



Office of the Superintendent
501 S. Santa Fe Ave.
Compton, CA 90220

TO: Board of Trustees
FROM: Dr. Darin Brawley, Superintendent
DATE: July 7, 2022
RE: Equity Initiatives Charter New Petition Request

Legislative File
File ID No.:
Introduction Date:
Enactment No.: _____
Enactment Date: _____
By: _____

ACTION REQUESTED:

Recommendation:

Conditionally approve the petition to establish Equity Initiatives Charter (“EIC”) for a five-year term from July 1, 2022 through June 30, 2027, subject to EIC’s agreement to enter into a Memorandum of Understanding (“MOU”) with the Compton Unified School District (“District”) addressing the issues identified below.

School Overview:

EIC proposes to open on July 11, 2022. The school proposes to enroll 500 adult students, ages 22 and older, in grades 9 through 12 in its first year of operation, and will grow to enroll 1,750 students in 2026-2027. EIC plans to operate pursuant to an exclusive partnership with the Workforce Innovation and Opportunity Act (“WIOA”).

Applicable Law:

Education Code § 47605, subdivision (c) outlines the criteria for evaluating a charter petition. It provides that the governing board of the school district 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 is proposing to locate. The governing board of the school district shall consider the academic needs of the pupils the school proposes to serve. The governing board of the school district shall not deny a petition for establishment of a charter school unless it makes written factual findings, specific to the particular petition, setting forth specific facts to support one or more of the following findings:

- (1) The charter school presents an unsound educational program for the pupils to be enrolled in the charter school.
- (2) The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition.

(3) The petition does not contain the number of signatures of parents, legal guardians of pupils or teachers required by Education Code § 47605, subdivision (a).

(4) The petition does not contain an affirmation of each of the conditions described in Education Code § 47605, subdivision (e).

(5) The petition does not contain reasonably comprehensive descriptions of the 15 required charter elements set forth in Education Code § 47605, subdivisions (c)(5)(A)-(O).

(6) The petition does not contain a declaration of whether or not the charter shall be deemed the exclusive public employer of the employees of the charter school for purposes of Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code.

(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 the existing program has sufficient capacity for the pupils proposed to be served within 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 Section 42131 and the county 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 Section 42131, has a negative interim certification pursuant to Section 42131, or is under state receivership.

Analysis was also guided by the State Board of Education regulations for the evaluation of charter petitions (Cal. Code Regs., tit. 5, § 11967.5.1 et seq.). Although these regulations apply to the State Board of Education's review of charter petitions, they provide further guidance as to the meaning of the elements specified in Education Code § 47605(c).

Rationale for Recommendation:

An evaluation of the petition was conducted. Based upon this evaluation of the petition as presented, for the reasons set forth herein, the following was determined:

- The petition presents an unsound educational program (Ed. Code, § 47605(c)(1));
- The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition (Ed. Code, § 47605(c)(2));

- The petition does not contain the number of signatures required by subdivision (a) (Ed. Code, § 47605(c)(3)); and
- The petition does not contain reasonably comprehensive descriptions of all of the 15 required charter elements (Ed. Code, § 47605(c)(5)).

However, it was determined that these issues may be remedied by EIC’s entry into an MOU with the District which will provide a plan for correcting the deficiencies in the petition. For that reason, conditional approval of the charter, contingent upon entry into the MOU, is recommended.

CHARTER PETITION EVALUATION OVERVIEW

School Name: Equity Initiatives Charter	Submission Date: March 14, 2022								
Lead Petitioner: Murdock Smith	Public Hearing Date: May 10, 2022								
Decision Date: July 7, 2022	Report Publicly Posted: June 22, 2022								
Proposed location of school	To be determined								
Composition of petitioner group	Operator of two existing charter schools in the Sacramento area								
Grade levels to be served in year 1	Adult school (ages 22 and older) serving grades 9-12								
Anticipated enrollment in year 1	500								
Grade levels to be served at full-capacity	9-12								
Anticipated enrollment at full capacity	1,750								
Target student population	<table border="1" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th></th> <th>FRL %</th> <th>SPED %</th> <th>EL %</th> </tr> </thead> <tbody> <tr> <td>Projected Demographics</td> <td>95%</td> <td>N/A (ages 22 and up)</td> <td>65%</td> </tr> </tbody> </table> <p>(p. 12)</p>		FRL %	SPED %	EL %	Projected Demographics	95%	N/A (ages 22 and up)	65%
	FRL %	SPED %	EL %						
Projected Demographics	95%	N/A (ages 22 and up)	65%						

Brief description of the kind of school to be chartered.

