



STAFF ANALYSIS, RECOMMENDATIONS, AND RECOMMENDED FINDINGS OF FACT REGARDING EXCEL ACADEMY CHARTER SCHOOL – IRVINE CHARTER PETITION

**PUBLISHED MAY 4, 2026
BOARD MEETING MAY 19, 2026**

The Charter Schools Act of 1992 (“CSA,” Ed. Code¹ § 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. The Board’s consideration and action on a charter petition is governed by the standards, criteria, and procedures set forth in Education Code Section 47605.

On or about February 2, 2026, Excel Charter Academy Charter School – Irvine submitted a Charter petition (“Charter”) to the District, seeking approval for a term of July 1, 2026, through June 30, 2031. The petitioners submitted the Charter based on gathering teachers’ signatures. As required by the CSA, the District Board held a public hearing on the provisions of the Charter on March 10, 2026. 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 proposed Excel Charter Academy Charter School – Irvine is part of a larger charter network operated by Excel Academy Charter Schools, a California nonprofit public benefit corporation, which currently has two authorized charter schools serving students across multiple counties, including Orange County. Throughout this Staff Analysis, Recommendations, and Recommended Findings of Fact (“Staff Analysis”) the proposed Excel Charter Academy Charter School and its corporate operator, Excel Academy Charter Schools, shall be referred to individually, collectively, and interchangeably as “Excel” or “Charter School.” Excel proposes a nonclassroom based TK-12 charter school.

The Governing Board has 90 days from receipt of the Charter, unless the parties agree to an extension up to 120 total days, to act on the submitted Charter. (§ 47605(b).) Excel and the District agreed to extend the timelines for Board action on the Charter. This Staff Analysis sets forth District Staff’s recommendations to the Board, including the recommended findings, regarding action on the Charter, which will be agendized for the Board’s May 19, 2026, meeting.

LEGAL STANDARD

The CSA provides that in considering charter petitions, the District Board “shall be guided by the intent of the Legislature that charter schools are and should become an integral part of the California educational system and that the establishment of charter schools should be encouraged.” The Board is to grant a charter if doing so is consistent with sound educational practice and the

¹ All further statutory references are to the Education Code.

BOARD OF EDUCATION

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interests of the community where the school will be located, and the Board is to consider the academic needs of the students the Charter School proposes to serve. (§ 47605(c).)

Pursuant to Section 47605:

- I. The Board must hold a public hearing on the provisions of the charter at which it considers the level of support for the charter by teachers, other employees, and parents/guardians. (§ 47605(b).) The Board held this public hearing on March 10, 2026.
- II. The Board shall grant the Charter if it is satisfied that doing so is consistent with sound educational practice and with the interests of the community in which the Charter School proposes to locate. The Board shall consider the academic needs of the pupils the Charter School proposes to serve. The Board shall not deny the Charter unless it makes written factual findings, specific to the particular charter, setting forth specific facts to support one or more of the following findings (§ 47605(c)(1)-(8)):
 - A. The Charter School presents an unsound educational program for the pupils to be enrolled in the charter school.
 - B. The petitioners are demonstrably unlikely to successfully implement the program set forth in the Charter petition.
 - C. The Charter petition does not contain the number of signatures required by Education Code Section 47605(a).
 - D. The Charter petition does not contain an affirmation of each of the conditions described in Education Code Section 47605(e).
 - E. The Charter petition does not contain reasonably comprehensive descriptions of all the required elements.
 - F. The Charter petition does not contain a declaration of whether or not the Charter School shall be deemed the exclusive public employer of the employees of the Charter School for purposes of the Educational Employees Relations Act (EERA).
 - G. The Charter School is demonstrably unlikely to serve the interests of the entire community in which the school proposes to locate.
 - H. The District is not positioned to absorb the fiscal impact of the proposed Charter School.
- III. The Board is to require Charter petitioner(s) to provide information regarding the proposed operation and potential effects of the proposed Charter School, including but not limited to:

- A. The facilities to be used by the school, including specifying where the Charter School intends to locate.
- B. The manner in which administrative services of the school are to be provided.
- C. Potential civil liability effects, if any, upon the Charter school and the District.
- D. Financial statements that include a first-year operational budget, including startup costs, cash flow, and financial projections for the first three years of operation.
- E. The names and relevant qualifications of all persons whom the petitioner nominates to serve on the Charter School nonprofit corporation's board of directors.

