SAN BERNARDINO UNIFIED SCHOOL DISTRICT STAFF REPORT, PROPOSED FINDINGS OF FACT & RECOMMENDATION CONCERNING OPTIONS FOR YOUTH – SAN BERNARDINO RENEWAL PETITION

Date Posted: November 2, 2026

The following provides a summary of the San Bernardino Unified School District's ("District") staff report, proposed findings of fact, and recommendation concerning the Options For Youth-San Bernardino ("OFY-SB") renewal petition ("Renewal Petition").

Introduction and Procedural Background

OFY-SB currently operates as an independent, nonclassroom-based charter school under the authorization of the District. OFY-SB offers a blended learning program to provide educational services to its students. OFY-SB's primary student demographic includes students who have dropped out, are at risk of dropping out, or have struggled in the traditional school setting. OFY-SB participates in the Dashboard Alternative School Status ("DASS") program, which holds alternative schools accountable for modified methods of measurement for accountability indicators, where applicable.

Pursuant to Education Code Section 47605(b), charter renewals are governed by the standards and criteria in Education Code Section 47605, and must include, but not be limited to, a reasonably comprehensive description of all new requirements of charter schools enacted since the charter was last renewed.

As an "additional criterion" for determining whether a charter should be renewed, the chartering authority is required to consider the charter school's performance on the state and local indicators included in the California School Dashboard. OFY-SB is a Dashboard Alternative Status School (DASS) eligible for alternate methods of calculating the state and local indicators. As such, in determining whether to grant renewal, the District Board shall consider Dashboard performance and OFY-SB's performance on alternate metrics applicable to it based on the pupil population it serves.

The District and OFY-SB met to mutually discuss and agree on the appropriate alternative metrics, and the District informed OFY-SB of the applicable metrics, in accordance with the requirements of the Charter Schools Act. The Board may deny renewal of a DASS charter based on this performance criterion only upon making written findings, setting forth specific facts to support the findings, that the closure of the charter school is in the best interest of pupils. (Ed. Code § 47607(c)(7).)

If the District Governing Board renews the OFY-SB Charter, the new term of the Charter would begin on July 1, 2027, and run through and include June 30, 2032. This Charter renewal is governed by the standards and criteria set forth in Education Code Sections 47605 and 47607, including the appropriate alternative metrics determined applicable to this Charter renewal.

As of the 2025-2026 school year, OFY-SB served approximately 1241students. According to the most recent data available on the California School Dashboard ("Dashboard"), OFY-SB's student population consists of 88.4 % socio-economically disadvantaged students, 11.2 % English Learners, and 15.8 % special education students.

OFY-SB's current charter term expires on June 30, 2027, and it is seeking a five-year renewal term from July 1, 2027, through June 30, 2032.

On August 28, 2026, the District received a copy of OFY-SB's Renewal Petition, along with a signed certification deeming the Renewal Petition to be complete.

On October 20, 2026, the District's Board of Trustees ("Board") held a public hearing to determine the level of support for the Renewal Petition by teachers, other District employees, and parents/guardians.

On November 17, 2026, the District's Board will hold a public hearing on the admissions preferences included in the Renewal Petition, as well as a public hearing during which the Board will take action to either grant or deny the Renewal Petition.

As discussed in further detail below, District staff, in consultation with legal counsel, have conducted a comprehensive review of the Renewal Petition and the performance of OFY-SB utilizing the new charter renewal criteria under Assembly Bill 1505. Based on that review, District staff recommends that the Board grant OFY-SB's Renewal Petition.

Charter Renewal Criteria and Findings of Fact

The consideration of a renewal petition requires the District to (1) determine whether the charter school meets applicable eligibility requirements using the accountability criteria under Assembly Bill 1505 and reflected in the Dashboard, and (2) evaluate whether the renewal petition meets the standards and criteria set forth in Education Code section 47605. An analysis of these two components of the charter renewal process are addressed in detail below and includes District staff's corresponding findings of fact.

1. OFY-SB's Eligibility for Renewal Under Accountability Criteria/Findings of Fact

Education Code section 47607 provides that a "chartering authority may grant one or more subsequent renewals pursuant to subdivisions (b) and (c) of Section 47607.2." These provisions detail a three-tiered system that categorizes a charter school as a high-performing, middle-performing, or low-performing charter school. These classifications, however, do not apply to a charter school that qualifies under DASS.

The DASS program replaces the previously-administered Alternative Schools Accountability Model ("ASAM"). Under DASS, qualifying alternative schools are held accountable based on modified methods of measurement for the accountability indicators. The State Board of Education ("SBE") has approved a DASS graduation rate indicator, which is based on the percent of students who attend an alternative high school, are enrolled in twelfth grade, and meet enrollment requirements.

To meet the eligibility criteria to participate in the DASS program, a charter school must have an unduplicated count of at least 70 percent of the charter school's total enrollment, upon first entering, that is comprised of high-risk student groups. These include students who are expelled, suspended more than 10 days in a school year, recovered dropouts, credit deficient, habitually truant, etc.

As noted above, OFY-SB qualifies as a DASS alternative school. For purposes of determining whether OFY-SB is eligible for renewal based on this designation, the District must consider OFY-SB's performance on:

- the state and local indicators on the California School Dashboard, and
- alternative metrics that are based on the student population served by OFY-SB.