“EIC is committed to the goal of developing self-motivated, competent, life-long learners. Our curriculum is designed to promote individual initiative, critical thinking, self-reliance, interpersonal and interpersonal awareness, and community involvement.”

“We incorporate several instructional strategies and learning theories into our teaching practices

that are best suited for adults. We recognize that adults have unique learning needs and abilities, and we work to engage and challenge our students at every level. Differentiated instruction, content-based instruction, and theme-based instruction ensure that our adult students, at different ability levels, are engaged. This is important at EIC because our classes are multi-level. We also use student-centered instructional techniques to ensure that learning objectives are aligned not only to curriculum objectives but also to our students' needs. One key component in student-centered instruction is building on prior knowledge and understanding our students' backgrounds, strengths, and weaknesses. At EIC our students will have very different backgrounds with a variety of skills. It is important that we understand our students' backgrounds, skills, and abilities to help them achieve their goals. We also use project-based learning, a dynamic student-centered approach that engages students to explore real world problems through active learning in long-term, theme-based projects. We seek to engage our students with real and complex problems because our students have real and complex problems. It is imperative that we develop problems-solving and critical thinking skills in our students to ensure that their best learning occurs." (p. 25.)

Brief explanation of the mission of proposed charter school.

"We are a diverse community for social justice, serving the unserved, providing access to education, technology, communication, and employment for 21st century achievers. Through community partnerships, we will build new legacies leading to self-sufficiency and generational change."

"The vision of Equity Initiatives Charter is 'to eradicate educational inequality.'"

"Equity Initiatives Charter provides comprehensive access to education for adult learners 22 years and older. EIC is a workforce development school that provides an answer for so many adults who were left behind by the traditional school system in the United States or in their home country. The answer is economic growth and development through education, English language acquisition and career technical education. We take our students from survival to sustainability." (p. 11.)

Planning to work with a charter management organization (CMO)

Yes X * No

The petitioner on p.11 indicated that a CMO was not affiliated, but documents throughout the petition (Appendix P) indicate there is a partnering education organization (HCCTS).

FIFTEEN ELEMENTS TABLE

Statutory Reference: Education Code § 47605(c)(5)(A) to (O)

The Charter Schools Act requires authorizers to evaluate whether the petitioners have presented a “reasonably comprehensive” description of the 15 elements related to a school’s operation.

Element	Inadequate	Reasonably Comprehensive	Statutory Reference
Description of the educational program of the school, including what it means to be an “educated person” in the 21st century and how learning best occurs	X	<input type="checkbox"/>	Ed. Code § 47605(c)(5)(A)
Measurable pupil outcomes	<input type="checkbox"/>	X	Ed. Code § 47605(c)(5)(B)
Method by which pupil progress is to be measured	<input type="checkbox"/>	X	Ed. Code § 47605(c)(5)(C)
Governance structure	X	<input type="checkbox"/>	Ed. Code § 47605(c)(5)(D)
Qualifications to be met by individuals employed at the school	X	<input type="checkbox"/>	Ed. Code § 47605(c)(5)(E)
Procedures for ensuring health & safety of students	X	<input type="checkbox"/>	Ed. Code § 47605(c)(5)(F)
Means for achieving a balance of racial and ethnic pupils, special education pupils, and English learner pupils	<input type="checkbox"/>	X	Ed. Code § 47605(c)(5)(G)
Admission requirements, if applicable	X	<input type="checkbox"/>	Ed. Code § 47605(c)(5)(H)
Manner for conducting annual, independent audits	<input type="checkbox"/>	X	Ed. Code § 47605(c)(5)(I)
Suspension and expulsion procedures	<input type="checkbox"/>	X	Ed. Code § 47605(c)(5)(J)
Manner for covering STRS, PERS, or Social Security	<input type="checkbox"/>	X	Ed. Code § 47605(c)(5)(K)

Element	Inadequate	Reasonably Comprehensive	Statutory Reference
Attendance alternatives for pupils residing within the district	<input type="checkbox"/>	X	Ed. Code § 47605(c)(5)(L)
Employee rights of return, if any	<input type="checkbox"/>	X	Ed. Code § 47605(c)(5)(M)
Dispute resolution procedure for school-authorizer issues	<input type="checkbox"/>	X	Ed. Code § 47605(c)(5)(N)
Procedures for school closure	X	<input type="checkbox"/>	Ed. Code § 47605(c)(5)(O)

ADDITIONAL PETITION REQUIREMENTS

Statutory Reference: Education Code § 47605(h)