At the May 19, 2026, meeting, the Board may select one of the following:

- **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 satisfying the conditions or, alternatively, denying the Charter
- **Option3:** Deny the Charter

CHARTER PETITION REVIEW

District Staff's analysis of the Charter in accordance with the standards for approval or denial of a charter petition, and Staff's recommendations and recommended findings regarding the Board's consideration and action on the Charter, are set forth below. As detailed below, District Staff recommends the Board choose Option 3 and deny the Charter, for the reasons specified herein and in the proposed Resolution of Denial.

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

Part of any assessment and analysis of a charter is consideration of whether the petitioners have presented a legally and educationally appropriate petition and have not simply relied upon or been guided by findings made in prior denials of their charter as a roadmap for approval. For these reasons, District Staff has determined that in recommending denial of Excel's Charter, it is most appropriate to limit its analysis, recommendations, and recommended findings to those issues and findings on which bases District Staff is recommending the Board deny the Charter at this time. This Staff Analysis is not exhaustive and will not go through each component and element of the Charter, but it will focus on those matters that form the basis for the recommendations and recommended findings of denial set forth herein.

If the Board were to choose Option 2, Staff recommends the conditions of approval require the proposed MOU to address all of District Staff's and/or the Board's issues and concerns with the Charter as submitted, whether or not such issues and concerns are specifically addressed in this Staff Analysis.

The complete Charter the Board is acting on is available for review at: https://simbli.eboardsolutions.com/SB_Meetings/ViewMeeting.aspx?S=36030267&MID=56776&enIID=pqSNebJEFJzOQs6HbzplusJ3Q%3D%3D&srch=excel&ktype=Exact&Tab=Agenda

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

The description of Excel's educational program fails to present a sound educational program. Specific areas of concern include:

- A. Information about the academic performance at existing schools in the charter network causes concern, and those concerns are not addressed or alleviated by the description in the Charter. Before expanding its network of schools, Excel should address the academic performance issues at its existing schools.
 - 1. District analysis of provided data shows that sixth graders are performing below the state standard (negative Distance from Standard ("DFS")). Specifically, students enrolled for three-plus years at an Excel school have an average DFS of -17, while those enrolled for less than three years have an average DFS of -6. The lower performance of the network's continuously enrolled students compared to newer enrollments is not explained and indicates there is a decline in student academic achievement over time enrolled in Excel schools.
 - 2. According to the California Dashboard, under College/Career, 63.6% of the Class of 2023 and 37.5% of the Class of 2024 for the Excel school authorized by Helendale Elementary ("Excel-Helendale") and 43.2% of the Class of 2023 and 52.4% of the Class of 2024 for the Excel school authorized by Warner Unified ("Excel-Warner") were deemed "Not Prepared." The Charter fails to explain these concerning statistics or describe intervention strategies Excel would utilize to ensure that students are prepared for College/Career, and the outcomes from its current network

schools indicate Excel students are not, and students anticipated to be enrolled in the proposed Charter School will not be, so prepared.