(See Education Code section 47607(c)(7).)

Under the law, the charter authorizer and the charter school must meet during the first year of the charter school's term to discuss alternative metrics that will be used for the renewal analysis. Within thirty (30) days of this meeting, the authorizer must notify the charter school of the alternative metrics that it will use to evaluate the charter school's performance.

The District made arrangements to meet with OFY-SB to comply with this requirement and develop alternative metrics that would be used to evaluate the academic achievement and performance of OFY-SB's students for purposes of renewal.

The District communicated with OFY-SB on several occasions, both through meetings and emails, and received feedback on its proposed alternative metrics. Once finalized, the District provided OFY-SB with the alternative metrics so that it could prepare specific data and other information to address those metrics, which would be included with its submission of the Renewal Petition.

a. Findings of Fact

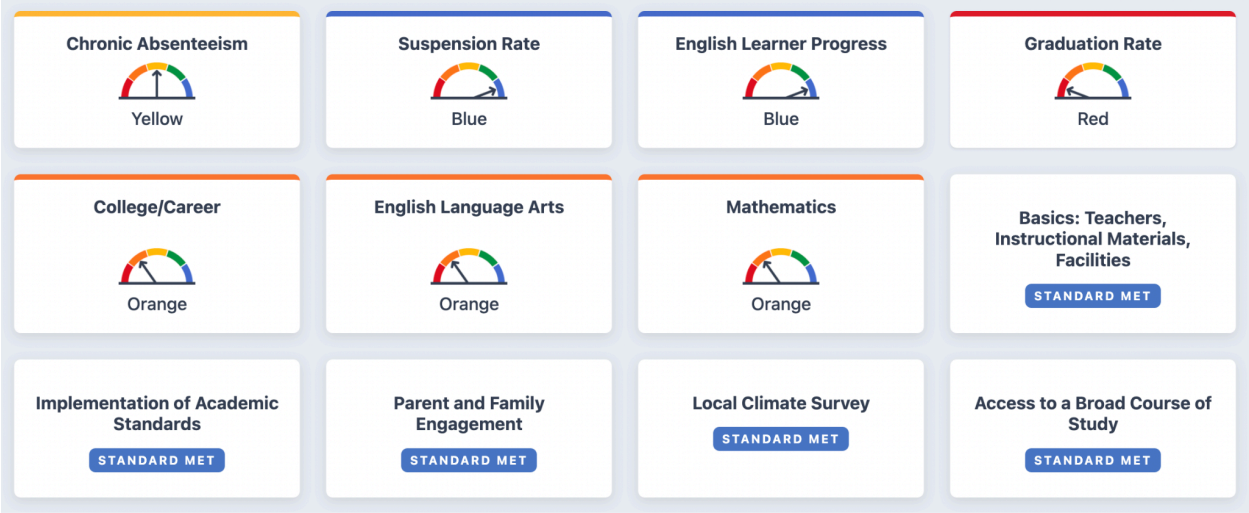
The following includes the District staff's findings of fact concerning OFY-SB's designation as a DASS charter school:

Finding of Fact No. 1: OFY-SB's performance on state and local indicators demonstrates overall that it is showing modest growth schoolwide and among most subgroup populations.

The District has considered OFY-SB's performance on a schoolwide basis and among all subgroups served by the charter school as identified on the Dashboard.

Dashboard data reflects that OFY-SB received the following performance levels on a schoolwide basis for the past two years.

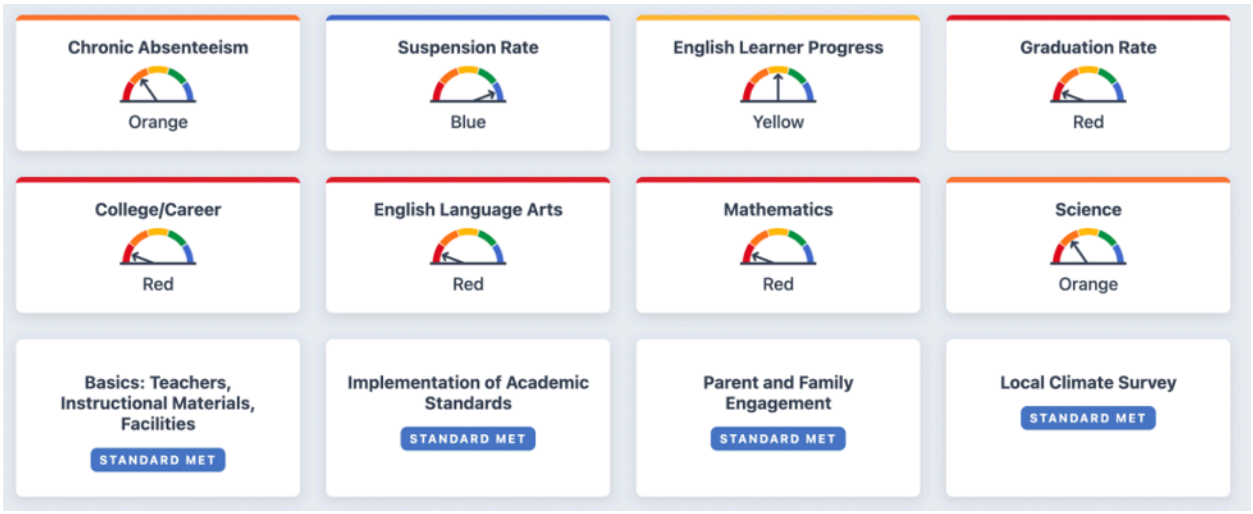
2024-2025 Dashboard Results:



For a further breakdown of the results:

https://www.caschooldashboard.org/reports/36678760120568/2026

2025-2026 Dashboard Results:



For a further breakdown of the results:

https://www.caschooldashboard.org/reports/36678760120568/2025

Conclusion: Based on an analysis of the above data and other related information, the District has determined that OFY-SB 's students failed to make gains in four categories of college/career readiness, English language arts, mathematics and graduation. If the Board of Trustees takes action to approve the Renewal Petition, the District expects OFY-SB to take proactive, focused measures to increase student academic achievement and performance among all subgroup populations, improve the graduation rate, improve the mathematics rate, and increase college and career preparation for its students.

<u>Finding of Fact No. 2</u>: OFY-SB appears to demonstrate modest growth and improvement in student achievement on some of the District's alternative metrics.

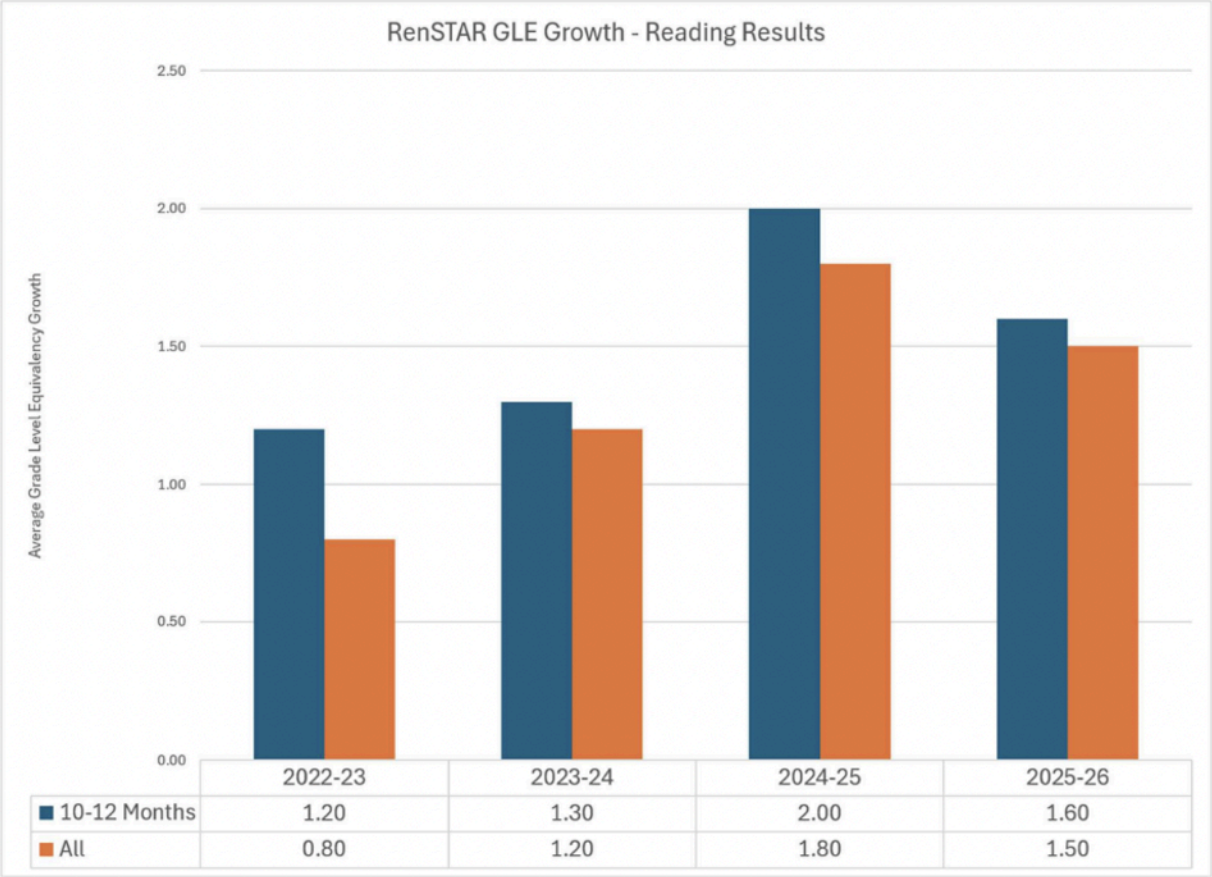
District staff have determined that OFY-SB has demonstrated improvement in student academic achievement and performance on alternative metrics.

Based on a comprehensive review of the data OFY-SB submitted to show its performance on the District's alternative metrics, the District determined that OFY-SB provided sufficient evidence to support documented improvements. In addition, OFY-SB presented data to support certain strengths on the alternative metrics for English Learners and mathematics.

