

**KCSOS Staff Report
Education Outside the Box
September 28, 2026**

I. Proposed Petition: Countywide

Education Outside the Box (EOTB) proposes to establish a new nonclassroom-based countywide charter school to serve grades TK-8 within the Norris School District. Future planned expansions include enrichment centers in the Tehachapi Union School District in 2029-30 and Panama Buena Vista School District in 2030-31.

II. Proposed Options for Board Action

The Board can take action to either grant or deny the proposed Charter Petition as follows:

1. **Deny the Petition** and adopt, as findings of fact, the Proposed Findings identified in the Staff Report, concluding the Countywide Petition did not meet the requirements of Education Code Section 47605.6(a)(1) and (b).
2. **Grant the petition** and reject the findings determination in this Staff Report that the petition does not meet all of the required threshold findings required by Education Code Section 47605.6(a)(1) and (b). The petition shall be granted for a 5-year term, commencing July 1, 2027, and concluding June 30, 2032, provided that a Memorandum of Understanding between the Charter School and KCSOS is signed prior to the commencement of the new term.

III. Legal Considerations and Procedural Background

Legal Considerations

California law allows charter schools to be authorized in different ways. Most charter schools first petition a local school district. A countywide benefit charter, however, may petition a county board of education directly and operate at one or more sites within the county. Countywide benefit charters were added to state law in 2003 and are subject to additional requirements. In particular, the county board must determine that the proposed educational services cannot be provided as well by a charter school operating in only one school district and that there is a reasonable justification for establishing the school through the county rather than through a local school district.

This is different from a charter petition that comes to a county board on appeal after being denied by a school district. A countywide petition is not an appeal of a district decision. It is a separate authorization pathway with its own legal standards under Education Code section 47605.6.

The legal standard is also different. For a petition submitted to a school district under Education Code section 47605, the law provides that the district “shall not deny” the petition unless it makes specified findings. For a countywide petition under Education Code section 47605.6, the county board “shall deny” the petition if it makes one or more of the findings identified in law.

If a countywide petition is denied by the county board, the petitioner may not appeal that denial to the State Board of Education.

Procedural Background

The County Board is required to hold a public hearing within 60 days of receiving the petition to consider the level of community support. A final decision to grant or deny the charter petition must be made within 90 days of receipt, unless both parties agree to extend the timeline by up to 30 days.

On July 17, 2026, Petitioner submitted a charter petition to the County Board to establish Education Outside the Box as a countywide charter school authorized by the County Board pursuant to Education Code section 47605.6. The County Board held a public hearing on September 8, 2026 to consider the terms of the Petition and the level of support for the proposed Charter School by parents/ guardians, teachers, and community members. Board action is scheduled to take place at the Board meeting of October 13, 2026.

KCSOS Staff and legal counsel reviewed the Petition and developed proposed findings of fact for consideration by the Board. This report and any other staff recommendations shall be published at least 15 days before the public hearing at which the Board will either grant or deny the charter.

IV. Board’s Authority

The Board is responsible for evaluating and making the final determination to approve or deny a charter school petition. In doing so, the Board has the authority to assess whether the findings of fact presented in the staff report support approval or denial, in accordance with criteria established in Education Code Section 47605.6.

V. Findings

KCSOS assembled a multidisciplinary team of staff and subject-matter experts to review the Education Outside the Box Petition. The review team brought expertise in charter school oversight, curriculum and instruction, fiscal and business services, governance and legal requirements, special education, multilingual learners, human resources, and other areas relevant to the proposed charter school. Reviewers examined the Petition and supporting documents within their respective areas of expertise and considered the applicable requirements of Education Code section 47605.6. The following findings reflect the collective review of the Petition and are provided to assist the Board in its consideration of the Education Outside the Box Petition. The findings are intended to capture the essential issues relevant to the Board’s decision regarding approval or denial.

Requirements for Countywide Benefit Petitions

Countywide Charter Threshold Findings

The standard for approving a countywide charter school is higher than for a district authorized charter. Before a county board of education can approve a countywide charter petition, it must make several specific findings required by law.

The County Board may approve a countywide charter petition only if it is satisfied that:

1. The educational services to be provided by the charter school will offer services to a pupil population that will benefit from those services (Education Code §47605.6(a)(1)), **AND**
2. The Petition must explain why these pupils cannot be served as well by a charter school that operates in only one school district in the county (Education Code §47605.6(a)(1)); **AND**
3. Granting the charter is consistent with sound educational practice (Education Code §47605.6(b)); **AND**
4. The charter school has provided reasonable justification for why it could not be established by petition to a school district pursuant to Section 47065 (Education Code §47605.6(b)).