3. The percentage of students who met or exceeded ELA standards at Excel-Helendale was 75.87%, whereas for Math it was 55.17%. For Excel-Warner, students meeting or exceeding ELA standards was 76.79%, compared to 41.07% for Math. Based on this CAASPP data, there is an unexplained, significant gap for 11th-grade students between ELA and Math, and the Charter does not include specifics of a plan to close that gap.
- B. The Charter failed to detail the specific instructional approaches and strategies utilized to deliver the core curriculum through its non-classroom-based model.
 - C. The Charter failed to explain how Excel would verify the quality of instruction at home and/or what its protocols would be if a parent is unable to deliver the curriculum effectively.
 - D. The Charter fails to identify the specific objective rubrics teachers would use to ensure that work assigned to an independent student truly equates to a full day of instruction.
 - E. The Charter fails to include either the academic calendar or information on the instructional minutes offered by Excel. Further, the Charter does not explain how the Charter School would document and report instructional minutes to ensure compliance with legal requirements for non-classroom-based models.
 - F. High school graduation requirements are not fully defined in the Charter. The Charter specifies that the graduation requirements will, at minimum, be those required for graduation from California non-charter public schools. It also references graduation requirements at the charter network's existing schools, but it does not specify the graduation requirements that would apply to this Charter School. In order for the educational program description to be reasonably comprehensive and for the District to determine if it is sound, the Charter must define the graduation requirements, which are a fundamental component of the overall proposed program. Moreover, the District would not authorize a charter school unilaterally to modify its graduation requirements, as such changes would be a material revision to the Charter, and could potentially dramatically alter the nature of the educational program. For example, the addition of new or different graduation requirements could foreseeably result in encouraging disenrollment by students who are not on track to meet those revised requirements. Similarly, such changes could discourage some students from applying to attend Excel, including based on their prior academic performance.
 - G. Special Education.
 1. The Charter does not adequately detail how Excel will effectively guarantee a Free Appropriate Public Education (FAPE) in the Least Restrictive

Environment (LRE) for students with moderate-to-severe disabilities given that the primary instructional delivery relies on parental capacity.

2. The Charter does not describe how Individualized Education Programs (IEPs) requiring full-day instruction or in-person related services (e.g., OT, PT, APE) are supported through Excel's virtual program.

H. The Charter makes vague references to universal screening, progress monitoring, and benchmark assessments, but it does not provide specific, measurable information either to verify that the program proposal is educationally sound or to which Excel can be held accountable. Additionally, the Charter lists specific data and assessment tools, but the pupil outcomes and outcome targets are vague references, such as "increased performance" or "make progress," without specific, measurable targets for growth.

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

All the issues and concerns detailed above and below are incorporated herein by this reference. These issues, concerns, and defects in the Charter, including, but not limited to, the lack of explanation and a plan to remediate at the proposed Charter School the identified academic underperformance issues from the related current schools; failure to provide detailed information about measurable pupil outcomes and the means of measuring pupil progress; and the lack of specific commitment to protect the District and Excel from the potential civil liability effects of the proposed Charter School, are all matters directly related to the successful implementation of the proposed Charter. Excel's failure properly and fully to develop and describe these matters in the Charter directly evidences gaps in the plan and Excel's ability to implement it successfully.

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

Excel submitted the Charter on the basis of signatures of teachers indicating they are meaningfully interested in teaching at the proposed Charter School. While Excel did not specify the number of teachers it anticipates hiring in the first year of operation, the District estimates 12 based on its proposed first year enrollment. Excel submitted 12 teacher signatures. However, each of the 12 teachers who signed the Charter petition are currently "teachers of record" at existing charter schools within the Excel network. This indicates that Excel has not identified any teachers who are actually meaningfully interested in teaching at the Excel Charter School proposed by the Charter submitted to the District. It appears to be highly unlikely that each of these teachers (including teachers who currently work in other counties) would leave their current positions with Excel to work at the newly proposed school. Instead, it is evident that Excel either simply requested signatures from existing teachers in order nominally to meet the requirements for submission of the Charter to the District, though those teachers are not actually meaningfully interested in working at this particular proposed school to operate within the District's boundaries, or, even more concerning, that Excel actually would employ and permit these teachers to be teachers of record at the newly proposed Irvine Excel school while also continuing to work in their current positions for another Excel charter school(s).