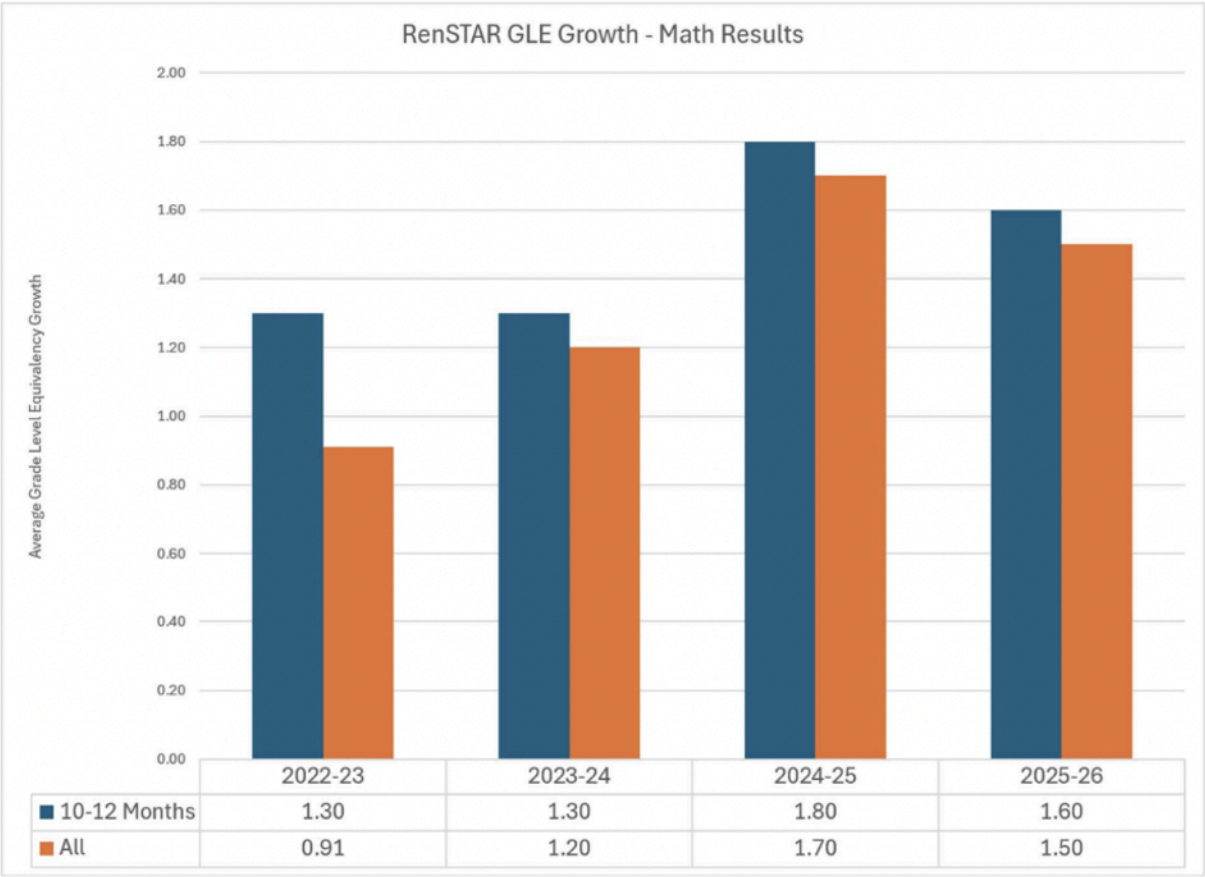
OFY-SB has shown some growth and increases on the state and local indicators.

The District recognizes that OFY-SB serves an "at-risk" student population and qualifies for DASS as an alternative school.

In addition, OFY-SB submitted the following results of alternative assessments for further review:



	2022-23	2023-24	2024-25	2025-26
10-12 Months	1.20	1.30	2.00	1.60
All	0.80	1.20	1.80	1.50



The following summarizes a response from OFY-SB regarding the recent release of data from 2026 on the California Dashboard:

We recognize that several performance indicators remain below state expectations, particularly in English language arts, mathematics, graduation rates, and college and career readiness. These are areas we continue to prioritize through our LCAP goals, expanded instructional supports, and ongoing monitoring of student progress.

As shared during our public hearing, OFY-SB is designated as a Dashboard Alternative School Status (DASS) school because we serve a high percentage of students who enter our program credit deficient, over-age, or at risk of dropping out. Many of these students have experienced significant academic gaps, inconsistent attendance, or previous disengagement from school.

While we recognize the importance of the state's accountability measures, traditional indicators do not always fully capture the academic progress students make after enrolling in an alternative education setting. This is why our mutually agreed-upon DASS alternative metrics are particularly important. They allow us to evaluate academic growth, credit attainment, graduation outcomes, and student engagement alongside the California School Dashboard.

Academic Performance in English Language Arts and Mathematics

The 2026 Dashboard reflects continued challenges in academic proficiency. English language arts performance was 47.8 points below standard, a decline of 3.7 points, while mathematics was 139.4 points below standard, representing a decline of 2.9 points.

We recognize the need for stronger academic outcomes, particularly in mathematics, and have already expanded our direct instruction offerings in English, mathematics, and science. We have also increased tutoring opportunities for both middle and high school students at our school sites.