Staff Findings

The staff evaluation of the Petition concluded that the charter petition does not satisfy the legal **requirements for approval under Education Code §47605.6(a)(1) and (b)**. Further, the charter petition contains several deficiencies that independently and collectively provide a **statutory basis for denial under Education Code §47605.6(b)(1) through (7)**. Based on the petition's failure to satisfy the requirements of Education Code §47605.6(a)(1), (b), and the denial criteria set forth in section 47605.6 (b)(1)-(7), it is the staff recommendation that the County Board deny this petition.

The section below explains in more detail the specific areas where the Petition does not meet the requirements under the Education Code supporting the staff's determination.

Threshold Findings

The threshold findings below address whether the Petition satisfies the requirements that apply specifically to a countywide charter school. Each finding considers the relevant information presented in the Petition and whether that information is sufficient to support the findings the County Board must make before approving a countywide charter. Because these requirements are cumulative, the Board must be able to make each required finding in order to approve the Petition.

1. Pupil Population and Educational Benefit

Finding: Not Met

The petition identifies a proposed student population primarily drawn from the greater Bakersfield region and describes anticipated enrollment that includes approximately 54% socioeconomically disadvantaged pupils, 13% English learners, and 10% students with disabilities. It further identifies families seeking a personalized and flexible schedule, greater parental involvement, small-class instruction, life-skills development, and a safe, family-centered educational environment as those most likely to benefit from the proposed program. The petition describes a hybrid, home-based model supported by Home Learning Coaches, individualized learning plans, project-based and experiential learning, enrichment opportunities, and family participation. These features could provide educational benefit to students and families who prefer or require greater flexibility, individualized pacing, and a stronger home-school partnership.

However, the petition does not clearly define the specific pupil population for whom these services are intended or sufficiently demonstrate how the identified educational needs are distinct from those of students currently served through existing public educational programs. Rather than identifying a clearly defined pupil population with specific educational challenges, barriers to access, or unmet academic needs, the petition primarily describes characteristics of families who may prefer the proposed instructional model. The petition therefore provides limited evidence that the proposed program is designed to address the needs of a particular pupil population that is not already adequately served through existing public educational programs.

The petition also presents inconsistent assumptions regarding the population it anticipates serving. The Target Learner Population section identifies approximately 54% socioeconomically disadvantaged pupils, 13% English learners, and 10% students with disabilities, while the budget narrative assumes approximately 75% FRPM-eligible pupils (Free and Reduced Price Meals), 85% unduplicated pupils, and 15% English learners. These discrepancies make it difficult to determine the population the Charter School actually anticipates serving and to evaluate whether the proposed educational program, staffing, services, and financial assumptions are aligned to that population.

In addition, the petition does not sufficiently explain how the educational benefits of the proposed model differ from those available through existing nonclassroom-based options. The Kern County Board of Education currently authorizes Valley Oaks Charter School, which provides home-based learning, parent-directed educational options, and services across geographically diverse portions of Kern County.

Staff further notes that the petition's financial projections assume an unduplicated pupil percentage of 85%. This assumption appears inconsistent with the demographic profile described in the petition and is significantly higher than the unduplicated pupil percentage reported by VOCS, the most comparable nonclassroom-based program

authorized by the Board. The petition does not provide sufficient supporting data or analysis explaining how it will enroll and maintain an unduplicated pupil population at the projected level. As a result, the petition's revenue assumptions are too aggressive and are not adequately supported by the evidence presented in the petition.

The petition does not provide objective evidence demonstrating that the identified pupil population will benefit from the proposed educational services. While the petition describes the features of the educational program, it provides limited data, research, survey information, parent interest information, waitlist data, or needs assessments demonstrating that the proposed student population has educational needs that will be improved through the proposed instructional model.

2. Students Cannot Be Served as Well in a Single District
Finding: Not Met

The petition does not provide substantial evidence supporting the finding required by Education Code section 47605.6(a)(1) that the proposed pupil population cannot be served well by a charter school operating in a single district. The petition identifies perceived benefits of the proposed educational model but does not explain why those services cannot be provided through a district authorized charter school. The petition does not provide a reasonable justification such as operational obstacles, inability of any district to support the proposed model or any unique features requiring county authorization.