A clearly anticipated result of the latter approach would be that these teachers would actually exceed the statutory limit for the number of nonclassroom-based students charter school teachers are permitted to serve by counting students enrolled in different Excel schools separately, thereby potentially doubling or even tripling each individual teacher's permitted student load. Such an outcome would be educationally unsound. The District believes either (1) the teachers would be unable to provide the educational services and student support necessary to a sound educational program with an excessive student load, or (2) the program as implemented by Excel does not require adequate educational program implementation by its distance learning teachers.

Thus, taken as a whole, District Staff finds that Excel did not properly comply with the teacher signature requirement, because its current employees are not actually meaningfully interested in teaching at the proposed Charter School. Alternatively, if Excel is planning to allow these teachers to carry multiple student caseloads by working for multiple Excel schools, District Staff finds such an approach is calculated to evade and circumvent the important student:teacher ratios established by law and that such approach would compromise the educational integrity and soundness of the proposed Charter School.

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

For the description of each element to be considered "reasonably comprehensive," it is not enough for the Charter to include a description, but, rather, the description should be legally compliant, be acceptable to the District, and be consistent with and not contrary to the District's standards and expectations for charter schools under its oversight and the standards for approval of a charter.

The Charter failed to contain reasonably comprehensive descriptions of all the required elements. Examples of this defect are set forth below.

A. Description of the Educational Program:

The above-described concerns regarding the educational program are incorporated herein by this reference and establish that the Charter does not include a reasonably comprehensive description of this element.

B. Measurable Pupil Outcomes:

The above-described concerns related to the lack of measurable pupil outcomes are incorporated herein by this reference and establish that the Charter does not include a reasonably comprehensive description of this element.

C. Method for Measuring Pupil Progress in Meeting Pupil Outcomes:

The above-described concerns related to the limits and defects in the description of the means of measuring pupil progress in meeting pupil outcomes are incorporated herein by this reference and establish that the Charter does not include a reasonably comprehensive description of this element.

D. Governance Structure:

The Charter indicates that this Charter School would be a direct funded, independent charter school operated by Excel Academy Charter Schools, a tax-exempt California 501(c)(3) nonprofit public benefit corporation. The corporate board of directors may have three to nine directors. The District believes a three member board is too small to provide for the appropriate level of input and accountability necessary for sound operation of a charter school. This is exacerbated by the fact that decisions of the board apparently may be taken by a majority of a quorum rather than a majority of the entire board, meaning that a minority of the board may take any action relative to the Charter School's operations. For example, a quorum of a five member board is three, so a mere two members of the board may make any and all corporate decisions, including all decisions governing the proposed Charter School's operations. A quorum of a three member board would be only two members.

The Charter states all directors are designated at the board's annual meeting, and the corporate bylaws specify all directors are elected by a majority vote of the directors then in office. While briefly acknowledging the District's legal right to appoint a representative to the board of directors, the Charter and bylaws fail to acknowledge and provide that any District representative is not subject to the appointment, removal, and term provisions applicable to other directors.

The Charter discusses the initial terms of the directors and some information about how future director terms will be determined, but this corporation has been operating for more than 10 years, so this discussion is outdated and appears to have been cut and pasted from an earlier network charter. The discussion of board responsibilities specifies the board will work with the Excel superintendent to fulfil its major responsibilities and seems to conflate the Excel superintendent's and board's respective responsibilities rather than clearly delineating matters that will remain the board's responsibility.

District Staff believes the description of this element is not reasonably comprehensive.

E. Admission Policies and Procedures:

The Charter proposes the following admission preferences in the following order:

1. Siblings of students admitted to or attending the Charter School;
2. Children of Charter School staff;
3. Students who have been previously enrolled in the Existing Schools;
4. Residents of the District;
5. All other applicants

Other than a preference for District residents, it is within the discretion of the District Board whether to approve the requested preferences.

It would be necessary for Excel to be able to describe, to the District Superintendent or designee's satisfaction, how the proposed preference for siblings of admitted pupils would be implemented

without negatively impacting students who were already drawn for admission in earlier rounds of the same public random drawing (lottery).