Element	Inadequate	Reasonably Comprehensive	Statutory Reference
Facilities to be utilized by school	X	<input type="checkbox"/>	Ed. Code § 47605(h)
Manner in which administrative services are to be provided	<input type="checkbox"/>	X	Ed. Code § 47605(h)
Potential civil liability effects	<input type="checkbox"/>	X	Ed. Code § 47605(h)
Proposed first year operational budget	X	<input type="checkbox"/>	Ed. Code § 47605(h)
Cash flow and financial projections for 3 years	X	<input type="checkbox"/>	Ed. Code § 47605(h)

CHARTER PETITION EVALUATION FINDINGS:

- **THE CHARTER SCHOOL PRESENTS AN UNSOUND EDUCATIONAL PROGRAM FOR THE PUPILS TO BE ENROLLED IN THE CHARTER SCHOOL (ED. CODE, § 47605 (c)(1))**
- **THE PETITION DOES NOT CONTAIN REASONABLY COMPREHENSIVE DESCRIPTIONS OF THE 15 REQUIRED CHARTER ELEMENTS (ED. CODE, § 47605 (c)(5))**

Unsound Education Program	Analysis and Factual Findings	Inadequate Element(s)
Target Population	<ul style="list-style-type: none"> - EIC’s school calendar provided on page 54 of the petition indicates that school will be starting July 11, 2022. EIC’s petition states that it will be operating pursuant to an exclusive WIOA partnership. No exclusive WIOA partnership agreement was provided with the petition. As a result, it is impossible to evaluate whether such a partnership exists, and if so, whether it covers the entire EIC program. This partnership is also the basis for EIC’s ability to serve students 22 and older. 	Description of Educational Program
<p>Approximate Numbers of Pupils</p> <p>Enrollment</p>	<ul style="list-style-type: none"> - EIC claims to be serving grades 9-12, but the enrollment projections on page 12 only include grades 9, 10, and 12. - The chart on page 12 does not make sense year over year, as 9th grade students should matriculate to 10th, 10th should matriculate to 11th, and 11th should matriculate to 12th. For example in the 2022-23 school year, EIC anticipates a 9th grade enrollment of 350 and a 10th grade enrollment of 100. In 2023-24, EIC anticipates a 9th grade enrollment of 475, but a 10th grade enrollment of only 198. It would seem that the 10th grade number would be larger in 2023-24, given the anticipated number of 9th grade students in 2022-23. - EIC has not provided any rationale or data to indicate that a source for the enrollment figures it provides exists. The projected figures at full capacity are substantially higher than those of the Compton Adult School. - Page 59 of the petition includes a five-year enrollment rollout plan, but it does not include 11th grade. - Appendix “G,” the instructional minutes and days calculator, does not make any mention of 11th grade. It only includes data for grades 9, 10, and 12. - The charter petition does not state that EIC will post the notice required by Education Code § 47605(e)(4)(D) on its internet website. 	Description of Educational Program

Unsound Education Program	Analysis and Factual Findings	Inadequate Element(s)
Programs for English Learners	- EIC plans to provide both a High School and an International High School program. The petition lacks a comprehensive description of the International High School program.	Description of Educational Program
Annual Goals/State Priorities	- State Priority #5, “School Attendance Rate” in Appendix “H” provides as an annual goal that “[s]tudents will attend regularly.” Because regular attendance is not defined, this goal is not measurable or adequate. The school should have internal goals/metrics to define “regular attendance” and to track it accordingly.	Description of Educational Program
Program Components	- The educational program components identified in the petition are logistically complex, but are discussed only in vague terms.	Description of Educational Program
Employee Qualifications	<p>- While petition identifies general qualifications for the various categories of employees the school anticipates, it does not specifically identify or highlight those positions that EIC regards as key in each category and specify the additional qualifications expected of individuals assigned to those positions.</p> <p>- On page 95, in the “Operating Plans & Procedures” section of the Governance Structure portion of the petition, EIC states that in Year 5 it intends to employ 48 paraeducators. This is a large number, particularly because the role of the paraeducator is not described as it relates to instruction and because EIC has identified Edgenuity, an online learning platform, as its curriculum.</p>	<p>Description of Educational Program</p> <p>Qualifications to be Met by Individuals Employed at the School</p>
<p>Viable Enterprise</p> <p>Conflict of Interest</p>	<p>- EIC has not provided a conflict of interest policy.</p> <p>- Page 91 of the petition states that board meetings “are held at the principal office of Highlands or other locations within physical boundaries of the county in which the greatest number of students enrolled in Highlands-operated charter schools reside as designated by resolution of the Board or in the notice of the meeting.” If EIC will be operating within the District, at least one-third of the HCCTS board meetings should take place within the District (as it will be the third HCCTS school).</p>	Governance Structure