A countywide charter must demonstrate that the target population cannot be served as well through a charter school operating within a single school district. The petition fails to provide information relating to geographic data, transportation barriers, and demographic analysis showing a countywide need. The petition assumes that countywide authorization is necessary to provide countywide access, but does not explain why a district authorized nonclassroom-based charter could not serve that same student population. The petition fails to demonstrate that students residing outside a particular district would be unable to access a district authorized nonclassroom-based charter offering similar services.

Additionally, the petition does not demonstrate that existing educational alternatives are unable to serve interested students. The petition fails to identify gaps, capacity limitations, geographic barriers, enrollment restrictions, or unique student populations that are not already served through Board approved charters such as VOCS.

The petition does not contain sufficient evidence to support that the proposed students cannot be served as well through a single District as required under Education Code section 47605.6(a)(1).

3. Sound Educational Practice

Finding: Not Met

Education Code section 47605.6(b) does not explicitly define sound educational practice; established California charter authorization standards look to Title 5, California Code of Regulations section 11967.5.1(a) for definitive guidance. Under that regulation, a sound educational practice is defined as a program that is likely to be of educational benefit to pupils who attend. In evaluating a petition, the Board should look at whether the operational designs, administrative structure, governance systems and instructional pathways are internally consistent, legally compliant, and reasonably designed to enable successful implementation of the charter school.

Although staff does not find that the proposed educational model is inherently unsound, the petition does not provide sufficient information and programmatic detail for the County Board to conclude that granting the charter is consistent with sound educational practice. Significant deficiencies remain in the development of services for English learners and students with disabilities, academic intervention systems, subgroup goals and actions, measurable pupil outcomes, and methods for monitoring pupil progress. These deficiencies are addressed in greater detail in the findings regarding the required charter elements.

Several sections of the petition contain inconsistencies regarding the anticipated student population, enrollment assumptions, projected unduplicated pupil percentages, and the educational needs the charter school intends to address. Additionally, the petition provides limited evidence supporting the reasonable justification for countywide establishment and does not clearly identify a distinct pupil population with unmet educational needs. Collectively, these deficiencies limit the County Board's ability to determine that the petition is reasonably likely to be successfully implemented and that granting the charter would be consistent with sound educational practice.

4. Reasonable Justification for the Inability to be Established by a Local District

Finding: Not Met

Under Education code section 47605.6(a)(1), a countywide charter may only be granted if the educational services will benefit a population that cannot be served as well by a charter school operating in only one school district. The petition asserts that countywide authorization is justified because its hybrid program reduces private affidavit homeschooling, expands social outlets via weekly Friday gatherings and allows families across district lines to choose the most convenient location. However, the petition fails to provide sufficient evidence demonstrating a countywide need for the proposed educational program. The petition does not provide survey data, enrollment studies, waitlist information, or other objective evidence supporting those assertions. The statutory standard requires more than an assertion that countywide authorization is preferred. The programmatic model described is a standard

nonclassroom-based independent study model that can be authorized by any single local school district.

Further the petition does not explain why a district authorized nonclassroom-based charter could not provide the same services to the identified student population. Charter schools operating independent study programs are not necessarily limited to serving only students residing within the authorizing district, and the petition does not identify a legal or operational barrier preventing the proposed program from operating through a single district authorizer.

A countywide benefit is not established merely because students cross district boundaries to attend. Further, the petition lists a single program location from which the program will initially operate. As a result, the record suggests that the request for countywide authorization is based principally on operational flexibility and future expansion rather than a demonstrated countywide educational need.

Further, the petition does not adequately address existing educational alternatives available to Kern County students. The Kern County Board of Education currently authorizes Valley Oaks Charter School (“VOCS”), a nonclassroom-based charter school that provides home-based learning with opportunities for enrichment and socialization on campus. VOCS already provides substantially similar personalized learning, parental partnership opportunities, independent study instruction and home-based educational services proposed by EOTB. As a result, the petition fails to demonstrate that the student population cannot be served as well by existing frameworks.

The petition does not identify capacity limitations, geographic barriers, service gaps, enrollment restrictions, or unmet student needs that would prevent interested students from accessing comparable services through existing educational options. The proposal therefore represents a substantially duplicative offering of countywide educational services, and it does not satisfy the heightened statutory burden required for countywide authorization under Education Code §47605.6.

Statutory Basis for Denial

If the Petition meets the countywide threshold requirements described above, the Board must also determine whether it satisfies the additional requirements of Education Code section 47605.6(b)(1)-(7).