Additionally, we administer STAR Renaissance assessments throughout the school year to identify individual skill gaps, monitor academic growth, and provide targeted interventions. As presented during our public hearing, students enrolled for 10 to 12 months during the 2025–26 school year demonstrated an average of 1.6 grade levels of growth in both reading and mathematics.

Our core course completion data also reflects continued academic progress. During 2025–26, students averaged 10.6 English units and 9.4 mathematics units, with our annual goal being 10 units per subject, equivalent to the traditional school pace.

These measures help us identify student growth that may not yet be reflected in state proficiency results, while continuing to focus our instructional efforts on closing academic gaps.

Graduation Rates and Credit Attainment

The 2026 Dashboard reports a graduation rate of 41.5%, an increase of 5 percentage points from the previous year. Although this remains below the statewide average, the improvement is encouraging, particularly given the number of students who enroll with us already significantly behind in credits.

Because many of our students enter our program late in their high school experience, the traditional cohort graduation rate does not always capture the progress they make after enrollment.

Our DASS one-year graduation rate provides an additional measure of how effectively we support the 12th-grade students we serve in reaching graduation within a single school year. We have exceeded our annual LCAP target of 75% in each of the three completed years presented during our public hearing, with our most recent result reaching 84.3%.

We have maintained these outcomes through closer monitoring of seniors' academic progress, individualized graduation planning, and monthly credit tracking by our Post-Secondary Counselors and teachers. This allows us to identify students who are falling behind and provide early interventions and additional support.

Chronic Absenteeism and Student Engagement

The 2026 Dashboard reflects continued improvement in chronic absenteeism among our middle school students, decreasing from 30.7% in 2025 to 28.8% in 2026.

This follows the significant 17.8-percentage-point reduction reported in the previous Dashboard, demonstrating continued progress in an area that has been a major focus of our school improvement efforts.

We have strengthened our middle school program by adding dedicated teachers and tutors, expanding student engagement opportunities, and monitoring attendance data regularly to identify students requiring additional support.

We recognize that chronic absenteeism remains an area of concern and will continue prioritizing student engagement, attendance, and retention.

English Learner Progress

English learner progress remains an area of relative strength. The 2026 Dashboard reports that 58.8% of English learners made progress toward English language proficiency, exceeding the statewide rate of 47.4%.

Although this represents a decline from the previous year, our English learner outcomes continue to reflect meaningful progress. As shared during our public hearing, our spring 2026 reclassification rate exceeded 95% of eligible students, surpassing our LCAP target.

We will continue providing targeted English language development instruction, monitoring ELPAC performance, and supporting students through individualized academic interventions.

College and Career Readiness

The 2026 Dashboard reports that 8.8% of our graduates met the state's College/Career Indicator Prepared criteria. We recognize that this remains an important area for improvement.

Our school continues expanding access to A-G coursework, Career Technical Education pathways, dual enrollment, college and career exploration, and postsecondary counseling.

We also recognize that many students enter our program primarily focused on recovering credits and earning their high school diploma. Our responsibility is to help students reach graduation while continuing to expand their opportunities for college, career training, and other post-secondary pathways.

Commitment to Continuous Improvement

We remain committed to improving student outcomes across all Dashboard indicators. Our current efforts include expanded direct instruction, additional tutoring, targeted academic interventions, more frequent progress monitoring, and individualized graduation and post-secondary planning.

We also continue using STAR Renaissance assessments, core course completion, one-year graduation rates, and school climate data to evaluate student growth and guide instructional decisions.

We understand that our DASS designation does not remove our responsibility to improve performance on state accountability measures. Rather, it provides important context for evaluating our students' progress and reinforces the need to consider multiple measures of success.

We appreciate the District's continued partnership and the opportunity to provide this additional information as staff finalizes its findings. We remain committed to strengthening our program and improving academic outcomes for the students and families we serve.

Overall, while OFY-SB has shown some growth and increases on the state and local indicators, the District remains concerned regarding the efficacy of OFY-SB's educational program. The District recognizes that OFY-SB serves an at-risk student population and qualifies for DASS as an alternative school. However, the District remains concerned about the day-to-day implementation of its instructional programs and services.

If the District's Board of Trustees takes action to approve OFY-SB's Renewal Petition, it is critical that OFY-SB be required to address each of the deficiencies noted above to improve student academic performance and achievement.

2. Charter Petition Renewal Criteria Under Education Code Section 47605/Findings of Fact

Education Code section 47607 provides that charter renewals are governed by the standards and criteria set forth in Education Code section 47605 and must include, but not be limited to, a reasonable comprehensive description of any new requirement of charter schools enacted into law after the charter was originally granted or last renewed.

a. Grounds for Denial

The governing board of a school district shall not deny a renewal petition 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 students 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 an affirmation of each of the required conditions.

4. The petition does not contain reasonably comprehensive descriptions of all required elements.

5. The petition does not contain a declaration of whether or not the charter school shall be deemed the exclusive public school employer of the employees of the charter school for purposes of the Educational Employment Relations Act.

b. Findings of Fact

The District conducted a comprehensive review of OFY-SB's Renewal Petition, which included a detailed analysis of its educational program, measurable student outcomes and methods for measuring student progress, fiscal and governance structures, student admissions and discipline, labor and personnel issues, facilities and operations, and legal issues. Overall, as detailed below, the Renewal Petition included reasonably comprehensive descriptions of most required legal elements. However, District staff identified concerns with respect to OFY-SB's description of its measurable student outcomes, health and safety procedures, dispute resolution process, and other aspects of OFY-SB's operations.

