

**MEMORANDUM**

**TO:** Terry Walker, Superintendent  
**FROM:** Ronald Wenkart & Sara Young  
**DATE:** October 10, 2019  
**RE:** Staff Report: Irvine International Academy Charter Review

---

**BACKGROUND**

The Charter Schools Act of 1992 (“CSA,” Ed. Code § 47600 *et seq.*) provides for persons interested in forming a charter school proposed to be located within the geographical boundaries of a local school district to submit a charter to that school district’s governing board for consideration upon receipt of a certain number of signatures of either parents/guardians or teachers supporting the proposed charter school.

On or about August 20, 2019, Irvine International Academy (“IIA”) submitted a Charter petition (“Charter”) to the District. In the case of IIA, the petitioners submitted the Charter petition based on gathering the required teachers’ signatures. As required by the CSA, within 30 days of receipt of the Charter, the District Board held a public hearing on the provisions of the Charter on September 17, 2019. At the public hearing the Board considered the level of support for the Charter by teachers employed by the District, other District employees, and parents. (§ 47605(b).)

The Governing Board has 60 days from receipt of the Charter, unless an extension up to 90 total days is mutually agreed to, to make a decision on whether to grant or deny the Charter. (§ 47605(b).) This Staff Report provides recommendations to the Board regarding approval or denial, which will be decided at the Board Meeting on October 15, 2019.

**LEGAL STANDARD**

California Education Code section 47605 sets out the statutory requirements for the establishment of charter schools. (See also, California Code of Regulations, Title 5, § 11967.5.1.) Section 47605(b)(1)-(5) provides that the governing board of a school district may only deny a charter petition if ***one or more*** of the following findings are made:

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 Charter petition:
3. The Petition does not contain the number of signatures required by Education Code section 47605(a):

October 10, 2019

Page 2

4. The Petition does not contain an affirmation of each of the conditions described in Education Code section 47605(d): and/or
5. The Petition does not contain reasonably comprehensive descriptions of all of the elements required by law.

At the October 15, 2019 meeting, the Board may select one of the following options based on the information from the public hearing, independent review of the Charter, and information in this staff report:

- **Option 1:** Approve the Charter
- **Option 2:** Approve the Charter with conditions – providing a timeline for the District and the Charter school administrators to develop a memorandum of understanding following satisfaction of the conditions
- **Option3:** Deny the Charter

### **BRIEF OVERVIEW**

The IIA seeks to operate as a District authorized charter school for the term July 1, 2020 through June 30, 2025. The school proposes to operate as a Mandarin immersion school. At the time it opens, IIA plans to consist of four classrooms and span from transitional kindergarten (“TK”) through first grade. Each year, the school proposes to add an additional grade level until it is a TK-8 school.

During TK, kindergarten, and first grade, students will receive 90% of instruction in Mandarin, and the remaining 10% of instruction in English. Beginning in second grade, the percentage of instruction will increase by approximately 10%, with a corresponding decrease in Mandarin instruction. For sixth, seventh, and eighth grade, instruction will be 30% in Mandarin and 70% in English.

As further discussed in this Staff Report, some of the key concerns are as follows:

- Dr. Scott does not speak or understand Mandarin nor has he served as a public school principal where he would evaluate teachers. Therefore, it is unclear if Dr. Scott is qualified to fill the various roles to which he has been assigned, including managing, supervising, and evaluating Mandarin speaking teachers in a Mandarin immersion program.
- It is unclear how Dr. Scott can implement a Mandarin immersion program for young children in Grades TK-1 when the two teachers who are meaningfully interested in teaching at the charter school do not have experience teaching grades TK-1 (Ms. Du has limited experience teaching Grade 2 and Ms. Deckard is not meaningfully interested) and one of the teachers (Marybeth Chen) is not credentialed to teach in an elementary school program. (See Section II(E) and Section D)

October 10, 2019

Page 3

- The IIA Charter and budget are vague and incomplete. The Charter and the budget do not state what Dr. Scott’s salary and compensation consist of, do not state the terms and conditions of IIA’s \$1.3 million line of credit, do not state the cost and type of services to be provided by Charter School Management Company (“CSMC”), and fail to include sufficient funds for teacher salaries, instructional aides, and facilities. Dr. Scott did not respond clearly to questions about his salary and, as outlined in the budget, the principal salary of \$148,000 is excessive. Dr. Scott and IIA also did not clarify the specific terms of the agreement with CSMC.
- As indicated by Dr. Scott at the public hearing on September 17, 2019, IIA does not anticipate having many needs in the areas of special education – anticipating most needs in the area of speech. IIA does not intend to employ a speech pathologist to provide in person speech therapy. IIA plans to provide speech therapy services to special education students remotely by teleconference.
- Per the Charter, IIA does not intend to take responsibility for non-public school placements for its students and instead plans to shift that responsibility to the District.