The County Board **shall deny** a countywide charter petition if it finds one or more of the following:

1. The proposed educational program is not sound for the students the school intends to serve.
2. The petitioners are **unlikely to successfully implement the proposed program**.
3. The petition does not include the **required number of signatures**.
4. The petition does not include the **required legal affirmations**.
5. The petition does not provide reasonably comprehensive descriptions of the required charter elements, including:
 - Element 1: Educational program
 - Element 2: Measurable pupil outcomes
 - Element 3: Measuring pupil progress
 - Element 4: Facility locations
 - Element 5: Governance & Parent Involvement
 - Element 6: Employee qualifications
 - Element 7: Health and safety
 - Element 8: Pupil population balance
 - Element 9: Suspension, expulsion, and involuntary removal
 - Element 10: Retirement systems
 - Element 11: Dispute resolution
 - Element 12: Admission Policies
 - Element 13: Attendance alternatives
 - Element 14: County office employee rights
 - Element 15: Closure procedures
6. The petition does not state whether the charter school will be the **exclusive public school employer** of its employees under the Educational Employment Relations Act.
7. The Board identifies another basis that justifies denial of the petition.

Statutory Findings: The staff findings below address whether the Petition satisfies the additional requirements of Education Code section 47605.6(b)(1)-(7). These findings consider the soundness of the proposed educational program, the petitioners' capacity to implement the program, and whether the Petition includes the required legal provisions and reasonably comprehensive descriptions of each required charter element. If the Board determines that one or more of the statutory grounds for denial apply, the Petition would not satisfy the requirements for approval under Education Code section 47605.6.

I. Unsound Educational Program

Education Code section 47605.6(b)(1) does not define an unsound educational program. However, it is established practice to use the guidance under Title 5, California Code of Regulations section 11967.5.1(b)(1) or (2) to evaluate the charter petition. Under this regulation, an unsound educational program is defined as a program that (1) involves activities that present a likelihood of physical, educational, or psychological harm to the students, or (2) a program that is not likely to be of educational benefit to the pupils who attend.

The petition presents an unsound educational program in the following areas:

1. Failure to provide a clear distinction between administrative removal from the independent study program and disenrollment from the charter school itself. Education Code section 51747 requires an evaluation to determine whether it remains in the pupil's best interest to participate in independent study or whether the pupil should return to the regular school program. However, the proposed charter school does not offer a classroom-based instructional program and does not explain how it would implement this statutory safeguard when a student is determined to be unsuccessful in independent study. As a result, the Petition's involuntary removal procedures appear to function as a mechanism for disenrollment from the charter school rather than a transition to a regular school program as contemplated by Education Code section 51747. Because the charter school's instructional model is exclusively independent study, removal from independent study may effectively terminate a student's enrollment in the charter school. The petition should include adequate procedural safeguards, including notice, an opportunity to be heard, written findings, and a clear transition plan to an appropriate educational placement. The absence of these protections creates a substantial risk of educational disruption and potential harm to truant, disengaged, or academically struggling pupils, who are the very students most likely to be subject to involuntary removal. (Page 92 EOTB Petition)
2. The petition has determined that Ohana Student Services will act as the exclusive provider for virtual special education services, including but not limited to specialized academic instruction, speech therapy, occupational therapy, counseling, school psychology and IEP case management. The proposal of a completely virtual model for all related services and academic instruction for TK-8th grade students with disabilities in a home study environment raises concerns regarding the charter school's ability to provide a Free Appropriate Public Education (FAPE). The petition lacks a clear operational framework for how hands on, high severity student needs will be accommodated on site if virtual delivery is determined by an IEP team to be ineffective, inappropriate or insufficient to meet a student's unique needs. (Page 37-38 EOTB Petition)
3. The charter school petition explicitly declares that the charter school's purpose is to support families because "parents are the lead educators of their children," while credentialed teachers are primarily responsible for supervision and assistance in developing educational plans. While parent partnership is common and permissible

within independent study, designating a non-credentialed parent as the primary “lead educator” responsible for core lesson planning fails the educational benefit standard. This concern is particularly significant for student groups requiring specialized instructional supports, including English Learners, socioeconomically disadvantaged pupils, and students performing below grade level. The petition provides limited evidence demonstrating how reliance on parent directed instruction will be supplemented by systematic instructional supports sufficient to meet the needs of these student populations. (Page 13 EOTB Petition)

II. Demonstrably Unlikely to Successfully Implement Proposed Program

In evaluating this statutory criterion, staff considered whether the Petition demonstrates that the petitioners have the organizational capacity, expertise, systems, and resources necessary to implement the educational program as proposed. The discussion below focuses on those areas where staff identified significant implementation concerns. These concerns are considered collectively and in relation to the proposed nonclassroom-based instructional model, rather than as isolated omissions or deficiencies.