Below, District staff present its findings of fact addressing the general categories of review. If the Board renews OFY-SB's charter, all of the noted deficiencies should be effectively addressed and resolved by OFY-SB, along with all existing and new legal requirements applicable to charter schools.

Finding of Fact No. 3: The Renewal Petition, as written, generally presents a sound educational program for the students enrolled in the charter school.

Although District staff identified areas of weakness and improvement, OFY-SB's Renewal Petition, *as written*, demonstrates that its program is generally consistent with sound educational practice. The Renewal Petition includes a comprehensive description of the educational program, curriculum and instructional design, teaching methodologies, and offerings for enrolled students. OFY-SB's plan for serving students with disabilities and English Learners is sufficiently detailed and reflects an understanding of the legal requirements and programmatic components necessary to address the educational needs of these critical student populations.

The District also notes that the Renewal Petition affirms that it will meet the requirements of independent study under the Education Code and includes a copy of its Student Master Agreement. However, the Renewal Petition does not delineate or address a majority of those requirements (e.g., how OFY-SB will meet all applicable student-teacher ratio requirements, how OFY-SB will ensure that independent study will be supervised by an appropriately credentialed teacher, how OFY-SB will claim apportionment for students based on the time value of the work product, etc.). Considering that OFY-SB's educational model is centered around independent study, the District would expect a more thorough explanation as to how OFY-SB meets its obligations under this distinct set of Education Code requirements.

Finally, even though the Renewal Petition, as written, appears to be sound, the District continues to have concerns regarding the lack of sufficient information on OFY-SB's program implementation, which restricts the District's ability to evaluate its efficacy.

Finding of Fact No. 4: The Petitioners are demonstrably likely to successfully implement the program.

a. Financial Reserves & Ending Fund Balance

With respect to the financial documentation submitted with the Renewal Petition, the District

found that OFY-SB currently maintains a significant reserve account, high ending balance and excess revenue for the first three years of the renewal charter term. This raises serious questions for the District as to why OFY-SB's ending balance, reserve and excess revenue is so high and whether OFY-SB is committing sufficient funds to support student success in the educational program.

Finding of Fact No. 5: The Renewal Petition contains an affirmation of each of the required conditions.

The Renewal Petition includes all required affirmations and assurances.

Finding of Fact No. 6: The Renewal Petition provides reasonably comprehensive descriptions of most, but not all, of the required elements set forth in Education Code section 47605.

Based on an analysis of the Renewal Petition by the District's review team, the Renewal Petition generally provides reasonably comprehensive descriptions of the required elements set forth in Education Code section 47605. However, the review team has identified certain items that are deficient or require additional detail/correction in the Renewal Petition and supporting documentation. These items are addressed in further detail below.

a. Measurable Student Outcomes – The Renewal Petition describes OFY-SB's exit outcomes, achievement goals, and assessment tools. However, these outcomes are not broken down by subgroup population. While the District recognizes that OFY-SB included a copy of its LCAP, which addresses its goals for the eight state priorities and how it plans to meet those goals, the Renewal Petition should have identified the measurable student outcomes for *all* groups of students served by OFY-SB, including ethnic subgroups, socioeconomically-disadvantaged students, English Learners, students with disabilities, and foster/homeless youth.

b. Governance

   i. The Renewal Petition states that OFY-SB is operated as a California non-profit public benefit corporation and governed by its Board of Directors. It also briefly describes the relationship between OFY-SB and OFY-CA, which serves as the sole statutory member of OFY-SB. The Renewal Petition further states that OFY-CA is not involved in the day to day management or oversight of the Charter School. Notably absent from this section is a reference to, or description of OFY-SB's charter management organization ("CMO") that supports OFY-SB. Given that OFY-SB is apparently operated or managed by a CMO, there should have been a description in the governance section detailing the CMO's role and function, including an affirmation that it will adhere to the public transparency requirements of Education Code section 47604.1.

   ii. The Renewal Petition affirms that OFY-SB will comply with all relevant laws, including the Brown Act. However, the corporate bylaws included with the Renewal Petition reflect a lack of understanding of Brown Act

requirements, as further detailed below.

iii. OFY-SB's corporate bylaws do not comply with the requirements of Education Code section 47604.1. The bylaws are dated June 2018 and have not been updated to reflect compliance with the current legal standards. In addition, several provisions are inconsistent and reflect a concerning level of authority/power of OFY-SB's sole statutory member, OFY-CA. Specifically:

(1) Article V, Section 9, states that the place of Board of Directors' regular and special meetings may occur within or outside the State of California. This is inconsistent with the requirements of Education Code section 47604.1(c)(2)(A), which provides that the governing body of a nonclassroom-based charter school that has one or more resource centers "shall meet within the physical boundaries of the county in which the greatest number of pupils who are enrolled in that charter school reside." Given that OFY-SB operates three resource centers within the District's boundaries, OFY-SB's meetings would need to occur in San Bernardino County—assuming a majority of its students reside within this county.