If the District Board were to adopt Option 1 (approval) or Option 2 (conditional approval), District Staff recommends that it only conditionally approve the preference for siblings of admitted pupils, with a requirement that the proposed means of implementing that process be detailed and included in a written memorandum of understanding to the District Superintendent or designee's satisfaction, or that preference is denied. This condition is included in the proposed resolutions for Options 1 and 2.

F. Independent Financial Audits:

The Charter incorrectly asserts, "Any disputes regarding the resolution of audit exceptions and deficiencies shall be referred to the dispute resolution process contained in this charter." The CSA requires that the Charter describe how audit exceptions and deficiencies will be resolved to the satisfaction of the chartering authority. As such, Excel would be required to resolve any exceptions and deficiencies to the District's satisfaction and cannot require a disagreement on such resolution to be subject to the Charter's dispute resolution procedures. As such, District Staff finds the description of this element is not reasonably comprehensive.

G. Closure Procedures

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(c)(5)(O). There are no details or timelines, and the description does not include substantive plans for the maintenance and transfer of pupil records. Additionally, the plan for disposing of assets is inconsistent with the requirements of CalSTRS Employer Directive 2026-1 (which was issued before the Charter was submitted), thus preventing participation in the State Teachers Retirement System as provided for in the Charter. Phrased in future tense, the Petition explains that any notice of closure "will also identify an entity and person or persons responsible for closure-related activities." By failing to designate this entity and person for purposes of assigning responsibility for the transfer of pupil records, including those relating to special education and all state assessment results, particularly given the lack of a plan for the handling of such records, the Charter poses significant risk of set-backs to students' educational experience in the event of a closure

V. The Charter School is demonstrably unlikely to serve the interests of the entire community in which the school proposes to locate.

Excel would substantially undermine the District's existing Irvine Unified School District Virtual Academy ("IVA"), which offers programming significantly similar to that offered by the proposed Charter School. IVA offers both asynchronous and synchronous (hybrid) virtual program options in K-12 to support unique student needs, including District-wide secondary credit recovery programs for students that include a part-time blended in-person component at San Joaquin High School ("San Joaquin"). Both IVA and the proposed Excel offer A-G compliant curriculum and personalized learning paths, and the opening of Excel as a competing and closely similar virtual

program operating in the District would substantially undermine IVA in a variety of reasonably anticipated ways.

- **Loss of Students:** A loss of students from the District’s IVA program would be anticipated through Excel drawing off current and projected students. As required by law, District residents have admission preference to this proposed Excel school.
- **Loss of Staff and Program Offerings:** A loss of students would undermine existing IVA staffing, thus forcing a reduction in course offerings further impacting enrollment.
- **Fragmentation of Specialized Resources:** The District has invested heavily in a localized virtual infrastructure (San Joaquin) that integrates counseling, mental health services, and District-specific curriculum. A competing Charter School diverts the Average Daily Attendance (ADA) funding necessary to sustain these specialized support staff who are uniquely trained in the District’s “Continuous Improvement” standards. Similarly, with the K-6 program, alignment with the District’s specialized STEM and Fine Arts Program would be disrupted with complex disruptions to the District’s staffing and employment schedules.
- **Impact on Secondary Course Breadth:** IVA Secondary’s ability to offer a wide array of A-G electives and AP courses depends on hitting specific enrollment thresholds. Diversion of students to Excel would likely directly cause the reduction of advanced or niche course offerings (e.g., specific world languages or CTE pathways) due to lower enrollment numbers, effectively undermining the academic richness available to current and future IVA students.
- **Localized Ecosystem Disruptions:** Unlike Excel, IVA is part of the District ecosystem, allowing students to participate in District-wide athletics, arts, and extracurriculars, and in the K-6 arena, participate with one of the District’s local brick and mortar schools for community events, etc. Excel would create a “siloed” educational experience that undermines the benefits of maintaining a cohesive community and integrated student services. Excel’s similar educational program would provide lesser services and opportunities to local students than does the current IVA program.
- **Fiscal Stability of Virtual Infrastructure:** Maintaining a District-run virtual school involves fixed costs (technology platforms, digital licensing, and administrative oversight). Loss of enrollment to the proposed Excel increases the District’s per-pupil cost for the remaining students, threatening the long-term viability of the District’s virtual option.
- **Sufficient Capacity:** IVA has sufficient capacity to serve increased student enrollment at all grade spans. Current staffing at IVA for 2025-2026 and beyond is in place to expand the synchronous and asynchronous programs and can absorb the students proposed to be served by Excel.
 - During the pandemic, the District demonstrated its ability to rapidly scale virtual offerings to thousands of students nearly overnight. The infrastructure for rapid expansion (Learning Management Systems, digital curriculum, and administrative workflows) is already in place to allow IVA’s expansion to meet student needs.

