive description.

VII. CONCLUSION

The District staff reviewed the Prism Charter utilizing the criteria set forth in Education Code Section 47605. District staff recommends that the Board deny the Prism Charter based on the legal and factual findings set forth in this Staff Analysis and that the Board adopt proposed Board Resolution #2026-27-09 Denying the Charter Petition for Prism School of Arts and Technology Charter School and Adopting Written Factual Findings Supporting Denial.

VIII. PROPOSED MOTION

Move to deny the Prism School of Arts and Technology Charter School Charter and adopt Resolution #2026-27-09 Denying the Charter Petition for Prism School of Arts and Technology Charter School and Adopting Written Factual Findings Supporting Denial.