

**RESOLUTION OF THE BOARD OF EDUCATION
OF THE VISTA UNIFIED SCHOOL DISTRICT**

Resolution No. 18-32

**Resolution to Deny the Petition for
Classical Academy Vista Charter School**

WHEREAS, the approval of charter schools is governed by the Charter Schools Act of 1992, as subsequently amended, Education Code sections 47600 *et seq.* and its implementing Title 5 regulations;

WHEREAS, the Vista Unified School District (“District”) received the proposed petition (“Petition”) to establish the Classical Academy Vista Charter School (“Charter School”);

WHEREAS, consistent with Education Code section 47605, subdivision (b), a public hearing was held on the Petition, at which time the Board of Education of the Vista Unified School District (“Board”) considered the level of support for the Petition by teachers employed by the District, other employees of the District, and parents/guardians;

WHEREAS, the Board has convened on March 8, 2018 to consider whether to grant or deny the Petition;

WHEREAS, Education Code section 47605, subdivision (b), prohibits the Board from denying a charter petition unless it makes written factual findings, specific to the particular charter school, setting forth facts to support one or more findings, if applicable:

1. The petition does not contain the number of signatures required by Education Code section 47605, subdivision (a);
2. The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition;
3. The charter school presents an unsound educational program for the students to be enrolled in the charter school;
4. The petition does not contain an affirmation of each of the conditions described in Education Code section 47605, subdivision (d); or
5. The petition does not contain reasonably comprehensive descriptions of all elements required in Education Code section 47605, subdivision (b)(5).

WHEREAS, the District’s administration, with the assistance of legal counsel, has reviewed and analyzed the Petition and supporting documents for legal sufficiency and has

EXHIBIT "A"
FINDINGS OF FACT

1. **The Petition presents an unsound educational program for the students to be enrolled in the Charter School. (Educ. Code §47605(b)(1).)**
 - a. Petitioners identify in the Petition a series of program options, yet these options do not fulfill a unique need within the Vista community. Specifically:
 - i. There are five program options identified in the Petition (i.e., Track A, B, C, Flex, and O), yet all of these programs are designed for an independent study format. There is not sufficient evidence within the Petition regarding how these programs were designed to support the unique needs of the student population residing within the District's jurisdictional boundaries, including socioeconomically disadvantaged students, English Learners, Hispanic students, and students with disabilities.
 - ii. The Petition provides an inadequate description of how each program option will address the needs of students who fall behind grade level and require significant academic intervention.
 - iii. The Charter School has been in operation for more than five years, yet the racial/ethnic balance does not align to the Vista community. Specifically, the Petition indicates that the current Hispanic or Latino student subgroup comprises 5% of the total enrollment, yet the District average exceeds 60%. Conversely, the Petition indicates that 80% of the student population is comprised of the White student subgroup, yet, the District average is below 40%.
 - b. The Petition fails to provide an overall description of the educational program. Specifically:
 - i. The Petition indicates that staff is in the process of reviewing its English Language Arts curriculum with the goal of adopting a Common Core aligned program for the 2018-19 school year, yet there is no description of a guaranteed and viable English Language Arts curriculum currently in use. The Petition includes a scope and sequence for all grade levels, yet these documents do not include sufficient detail with regard to the depth and breadth of the academic content to be taught by grade level. Similarly, the math curriculum description lacks detail.
 - ii. The History/Social Science curriculum for grades one through six is not aligned to the California 2016 History/Social Science Framework. For example, the Petition identifies that first graders will study U.S. History and World History, yet the History/Social Science Framework identifies

that this grade level should be focusing on “A Child’s Place in Time and Space.” This is not a developmentally appropriate curricular sequence.

iii. The Petition lacks a description of how it will adequately meet the needs of English learners. Specifically, the Petition lacks a meaningful explanation of its program design and specific curriculum to ensure English Learners receive consistent, daily English Language Development (“ELD”) support. There is no description in the Petition of the research-based instructional materials that the Charter School would utilize to address language acquisition. Further, the Petition does not specifically identify the designated time for ELD instruction, there is no mention of the program’s alignment to the ELD State Standards for the California ELA/ELD Framework.

c. The Petition fails to demonstrate that the academic program results in student achievement that is at or above the achievement of similar student populations in the District. Specifically, a three year longitudinal analysis of student achievement based on results from the Smarter Balanced Assessment Consortium (“SBAC”) concluded that the Charter School student achievement in English Language Arts and mathematics fell well below the average achievement for District students at Empresa Elementary School, Lake Elementary School, Vista Innovation and Design Academy, and Vista Magnet Middle School. Please refer to the data analysis report in Exhibit “B” for specific information.

2. **Petitioners are demonstrably unlikely to successfully implement the program. (Educ. Code §47605(b)(2).)**

a. Petitioners are demonstrably unlikely to successfully implement the program under the authorization of the District because they are currently violating the law by operating a charter program within the geographical boundaries of the District without the District’s authorization and in violation of the Charter School Act.