Staff’s evaluation of the petition supports a determination that the petitioners are demonstrably unlikely to successfully implement the program as proposed. This finding is based on the cumulative significance of unresolved implementation issues affecting core components of the proposed nonclassroom-based program rather than on any single omission in the petition.

The petition does not sufficiently demonstrate how the Charter School will implement several systems essential to successful operation, including independent-study attendance accounting and ADA documentation; delivery of the full continuum of services and placements required for students with disabilities; a defined English learner instructional program within the home-based model; and a coherent system for identifying, providing, monitoring, and intensifying interventions for struggling students.

These concerns are compounded by weaknesses in the proposed governance and administrative structure. Key administrative positions are assigned substantial responsibilities for instructional oversight, independent-study compliance, fiscal management, personnel, and regulatory compliance, yet the petition provides limited evidence that the individuals filling these roles will possess experience specific to California charter school administration, public-school finance, independent-study compliance, or nonclassroom-based program oversight. Governance relationships and certain internal controls are also insufficiently defined.

Staff also has concerns regarding the reliability of the petition’s financial assumptions. The petition projects that approximately 85% of enrolled students will qualify as unduplicated pupils, but the petition provides limited supporting data demonstrating how it will achieve and sustain an unduplicated pupil percentage at that level. Looking at VOCS, the most comparable

nonclassroom-based charter school authorized by the County Board reports an unduplicated pupil population of 43%. The petition does not provide sufficient demographic analysis, enrollment data, or other evidence supporting a substantially higher unduplicated pupil population. As a result, the petition's revenue assumptions appear overly aggressive and may overstate projected funding levels by approximately \$200,000. Because these projections serve as a significant component of the charter school's proposed budget and operational plan, the reliability of the financial assumptions raise additional concerns regarding the charter school's ability to successfully implement the proposed program.

Taken together, these findings raise concerns beyond the completeness of the petition itself and demonstrate material weaknesses in the organizational systems, staffing capacity, and operational structures and financial assumptions necessary to implement the program described in the petition.

III. Does Not Include Required Signatures

No Findings Determined

IV. Does Not Include Required Legal Affirmations

The Petition includes several of the legal affirmations required by Education Code section 47605.6. The findings below identify only those required affirmations that staff determined were missing, incomplete, or not stated with sufficient clarity in the Petition.

The petition does not include the following required legal affirmations described in EC 47605.6 (e):

- **Complaints regarding enrollment protections:** Individuals may file a complaint with the chartering authority if they believe the charter school has violated applicable enrollment or admissions protections.
- **High-value individual contractor agreements:** Contracts that would pay an individual contractor more than \$100,000 in a fiscal year must be formally approved by the charter school's governing board at a public board meeting.

V. Required Charter Elements Not Reasonably Comprehensive

The Petition addresses many of the charter elements required by Education Code section 47605.6. The findings below are limited to those elements where staff identified omissions, inconsistencies, or insufficient detail that prevent the description from being considered

reasonably comprehensive. Elements that were sufficiently addressed are not repeated in this section.

Element 1: Educational Program

Students with Disabilities

The petition does not clearly describe how the Charter School will provide or secure specialized and low-incidence services, in-person related services, specialized transportation, or access to County Office of Education (COE), Non-Public Agencies (NPA), Non-Public Schools (NPS), or other specialized programs when required by a student's IEP. The petition also does not identify the agreements, contracts, MOUs, or other arrangements that would be used to access services the Charter School cannot provide directly. Additional information is needed to demonstrate how these programs, placements, and services will be available to enrolled students when required by an IEP.

Clarification is needed regarding enrollment and implementation of the charter school's home-based/independent study model for students with existing IEPs. Because independent study must be determined appropriate for a student with an IEP, the petition should describe how students with disabilities will be enrolled and served pending that determination, including students whose existing IEPs require a different instructional setting, placement, or level of support. The petition should also clarify how its assessment of a student's likelihood of success in independent study will be implemented without creating an enrollment barrier for students with disabilities.