These concerns are not exhaustive. As demonstrated at the public hearing and in review of the Charter, there are notable deficiencies with the Charter. Through this Staff Report, we provide additional information related to how the IIA Charter meets or fails to meet legal requirements.

### CHARTER PETITION REVIEW

#### ***I. The Charter School presents an unsound educational program for the pupils to be enrolled in the charter school [Education Code section 47605(b)(1)]:***

The description of IIA’s educational program fails to present a sound educational program. Specifically:

- A. Differentiation of Instruction. The Charter does not provide clear, educationally sound plans for addressing students who are performing above grade level expectations or who requires intervention to meet grade level expectations.
1. In the public hearing, Dr. Scott identified that significant emphasis will be placed on a “one-to-one” program, whereby students act as partners, tutors, and teachers to classmates who require intervention.
  2. During the public hearing, Dr. Scott defined the one-to-one program as equivalent to a mentorship, tutoring, pair and share program where more advanced students, sitting in pairs at the back of the class, would come and partner one-to-one with struggling students at the front of the class, to provide differentiated instruction and support. This would be the primary method to support struggling students and advanced students.

October 10, 2019

Page 4

3. In a written response, Dr. Scott defined the one-to-one classroom as one that “partners students so they have full access to nonverbal cues, opportunity for discussion, questioning, and constant ability to provide feedback, support, and correction.”
  4. Dr. Scott did not identify if the curriculum to be used, including the Mei Zhou Hua Yu curriculum, is approved by the state or aligned with standards.
- B. Special Education. The Charter does not provide a clear, cohesive, viable and educationally sound plan to serve students with disabilities.
1. The Petition is confusing in that IIA indicates it will be its own local educational agency and will apply directly for membership in a special education local plan area (“SELPA”), but then, goes on to state that IIA will be a public school of the District (Page 96). These contradictory statements are confusing and, should the Charter be approved, must be clarified.
    - a. The Charter also states that, pending membership in a SELPA, the charter school will be a school of the District for special education purposes and become its own local educational agency (LEA) for special education purposes (page 91), and will work collaboratively with the District. However, there has been no discussion with District staff about how the charter school students would be served through that model.
  2. The Charter states that IIA will comply with all applicable federal and state laws in serving students with disabilities, and will provide a full continuum of services (pages 91-107).
    - a. IIA fails to adequately describe how IIA will be able to serve the needs of all students who require special education and related services, as required by state and federal law, including students with significant academic, social-emotional, behavioral, gross and fine motor, and other needs.
    - b. Further, the Charter states that the District will be responsible for selecting, contracting with, and overseeing non-public school placements for special education students rather than IIA. The petition fails to provide a clear explanation of how and why the District should be responsible.
  3. The Charter does not adequately explain how IIA budgeted for special education encroachment and whether the proper amount has been calculated.

- C. English Learners (“EL”). The Charter does not provide a clear, cohesive, viable, and educationally sound plan to serve ELs who enroll at IIA (pages 83-90).
1. The Charter indicates that all eligible students will receive EL services, but does not adequately describe those services, how policies and practices will be implemented, and how teachers will be qualified and trained to provide the services.
  2. The Charter does not address the process for EL student identification, curriculum, assessments, reporting, or redesignation. The petition does not adequately address what assessments will be used and how those assessments will be used to identify and place students. The petition does not identify the core curriculum or other materials that will be used. The petition does not provide any detailed information regarding how the charter school will provide integrated and designated EL instruction in a Mandarin immersion program.
  3. The Charter does not adequately describe how the charter school will support EL students in obtaining English proficiency in a Mandarin immersion program, with instruction being provided at a ratio of 90:10 Mandarin to English during the first three years of instruction, with English instruction being gradually increased in later years. In the public hearing, Dr. Scott identified that significant emphasis will be placed on a “one-to-one” program, whereby students act as partners, tutors, and teachers to classmates who require intervention.