Previously, Petitioners submitted a charter petition to the District. The District completed a thorough review of that charter petition. Based on a thorough and comprehensive review of the petition, the District denied the petition. In spite of the District’s decision, in January of 2011, Petitioners established and continue to illegally operate the Charter School within the District’s geographical boundaries.

Here, if the District’s Board were to approve the Petition and become the Charter School’s authorizer, it would have the responsibility of monitoring and overseeing the Charter School’s operations. As the authorizer, the District could potentially be exposed to liability for the illegal actions of the Charter School in certain circumstances. In light of the Petitioners’ unwillingness to comply with the law and cooperate with the District’s directives related to the location of the Charter School, the District has little confidence that the Charter School would work

cooperatively with the District, as the oversight agency, to ensure faithful compliance with the law in the future.

- b. One of the legislative purposes for the establishment of charter schools is to “[i]ncrease learning opportunities for all pupils, with special emphasis on expanded learning experiences for pupils who are identified as academically low-achieving.” (Educ. Code § 47601(b).) Here, Petitioners propose a nonclassroom-based independent study program. However, Petitioners’ proposal does not appear to offer anything that is uniquely different from what is available to District students and students residing in neighboring school districts. The District already has in place extensive and comprehensive online, independent study, and blended option programs that are supported by accountability measures and strong relationships with several educational and community organizations.
- c. As discussed above, the Charter School’s student academic achievement falls significantly below the academic achievement of students enrolled in District schools with similar student demographics.

3. **The Petition does not contain reasonably comprehensive descriptions of the elements required in Education Code section 47605(b)(5).**

- a. **The Petition does not contain a reasonably comprehensive description of the educational program.**
 - i. The Findings of Fact described in Section 1 above concerning the unsoundness of the Charter School’s educational program are incorporated herein by this reference.
 - ii. The Petition also fails to sufficiently demonstrate the Charter School’s understanding of its obligations under the Individuals with Disabilities Education Improvement Act of 2004 (“IDEA”), related state law, and their corresponding implementing regulations.
 - (1) The Petition does not specifically outline how the Charter School will provide the various services students with disabilities will require.
 - (2) The Petition fails to include any discussion regarding how the Charter School intends to ensure that a continuum of placement options are available to students with disabilities and how the Charter School will comply with ensuring students with disabilities are educated in the least restrictive environment.
 - iii. The Petition fails to include a description of the curriculum for transitional kindergarten.

b. **The Petition does not contain a reasonably comprehensive description of the governance structure of the Charter School.**

- i. The Charter School's governance documents contain inconsistent and contradictory statements. With regard to "Self-Dealing Transactions," the Bylaws indicate that an interested board member's vote may be counted to determine the presence of a quorum. However, the Conflict of Interest Policy provides that an interested board member shall not be counted in determining the presence of a quorum for purposes of the vote.
- ii. The Charter School's Conflict of Interest Policy is not signed by its Board members, nor does it indicate if and/or when its Board approved the policy. So, it is not clear whether the Conflict of Interest Policy is a draft copy of the final document.
- iii. The Petition fails to specifically indicate whether the Charter School will comply with Government Code section 1090 and Government Code sections 87100 *et seq.* (Political Reform Act of 1974 ("PRA")) and their corresponding regulations. The Charter School's Conflict of Interest Code also makes no mention of Government Code section 1090 and the PRA. This is troubling and creates concerns for the District regarding the soundness of the Charter School's proposed governance structure and compliance with applicable laws.

c. **The Petition does not contain a reasonably comprehensive description of the Charter School's admission requirements.**

- i. The Petition does not describe the method the Charter School will use to verify that lottery procedures are fairly executed, or the location where the lottery will occur and the efforts the Charter School will undertake to ensure all interested parties may observe the lottery.

identified numerous deficiencies in and concerns related to the Petition, which are set forth in the Findings of Fact, attached hereto as Exhibit "A" and incorporated herein by this reference;

WHEREAS, the Findings of Fact are not intended to serve as an exhaustive list of each concern, issue, and/or deficiency identified in the Petition and supporting documents, but rather are meant to describe those deficiencies that are of the most significant concern to the District and which provide legally sufficient grounds to deny the Petition; and

WHEREAS, based on the Findings of Fact described in Exhibit A, it is recommended that the Board deny the Petition for the Classical Academy Vista Charter School.

THEREFORE BE IT RESOLVED, that the Board of Education of the Vista Unified School District hereby adopts the Findings of Fact, attached hereto as Exhibit "A," and denies the Petition to establish the Classical Academy Vista Charter School.

PASSED AND ADOPTED by the Board on March 8, 2018 at a duly noticed meeting by the following vote:

AYES: 4

NOES: 1

ABSTAIN: 0

ABSENT: 0

I, Vargas
Cipriano, Clerk of the Board of Education of the Vista Unified School District, HEREBY CERTIFY that the foregoing Resolution was duly introduced, passed and adopted by the Board at a meeting thereof held on March 8, 2018 by a vote of 4 to 1.

IN WITNESS THEREOF, I have hereto set my hand this 8 day of March, 2018.



Clerk of the Board of Education