- The District’s San Joaquin model is designed to be scalable. If demand increases, the District can reassign or hire additional credentialed staff to meet that demand within IVA’s existing framework.
- The District has the physical and digital infrastructure to serve all resident students who desire a virtual education. If the number of District students Excel projects to be interested in a virtual educational program actually exists within the District’s boundaries, the District is prepared to accommodate them within IVA, making Excel’s proposed program a redundant duplication that would substantially undermine IVA and offer students fewer benefits and opportunities than are available through IVA.
- In addition to the very significant undermining of the District’s existing IVA program posed by the Excel proposal, the Charter School would have a substantial negative fiscal impact on the District. Were Excel to enroll the 169 District students it projects in year one, the District would suffer a funding loss in excess of two million dollars, which would, in turn, directly undermine the District’s operations, including its ability to continue operating IVA, particularly in the manner and with the course and program offerings currently available.

VI. Additional Required Information

A. Civil Liability Effects:

1. The Charter’s description of civil liability effects on the District and the Charter School is inadequate. While it does mention that Excel intends to enter into an agreement to indemnify the District, such indemnification, defense, and hold harmless provisions would necessarily have to comply with the District’s risk management standards and requirements and must fully protect the District from potential liabilities as it would be the Charter School’s operations that would expose the District to any such potential liabilities. Inexplicably, the Charter specifies that Excel intends to enter into an agreement with the District which, among other terms, provides for “[m]utual indemnification from loss.” Such a provision is not acceptable. It is the Charter School that is seeking to operate within the District and under the District’s oversight, and it is the Charter School that is thereby responsible for creating the potential for liability, so the Charter School must indemnify the District, the District will not indemnify the Charter School.
2. Additionally, the brief representations that the Charter School intends to maintain a few types of insurance coverage, without details of types, amounts, terms, and/or coverage, including for the District as well as Excel, do not comport with the District’s risk management standards, again exposing the District, Excel, and their respective stakeholders to substantial potential liability. Should the District Board choose to approve or conditionally approve the Charter, any such approval should be conditional on the Charter School entering into a memorandum of understanding that

binds Excel to indemnify, defend, and hold harmless the District and its representatives and further requires Excel to obtain and maintain at all times the types and amounts of insurance coverage on the terms that comply with the District's risk management standards.

STAFF RECOMMENDATION

Based on a thorough review of the Charter, for reasons including but not limited to those outlined above, District staff recommends the Board approve Option 3 and deny Excel's Charter and adopt the corresponding resolution making written factual findings supporting that denial by adopting and incorporating this Staff Analysis and the findings of fact set forth herein. Staff has prepared Resolutions for each Option, recognizing that the ultimate decision-making authority is vested in the Board.

Supplemental Documents:

Draft Resolutions for the Board of Education's Consideration at the May 19, 2026 Board Meeting include:

- Option 1 – [Approval of Excel Academy Charter Petition](#)
- Option 2 – [Conditional Approval of Excel Academy Charter Petition](#)
- Option 3 – [Denial of Excel Academy Charter Petition](#)