(2) Article IV, Section 9, states that notice of Member meetings shall be given to the Board of Directors. There is no provision addressing public notice of meetings, or the time requirements associated with noticing regular and special meetings in accordance with the Brown Act. In addition, Article IV, Section 16, provides that the "transactions of any meeting of Members, however, called or noticed and whenever held, shall be valid as though taken at a meeting duly held after standard call and notice if (a) a quorum is present either in person or by proxy, and (b) either before or after the meeting, each Member entitled to vote, not present in person or by proxy, signs a written waiver of notice, a consent to the holding of the meeting, or an approval of the minutes of the meeting." The District recognizes that OFY-SB asserts in its Renewal Petition that OFY-CA is not involved in the day to day management or oversight of the Charter School and has no right to authority to appoint or remove the Charter School's leadership team. However, the bylaws afford OFY-CA extensive rights and powers over the Board of Directors, which take on the character of a charter-managing entity.

OFY-CA possesses significant powers that could severely limit the ability of members of the Board of Directors from discussing or voting on items of business or information that do not align with the views, interests, and mission of OFY-CA. Specifically, OFY-CA has the authority to:

- Approve or change the role and purpose of OFY-SB (the

corporation).

- Amend OFY-SB's bylaws or articles of incorporation.

- Fix the number and appoint and remove members of OFY-SB's Board of Directors. Notably, this includes the ability of OFY-CA to remove a member of OFY-SB's Board of Directors with or *without cause*.

- Approve the merger, consolidation, reorganization, or dissolution of the OFY-SB corporation, and the disposition of its assets upon dissolution.

- Approve the incurrence of debt or guaranties of the OFY-SB corporation above certain thresholds that are established by OFY-CA.

- Approve capital expenditures above certain thresholds that are established by OFY-CA.

- Approve any other action by OFY-SB that has been established by resolution of OFY-CA as requiring approval.

- Determine whether a member of OFY-SB's Board of Directors is not in "good standing" and limit that director's right to vote at a meeting of the Board.

As reflected above, OFY-CA holds extensive authority over OFY-SB's Board of Directors. Although OFY-CA may not manage the day-to-day operations of OFY-SB, it is readily evident that OFY-CA has the ability to exert significant powers in connection with the governance of the charter school. Under Education Code section 47604.1(b), a charter-managing entity must comply with the requirements of the Brown Act, conflict of interest rules (i.e., Government Code sections 1090 *et seq*. and the Political Reform Act), and the California Public Records Act. However, there is no indication from the Renewal Petition that OFY-CA demonstrates compliance with these requirements.

(3) Article V of the bylaws, which addresses the roles, procedures, and responsibilities of the Board of Directors in conducting meetings of OFY-SB, also does not satisfy Brown Act requirements.

- The sections addressing regular and special meetings do not include the advance notice (e.g., 72 hours for regular meetings and 24 hours for special meetings) or agenda posting requirements to ensure that members of the public have access to, and the ability to participate in, open

meetings of OFY-SB.

- Article V, Section 15, authorizes the waiver of a notice of the Board of Directors meeting by a director. This provision does not align with the Brown Act.

- Article V, Section 17, authorizes action by the Board without a meeting, which violates the Brown Act. Specifically, this section provides that "[a]ny action required or permitted to be taken by the Board may be taken without a meeting, if all Directors of the Board shall individually or collectively consent to such action." This is both unacceptable and prohibited under the law.

If the District Board approves the renewal, OFY-SB must update these Bylaws to comport with the requirements of the Charter Schools Act and the Brown Act. Moreover, OFY-SB must agree that it cannot further revise the Bylaws during the renewal charter term without submitting and receiving approval of a material revision by the District Board.

c. Dispute Resolution Procedures –. The District suggests revision of this section to comport with the new requirements of AB 126, which was passed shortly before the submission of the renewal charter petition.

Finding of Fact No. 7: The Renewal Petition includes a declaration of whether or not the charter school shall be deemed the exclusive public school employer of the employees of the charter school.

The Renewal Petition confirms that OFY-SB shall serve as the exclusive public school employer of the employees of OFY-SB for purposes of the Educational Employment Relations Act.

Potential Civil Liability Effects On The School And District

The District's Risk Management team found the petition's civil liability and insurance portions to be on track to satisfy the District's expectations. The Charter specifies that OFY-SB acquires and maintains insurance coverage of the types and in the amounts based on recommendations provided by OFY-SB's insurance carrier.

The District will work with OFY-SB and explained that OFY-SB must comply with the District's risk management standards and requirements, including the types and amounts of insurance coverage, how the District is covered thereby, and the District's requirements regarding indemnity, defense, and hold harmless, and cannot have different or lesser coverage that does not meet the District's standards, in order to adequately address the potential civil liability effects on OFY-SB and the District, as required by the Charter Schools Act.

OFY-SB will be asked to update its Charter to specify that in addition to the other provisions included in the Renewal Petition, OFY-SB understands that it must, at minimum, comply with the District's risk management standards, terms, and requirements for insurance, indemnification, defense, and hold

harmless provisions to protect the District and OFY-SB from potential civil liability effects, and the specifics of those requirements will be set forth in the Charter and/or MOU. The District has provided OFY-SB with a copy of the insurance and indemnification provisions that will be required to be included in the Charter/MOU in order that OFY-SB is aware thereof in advance of the District Board's decision on the renewal. Should OFY-SB decline to comply with the District's risk management standards and protections, it will not have addressed the potential civil liability effects on OFY-SB and the District as required by the Charter Schools Act and will be demonstrably unable to successfully implement the program set forth in the Charter.