***II. The petitioners are demonstrably unlikely to successfully implement the program set forth in the Charter petition [Education Code section 47605(b)(2)]:***

Based on the information in the Charter, IIA appears unlikely to be able to successfully implement the proposed program.

A. Special Education and English Learners.

1. For the reasons set forth in Finding No. I above, the petitioners are demonstrably unlikely to successfully implement the Special Education and EL programs set forth in the petition. The Charter does not set forth a clear and viable plan to serve special education and EL students.
2. At the public hearing on September 17, 2019, Dr. Scott indicated that IIA may not hire a qualified speech pathologist to provide speech therapy services to special education students but might provide speech therapy services using an independent contractor via teleconferencing. Dr. Scott’s statement makes it unlikely that IIA can successfully implement a special education program at IIA.

October 10, 2019

Page 6

B. Budget and Business Practices.

The budget and financial information provided by IIA result in lack of confidence in the ability of the proposed budget to meet IIA's needs and ensure quality education to students. Specifically:

1. The terms and conditions of the contract between IIA and Charter School Management Company ("CSMC") are vague. CSMC has apparently provided IIA with a \$1.3 million line of credit but the terms and conditions for repayment are unclear, making IIA's financial condition unclear.
2. The terms and conditions of the management services contract between IIA and CSMC do not outline what services CSMC will provide IIA and what the cost of those services will be making it unclear. This makes it impossible to determine that IIA is financially viable.
3. In the petition, the names of the principal officers and employees of CSMC are unknown; Dr. Scott did provide clarification in supplemental correspondence. From the petition, it cannot be determined if a conflict of interest exists between the officers and employees of IIA and CSMC in violation of state law or whether any personal relationship exists between Michael Scott, the officers and employees of IIA, and the officers and employees of CSMC.
4. It is unclear who will serve on the Board of Directors of IIA. In the bylaws, Dayle Lee is listed as a member of the Board of Directors but Dayle Lee is not listed in the petition as a member of the Board of Directors. Steve Peden is listed in the petition as a member of the Board of Directors but is not listed in the bylaws as a member of the Board of Directors.
5. The five year budget allocates \$33,000 per year for certificated administrators which seems insufficient, calling into question the viability of IIA's budget.
6. Michael Scott's salary and total compensation remains unclear. Particularly as he intends to fill multiple roles and positions. Dr. Scott's salary is not clear from the budget, thereby calling into question the viability of IIA's budget.
7. The five year budget allocates \$10,000 for leased facilities which appears to be insufficient, particularly for a location within District boundaries. This under estimation calls into question the viability of IIA's budget.
8. The five year budget allocates \$53,000 per teacher for four teachers which is contradictory to Dr. Scott's statements at the public hearing on September 17, 2019. At that time, Dr. Scott stated that the salary and benefits of IIA's teachers would be comparable to the District salary and that he anticipated recruiting

‘experienced’ teachers, who would raise the salary above this entry level figure. A District salary for an average new teacher, including benefits, is \$94,576.39 (salary of \$69,909.94 plus benefits, health & welfare). The average teacher cost in the District is \$115,574 (salary of \$87,313 plus benefits, health & welfare). Therefore, the viability of IIA’s budget is questionable.

9. The budget fails to identify the amount or percentage of health and benefit costs which will be considered premiums paid for by the teachers, and thus impacting the proposed salary.
10. The five year budget allocated \$23,000 for two instructional assistants for both year one and year two. However, the Charter requires “teaching assistants in classrooms to support instruction and student learning” to address multiple goals and priorities in the LCAP. It is unclear how the instructional assistants will be able to support differentiated instruction during the day when split between classes and when the staff numbers do not increase with student attendance increases.
11. At the public hearing on September 17, 2019, Dr. Scott referred to past participation in the administration of charter schools. It is unclear whether these charter schools were operated and administered successfully, calling into question the viability of IIA’s charter petition.

C. Provision of Instructional Services to Students

The concerns in the Charter, as outlined below, call into question whether IIA can successfully implement the proposed instructional program.