Unsound Education Program	Analysis and Factual Findings	Inadequate Element(s)
	<ul style="list-style-type: none"> - No completed due diligence questionnaires were submitted on behalf of the petitioner or any of the HCCTS board members. - EIC did not provide a completed letter of intent form. A blank form is included as Appendix “A.” 	
School Safety Plan	<ul style="list-style-type: none"> - The petition states that EIC’s Safety Plan is included as Attachment “O.” Attachment “O” is an HCCTS COVID-19 Safety Plan. It is not the school safety plan contemplated by Education Code § 47605(c)(5)(F)(ii) and (iii). 	Procedures for Ensuring Health & Safety of Students
Grade Level Placement Admissions Preferences Random Public Drawing	<ul style="list-style-type: none"> - The petition states on page 119 states that subsequent to acceptance, students are assessed for placement into appropriate class levels for enrollment. The petition does not explain what happens if a student places lower than grade 9. - Page 120 of the petition provides that “EIC and the District agree to adhere to the requirements related to admission preferences....” That language must be revised to state that “EIC agrees to adhere to the requirements related to admission preferences....” - It is unclear how EIC’s proposed public random drawing would work if initial applications are accepted on a rolling basis throughout the school year, as stated on page 120. Page 121 explains that “[f]ollowing the open enrollment period each year, applications are counted to determine whether the number of students who wish to attend EIC have exceeded EIC’s capacity. In the event that this happens, EIC will hold a public random drawing....” - EIC’s proposed admissions preferences on page 120 are as follows: (1) Non-youth residents of the District; as defined by WIOA as those 22 years of age and older; (2) All other applicants. “All other applicants” enables EIC to accept students that are not 22 and older. The charter as proposed, does not enable EIC to do that. 	Admission Requirements
Closure-Related Activities	<ul style="list-style-type: none"> - The petition simply adopts the District Required Language for closure procedures, and has not provided any additional information, such as the name of the responsible entity/person who will conduct closure- 	Closure Procedures

Unsound Education Program	Analysis and Factual Findings	Inadequate Element(s)
	related activities, and who will conduct the process for completion and submission of final financial reports and related documents.	

CHARTER PETITION EVALUATION FINDINGS:

- PETITIONERS ARE DEMONSTRABLY UNLIKELY TO SUCCESSFULLY IMPLEMENT THE PROGRAM SET FORTH IN THE PETITION (ED. CODE, § 47605 (c)(2))**

Area(s) Lacking Capacity to Implement Program	Analysis and Factual Findings
<p>Unrealistic Financial Plan</p> <p>Proposed First Year Operational Budget</p> <p>Cash Flow and Financial Projections</p> <p>Financial Administration</p>	<ul style="list-style-type: none"> - Although the petition states that EIC will obtain general liability, workers’ compensation, and other necessary insurance, no amount has been budgeted for insurance. - EIC claims to be serving grades 9-12, but the enrollment projections on page 12 only include grades 9, 10, and 12. EIC projects to enroll 500 students for 2022-23, 813 for 2023-2024, 1,125 for 2024-25, 1,438 for 2025-26, and 1,750 for 2026-27, but that does not include 11th grade. The budget on page 13 also assumes these figures so it is unclear whether the budget is accurate. - The budget included as Appendix “P” is for HCCTS – Compton, not EIC. It does not appear that the P-2 average daily attendance projections utilized in the budget documents account for 11th grade, because those figures correspond with the figures on pages 12 and 13 after application of EIC’s projected 80% average daily attendance rate. - The total revenue column on page 13 is blank for the 2023-24 school year. - It is impossible to determine whether the amount EIC has budgeted for facilities is reasonable, given its failure to provide sufficient detail about the type and potential location of facilities needed to operate its program.
<p>Insurance</p>	<ul style="list-style-type: none"> - Although the petition states that EIC will obtain general liability, worker’s compensation, and other necessary insurance, no amount has been budgeted for insurance.