Requirements For Grade-Levels Served, Facility Location, And Students Served

OFY-SB currently serves students in grades 7-12. It is located at three sites within the boundaries of the District and OFY-SB plans to remain at those locations during the renewal term. OFY-SB has also asked the District to approve the location of a fourth site within District boundaries during the upcoming renewal term but provided no information about the timing or location of that proposed site. More specifically, the Renewal Charter contains the following language:

> The facilities for OFY-San Bernardino are located at the following sites:
>
> - OFY - San Bernardino 1, 985 S. E Street San Bernardino, CA 92408
> - OFY- San Bernardino 2, 1148 E. Highland Ave. San Bernardino, CA 92404
> - OFY-San Bernardino 3, 1136 N Mt Vernon Ave San Bernardino, CA 92411
> - OFY- San Bernardino 4, To Be Determined Within District Boundaries
>
> Additionally, the District will permit OFY-SB to operate a fourth site within District boundaries provided that OFY-SB provides the District with 30-day written notice prior to opening and with the certificate of occupancy and all other necessary documents for approval by the District Superintendent or designee. Provided that such requirements are met and OFY-SB's operation of the fourth site is approved by the District Superintendent or designee, no further action by the San Bernardino City Unified School District Governing Board shall be required for OFY-SB to commence operations at the fourth site within the District.

Without the provision of specific information regarding the proposed fourth site, this material revision to the Renewal Charter cannot be authorized as part of the charter renewal and OFY-SB will need to strike this language from the Renewal Charter regarding the operation/approval of the fourth site.

Similarly, on page150, the Renewal Charter includes the following language:

> The San Bernardino City Unified School District agrees that OFY-San Bernardino may only operate the resource centers identified above. However, the parties acknowledge and understand that extenuating circumstances such as the expiration or termination of a lease or unsuitability of the current facility may cause the location of the resource centers named above to be changed from time to time during the Charter Term. Should the Charter School desire to relocate any of its existing resource centers, the Charter School shall provide the District with forty-five (45) days' written notice of such intent, as well as notification of the proposed location of the alternate resource center. Concurrently with the notification, the Charter School will submit financial information evidencing the viability of the proposed resource center and the overall fiscal

impact. The District shall have thirty (30) days to respond. Additionally, because of the compelling public interest and aid to the economy when students achieve a high school diploma, OFY-San Bernardino may open additional resource centers if and when OFY-San Bernardino determines the need is substantiated through enrollment and related funding to support additional resource centers.

The District requires the approval of a material revision before a site can be added, moved or closed. If OFY-SB desires to add, move or close any sites during the renewal term, it will need to seek and receive approval of a material revision. Thus, the language quoted above must be stricken in its entirety from the Renewal Charter.

During the current charter term, OFY-SB was authorized to operate at the Moreno Valley site located at 23651 Sunnymead Boulevard, Moreno Valley, CA. As a result of the change in law, OFY-SB is no longer authorized to operate that site under a District-authorized charter and has submitted a charter petition to Moreno Valley Unified School District to continue operating at that location. If the District Board approves the renewal, OFY-SB may operate under the renewed charter only at the three existing sites identified above, all of which are located within District boundaries. Approval of the renewal does not authorize operation of the Moreno Valley site, a fourth site, or any other site. OFY-SB must obtain the District Board's prior approval of a material revision before adding, relocating, or closing any site during the renewal term.

The District found OFY-SB provided the required information regarding grade levels served, facility location and students served for the three sites currently operating within District boundaries.

District Staff Recommendation

As detailed above, District staff found that OFY-SB demonstrated some academic gains on the state and local indicators, as well as on some of the District's alternative metrics. For these reasons and based on District staff's analysis of the above-described criteria for renewal and the corresponding Findings of Fact Nos. 1-7, District staff recommends that the Board of Trustees take action to approve OFY-SB's Renewal Petition subject to OFY-SB making the necessary revisions to its Charter Petition and supporting documents or entering into an MOU to address and remedy the District's concerns.

The Staff recommends a term of five-years beginning July 1, 2027, through June 30, 2032. OFY-SB is on track to successfully implement its proposed renewal petition with focused efforts and actions to consistently improve its academic outcomes. OFY-SB provides a welcoming supportive learning environment for all students with a dedicated staff and community.

Any subsequent proposed material revisions of the provisions of the Charter may be made only with the approval of the District Board as the chartering authority pursuant to the standards and requirements of Education Code sections 47607 and 47605.

Renewal Options for Board Action

The Board has the following options:

1. Grant the Renewal Petition for up to a five-year term, commencing July 1, 2027, provided that the Memorandum of Understanding between the Charter School and District be adopted and/or the Petition revised to address findings and recommendations identified in the Staff Report prior to the date of commencement of the new term.

2. Deny the Renewal Petition, adopting the findings identified in the Staff Report, as findings of fact supporting legal reasons for denial.