1. The key academic concepts to be provided by IIA are unclear (pages 29-31).
2. The attendance expectations for students at IIA are unclear (page 29-31)
3. How IIA intends to ensure an appropriate percentage of native Mandarin versus non-native Mandarin speakers is unclear (pages 43-44).
4. How IIA intends to support students not achieving at or above expected levels of achievement and how IIA intends to utilize a Response to Intervention program is unclear (pages 73-79).
5. IIA’s expectations regarding the percentage of IIA students who will meet state standards is unclear (pages 109-130).
6. The budget describes a 32:1 student to teacher ratio. The petition is unclear how the multiple instructional targets can be met, including differentiating instruction, reaching learners in multiple languages, and addressing student

- needs when supporting 32 transitional kindergarten students with one staff member.
7. The petition lists a large number of assessments but does not clearly state how these assessments will be used, how these assessments will be purchased, how teachers will be trained to administer these assessments, and how these assessments will impact instructional time (pages 135-139).
  8. Since many K-2 assessments assess English language arts and 90% of the instruction in Kindergarten and first grade will be in Mandarin, it is unclear how these assessment will be appropriate for IIA students (pages 131-137).
  9. It does not appear that the assessments listed in the petition align with IIA's curriculum (pages 131-135).
  10. At the elementary school level, physical education must occur for 200 minutes every ten school days. (Ed. Code. § 51210(a)(7).) Per the IIA Petition, physical education is only scheduled once a week for one hour on Friday (pages 69-70). Upon clarification, Dr. Scott identified that the physical education time will also include the fifteen minutes each morning that includes morning exercise, announcements, and Pledge of Allegiance. Without further clarification of the specific time, the petition fails to demonstrate alignment with Education Code.
  11. It is unclear how many instructional aides IIA intends to hire and whether these aides will be bilingual in English and Mandarin (pages 35, 73).
  12. The recruitment, evaluation, and selection process for teachers is unclear particularly since Dr. Scott does not have knowledge of Mandarin. It is unclear how Dr. Scott will recruit, evaluate, and select teachers to teach in the Mandarin immersion program if he does not speak or understand Mandarin, as per Dr. Scott's statement at the public hearing on September 17, 2019, that he has very little knowledge of Mandarin (pages 162-163).
  13. In reviewing Dr. Scott's resume, it does not appear that Dr. Scott, who is designated to be the Executive Director of IIA and will be supervising teachers and staff, has any experience serving as a Principal in a public school where he formally evaluated teachers. Dr. Scott does not have a valid administrative credential or experience. His lack of administrative experience and lack of knowledge of Mandarin, call into question his ability to evaluate teachers instructing children in Mandarin.
  14. The petition refers to but does not clearly define what a one-to-one classroom is, calling into question the viability of IIA's instructional program.



D. Parent and Student Participation

The Charter lacks clarity regarding parents and student participation. Specifically:

1. The Charter is unclear on how IIA will encourage parent participation and what strategies it will use to encourage parent participation, relying heavily on a single parent volunteer to organize others.
2. The Charter is unclear as to what outreach strategies, recruitment practices, and implementation plans IIA will utilize to ensure racial and ethnic balance in the student population. The Charter limits the “outreach plan” to public presentations.
3. The Charter is unclear as to whether students enrolling in IIA in the second grade or higher will be required to demonstrate Mandarin proficiency, calling into question the legality and viability of IIA’s program.
4. The petition is unclear as to how the community will be informed of the open enrollment period and process, calling into question the viability of IIA’s program.
5. It is unclear how IIA determined a projected enrollment of 128 students based on the data related to interest that was included with the Charter.

E. Qualifications of Teachers

1. The charter petition contains a Signature Page for Teachers signed by Carla Deckard, Lingyu Du, and Marybeth Chen. At the public hearing on September 17, 2019, Dr. Scott stated that he spoke with Carla Deckard on September 17, 2019, and that Carla Deckard told him that she is meaningfully interested in teaching at IIA. However, Ms. Deckard has advised the District in writing that she is not meaningfully interested in teaching at IIA, calling into question the credibility and viability of IIA’s instructional program.
2. It appears from Ms. Du’s resume, that she has no experience teaching children in Kindergarten and first grade and limited experience teaching second grade, calling into question the viability of IIA’s instructional program.
3. It appears from Ms. Chen’s resume that she does not possess a multiple subject credential to teach elementary grades and has no experience teaching grades K-6, calling into question the viability of IIA’s instructional program.
4. The petition did not address Education Code section 48000(g)’s requirement that a teacher who is assigned to a transitional kindergarten classroom after July 1,

2015, must, by August 1, 2020 have specific experience, identified units, or a child development teacher permit.