Area(s) Lacking Capacity to Implement Program	Analysis and Factual Findings
Facilities to be Utilized by the School	<ul style="list-style-type: none"> - The petition fails to describe the type and potential location of facilities needed to operate the size and scope of the educational program proposed in the charter. - The petition does not provide evidence of the type and projected cost of the facilities that may be available in the area EIC proposes to operate. - It is impossible to determine whether the amount EIC has budgeted for facilities is reasonable, given its failure to provide sufficient detail about the type and potential location of facilities needed to operate its program.
Exclusive WIOA Partnership	<ul style="list-style-type: none"> - EIC’s school calendar provided on page 54 of the petition indicates that school will be starting July 11, 2022. EIC’s petition states that it will be operating pursuant to an exclusive WIOA partnership. No exclusive WIOA partnership agreement was provided with the petition. As a result, it is impossible to evaluate whether such a partnership exists, and if so, whether it covers the entire EIC program. This partnership is also the basis for EIC’s ability to serve students 22 and older. - Page 22 of the petition says that “[u]nder Education Code 47605.1(g), other than being required to have sites in California, there are no other jurisdictional boundaries for campuses of Equity Initiatives Charter due to our WIOA exclusive partnership requirement.” Although true for a school operating pursuant to a WIOA partnership, this is inconsistent with page 11 of the petition, which states “Proposed Region and/or Neighborhood: Compton, Crystal City, Rancho Dominguez. Zip Codes 90220, 90221, and 90222.” Those zip codes, or at least portions of them, are within the District. It is therefore unclear whether EIC in fact intends to locate within the District.
Student/Family and Employee Handbooks	<ul style="list-style-type: none"> - EIC did not include a student/family handbook or employee handbook with its petition.
Governance Structure	<ul style="list-style-type: none"> - EIC has not provided a conflict of interest policy. - Page 91 of the petition states that board meetings “are held at the principal office of Highlands or other locations within physical boundaries of the county in which the greatest number of students enrolled in Highlands-operated charter schools reside as designated by resolution of the Board or in the notice of the meeting.” If EIC will be operating within the District, at least one-third of the HCCTS board meetings should take place within the District (as it will be the third HCCTS school).

Area(s) Lacking Capacity to Implement Program	Analysis and Factual Findings
	<ul style="list-style-type: none"> - No completed due diligence questionnaires were submitted on behalf of the petitioner or any of the HCCTS board members. - EIC did not provide a completed letter of intent form. A blank form is included as Appendix “A.” - Page 11 of the petition says “NA” in the space for identification of an affiliated charter management organization. This is inconsistent with other statements throughout the petition, such as on page 19, that HCCTS is the affiliated charter management organization. - On page 95, in the “Operating Plans & Procedures” section of the Governance Structure portion of the petition, EIC states that in Year 5 it intends to employ 48 paraeducators. This is a large number, particularly because the role of the paraeducator is not described as it relates to instruction and because EIC has identified Edgenuity, an online learning platform, as its curriculum.

CHARTER PETITION EVALUATION FINDINGS:

- **THE PETITION DOES NOT CONTAIN THE NUMBER OF SIGNATURES REQUIRED BY SUBDIVISION (a) (ED. CODE, § 47605 (c)(3))**

Concern About Signatures Submitted	Analysis and Factual Findings
<p>“Meaningfully interested” teachers</p> <p>Credential identified may not be appropriate</p>	<ul style="list-style-type: none"> - EIC proposes to start its program with 14 teachers. It includes signatures of seven teachers claiming to be meaningfully interested in teaching at the school as Appendix “J.” Only one of the teachers is located in Southern California. The other six appear to be located in the Sacramento area. Although EIC has technically satisfied the requirement in Education Code § 47605(a)(1)(B) to provide signatures of at least one-half of the number of teachers that the charter school estimates will be employed at the charter school during its first year of operation, it is unlikely that the six teachers in the Sacramento area are “meaningfully interested” in teaching at EIC in Compton. - Several of the teachers identified as “meaningfully interested” possess multiple subject credentials, which may not be appropriate for the adult

Concern About Signatures Submitted	Analysis and Factual Findings
	school program serving grades 9-12. Only one teacher appears to possess an adult education credential.

Additional Issues to be Addressed in Memorandum of Understanding:

The MOU between EIC and the District will also correct other issues including, but not limited to, the following:

- Replacing certain references to HCCTS with references to EIC.
- Modifying the language on page 168 of the petition discussing material revisions of the charter to remove the words “and timelines,” as there are no timelines associated with material revisions to charters.

Conclusion:

The Superintendent recommends conditionally approving the charter subject to EIC’s agreement to enter into an MOU with the District correcting and/or making a plan to correct deficiencies in the petition, providing for the submission of necessary documentation, and otherwise addressing the issues identified herein. While the Superintendent recommends a conditional approval, should the Board vote to deny the charter, the findings set forth herein shall serve as the written factual findings required to justify denial in accordance with Education Code § 47605(c).