**III. *The Petition does not contain the number of signatures required by Education Code section 47605(a) [Education Code section 47605(b)(3)]:***

The information presented to the District documents that the Charter failed to contain the required signatures. IIA proposes to open with four teachers, thus, the Charter must include signatures of two appropriately credentialed teachers who are *meaningfully interested* in working at IIA.

The Charter included the signatures of:

- Carla Deckard: Ms. Deckard holds a clear multiple subject teaching credential and a bilingual authorization in Mandarin (BAMA).
- Lingyu Du: Ms. Du holds a preliminary multiple subject teaching credential and an English Language development authorization.
- Marybeth Chen: Ms. Chen holds a clear single subject teaching credential in the area of English and has an English Language development authorization.

As documented at the public hearing and supported with a statement from Ms. Deckard, Carla Deckard is not meaningfully interested in teaching at IIA. Further, Ms. Chen lacks the appropriate credential for employment. Therefore, the Charter fails to include the signatures of at least two teachers who are meaningfully interested in employment at IIA. The only teacher qualifying as meaningfully employed, Lingyu Du, has no experience teaching in Grades K-1 and very little experience teaching Grade 2.

**IV. *The Petition does not contain an affirmation of each of the conditions described in Education Code section 47605(d) [Education Code section 47605(b)(4)]:***

The Charter includes the required affirmations on 5-7.

**V. *The Petition does not contain reasonably comprehensive descriptions of all of the elements required by law [Education Code section 47605(b)(5)]:***

The Charter failed to contain reasonably comprehensive descriptions of all the required elements.

A. Adequate Description of the Educational Program:

See, the analysis in Sections I and II above.

B. Measurable Pupil Outcomes Identified for Use by the Charter School:

See the analysis in Sections I and II above.

October 10, 2019

Page 11

C. Method for Measuring Pupil Progress / Pupil Outcomes:

See the analysis in Sections I and II above.

D. Governance Structure of the School / Provisions for Parental Involvement:

See the analysis in Sections I and II above.

E. Qualifications to be Met by Charter School Employees:

The Charter provides an organizational chart. The chart appears to be far more developed than the proposed plan regarding how to open the school, calling for an Executive Director, a Principal, an Assistant Principal (if funded), an Office Manager, an Operations Manager and a Director of Mandarin.

The Charter outlines the teacher qualifications as being “Bilingual and bi-literate in both Mandarin Chinese and English (except for English-only positions),” having “Bachelor degree or California Teaching Credential suitable for the grade level” and “1+ year working with students as a teacher, teacher intern, or teaching assistant.” The Petition describes the hiring process as “rigorous” and using a “multiple-stage approach” consisting of resume screening, interviews, writing samples, demonstration lessons with students, and reference checks. The Petition lacks specificity as to how the IIA will recruit teachers meeting the criteria, notably in light of the inability to secure sufficient signatures of interested teachers in the Petition.

Additionally, the Executive Director’s duties include “coordinates the work of all schools and departments,” along with assisting “in the selection and recommendation to the Board of the best qualified and most competent candidates for employment.” As outlined in the Petition, the Executive Director would observe demonstration lessons to determine whether to hire an individual. However, Dr. Scott, the Executive Director does not speak Mandarin and does not plan to attempt to learn. It is unclear how he will fulfill the dual role of Executive Director/Principal without the ability to understand instruction and supervise staff during 90% of the instructional time. Dr. Scott stated he would rely on teachers to “monitor” the other teachers and acts as mentors, to compensate for his own lack of ability to speak or understand Mandarin. This coaching is appropriately the job of the administrator and is not part of the teacher job description. Dr. Scott does not have an administrative credential and does not have any experience in formally evaluating teachers.

F. Procedures to Ensure Health and Safety of Pupils and Staff:

The required procedures appear to be addressed in the petition.

G. Means to Achieve a Racial and Ethnic Balance Reflective of the School District Population:

As presented, the Petition does not clearly address how IIA will achieve a racial and ethnic balance.

October 10, 2019

Page 12

The Petition states “IIA will work with neighborhood associations and community groups to provide information about the availability of the charter school in the area. We will actively recruit students from traditionally underserved areas in order to enroll a student population that reflects the rich diversity in race, ethnicity, and economics, which exists in the Irvine area.” (Petition, p. 163.) The outreach “plan” and strategies are limited to public presentations. The Petition references that Dr. Scott has completed community outreach and recruiting before and will use “many of the successful strategies” he used before. The Petition includes strategies, such as “Open Houses,” “Social Media,” “Earned Media,” and professionally designed brochures in English, Mandarin, and “other languages as necessary,” but does not identify how these strategies will target unique populations to reach diversity in school enrollment.

Further, at the public hearing, Dr. Scott shared that it is not necessary to have language diversity for IIA to be successful. In fact, the school would meet its plans if the classroom was almost entirely native Mandarin speaking students.

H. Pupil Admission Requirements (if applicable):

Education Code Section 47605(d)(2)(B) requires that, in the event of a public random drawing, preference “shall be extended to pupils currently attending the charter school and pupils who reside in the district... Other preferences may be permitted by the chartering authority on an individual school basis.” Given concerns with Dr. Scott’s previously proposed Charter Schools, the Petition should make it clear that there *is no preference for students who are Mandarin proficient* at any level and this is not considered as part of admissions criteria.

I. Manner in which annual, independent financial audit will be conducted (which shall employ generally accepted accounting principles):

Element 9 of the Petition regarding Financial Audits appears sufficient.

J. Procedures for Pupil Suspension and Expulsion:

The Petition states that suspension and expulsion policies “may be amended from time to time without the need to amend the charter so long as the amendments comport with legal requirements.” (p. 173.) However, pursuant to Education Code section 47607, material revisions of charters “shall include, but not be limited to ... any new requirement of charter schools enacted into law after the charter was originally granted or last renewed.” To the extent such amendments require identification of new procedures bearing on the due process rights of pupils, the District’s approval may be necessary in some cases.

Further, while appropriately identifying students’ rights in the area of discipline, particularly students with disabilities, the Petition also provides, “No student shall be involuntarily removed by the Charter School for any reason unless the parent or guardian of the student has been provided written notice of intent to remove the student no less than five schooldays before the effective date of the action.” The parent has the right to request a hearing to challenge the involuntary dismissal. Involuntary dismissal

October 10, 2019

Page 13

includes when a student is “disenrolled, dismissed, transferred, or terminated” for any reason other than misconduct that is grounds for suspension or expulsion. The procedures permit a hearing by an Administrative Panel, but fail to adequately describe who would participate in this panel. The Petition fails to adequately describe the situations which may lead to involuntary dismissal which is concerning.

K. Staff Retirement Systems (STRS, PERS or federal social security):

The Petition lacks adequate description of staff retirement systems insofar as it does not consistently state the positions to be covered under each retirement system or clearly identify the proposed system. IIA plans to provide employees with a 403(b) retirement plan, or similar, with employer match. All employees will participate in federal social security. However, the Petition also identifies that IIA may offer other retirement plans, including, but not limited to STRS.

L. Public school attendance alternatives for pupils residing within the school district who choose not to attend charter schools:

The public school attendance alternative appears to be sufficient.

M. Rights / Return Rights of School District Employees:

The District Employee Rights appears sufficient.

N. Dispute Resolution Procedures for charter school and school district:

The Petition identifies that the dispute resolution procedures are “recommended” but are intended as a discussion point for development of dispute resolution processes and IIA is open to considering changes through a Memorandum of Understanding.

The dispute resolution appears sufficient. To note, the Petition states that “cost of the mediator shall be split equally between the District and Irvine International Academy.” (p. 197)

O. Procedures for Charter School Closure / Disposition of Assets and Liabilities / Transfer of Records

The Petition does not adequately describe the closure process and closure-related activities, in accordance with the “minimum” description of procedures required under Education Code section 47605(b)(5)(O). Phrased in future tense, the Petition explains that any notice of closure “will also include the name(s) of and contact information for the person’s to whom reasonable inquiries may be made regarding the closure.” (p. 198) By failing to designate this entity, for purposes of assigning responsibility for the transfer of pupil records, including those relating to special education and all state assessment results, the Petition poses significant set-backs to students’ educational experience in the event of a closure. (Education Code § 47605(b)(5)(O); 5 CCR § 11962.)

VI. *Declaration of whether charter school shall be deemed exclusive public school employer of the employees of the charter school for purposes of the Educational Employment Relations Act*

October 10, 2019

Page 14

*(Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code).*

This affirmation is present on pages 5 and 160 and appears to be sufficient.

#### **STAFF RECOMMENDATION**

Based on a thorough review of the petition, for reasons including but not limited to those outlined above, District staff recommends the Board approve Option 3 and deny IIA's Petition. Staff has prepared Resolutions for each Option, recognizing that the ultimate decision-making authority vests with the Board.