Attendance and Accounting

The petition describes general attendance verification procedures (family log and Home Learning coach certification); however, it does not sufficiently describe the means by which independent study attendance will be accounted for and reported for purposes of claiming ADA. Specifically, the petition does not explain how a certificated employee will personally judge and document the time value of pupil work products, in hours or fractions of an hour, as required by Education Code section 51747.5(b), or how those determinations will be translated into auditable attendance records supporting the Charter School's ADA claims.

Interventions For Struggling Students

The petition identifies multiple support and intervention practices, but it does not present them as a clearly articulated tiered intervention system or MTSS process showing how a student is identified, receives escalating support, is monitored and moves between levels of intervention. The petition also states that, for struggling learners, education coordinators and parents will “find creative ways to teach and intervene to scaffold their success.” While this reflects an intent to provide individualized support, it does not identify the specific intervention processes, evidence-based practices, decision rules, or staff responsibilities that will guide that support. Without a clearly defined process, there is less assurance that intervention services will be implemented consistently or that students with greater needs will receive progressively more intensive support when needed.

The petition fails to address or explain the interventions and reengagement efforts proposed for a student who is failing to complete the requisite number of assignments or make satisfactory educational progress in the independent study program. The petition makes a strong determination that in the event a student is failing to complete assignments or make satisfactory educational progress the student shall be involuntarily removed after an evaluation is made. However, the petition fails to address the components of the proposed evaluation. Additionally, the petition provides limited detail regarding the proactive intervention systems that will be utilized to prevent students from reaching stages of involuntary removal, expulsion or suspension.

Services to English Learners

The petition does not provide a reasonably comprehensive description of the English learner instructional program EOTB will implement. The petition identifies several possible language acquisition models rather than a defined program and does not clearly describe how required designated and integrated English Language Development will be provided within the home-based instructional model, including scheduling, staffing, curriculum and materials, differentiation by English proficiency and student need, or procedures for monitoring progress and adjusting services.

These omissions are particularly significant because the petition places substantial instructional responsibility on parents through curriculum contracts. The petition does not sufficiently explain how EOTB will ensure that English learners receive required school-provided language development and access to grade-level content when a parent or caregiver may have limited English proficiency or may not have expertise in English language development.

Understanding of the English Learner Population

The petition demonstrates an understanding of the processes for identifying and serving English learners; however, it does not provide a sufficiently developed description of the characteristics of the English learner population it expects to serve. The petition does not identify likely home languages, anticipated English proficiency levels, or the expected presence and needs of newcomers, long-term English learners, or students at risk of becoming long-term English learners. These characteristics are important for informing program design, staffing, instructional materials, family engagement, and the level and type of language-development support that may be needed.

This concern is further reflected in the petition's description of the English Learner Advisory Committee, which states that its purpose will be to support Learning Partners and learners whose primary language is Spanish. While Spanish-speaking families may represent a portion of the anticipated English learner population, the petition does not establish that English learners will be exclusively Spanish-speaking or explain how the EL program, family engagement structures, and related supports will address English learners and families from other linguistic backgrounds.

Goals and Actions for Applicable Subgroups

The petition does not provide a reasonably comprehensive description of annual goals and specific annual actions for each applicable pupil subgroup. The goals and actions are primarily schoolwide and do not consistently identify how actions will be differentiated or targeted to address the needs of individual pupil subgroups. In addition, the petition does not fully address all components of the applicable state priorities.

The goals and actions do not consistently address all components of the applicable state priorities. For Priority 1, the petition identifies a goal related to access to standards-aligned instructional materials but does not include goals or actions addressing fully credentialed and appropriately assigned teachers or facilities maintained in good repair. Priority 6 identifies actions and measurable outcomes but does not state an annual goal.

Element 2: Measurable Pupil Outcomes

Measurable pupil outcomes are not reasonably comprehensive as currently presented. The subgroup achievement table is a significant concern. It establishes academic performance targets for all students, socioeconomically disadvantaged/low-income students, African American students, and Latino students, but does not include English learners or students with disabilities, even though the petition repeatedly identifies those groups as part of the population it expects to serve. This creates an inconsistency between the pupil groups identified elsewhere in the petition and the groups for whom measurable academic outcomes are established.

The petition separately identifies an English learner outcome of increasing the percentage of EL students scoring at Levels 3 and 4 on the ELPAC. However, the annual target is stated as “previous year +/- 5%.” This allows for a decrease of up to five percentage points from the prior year and is therefore inconsistent with the stated outcome of increasing English learner performance. A measurable pupil outcome intended to demonstrate growth should establish a target that reflects expected improvement rather than permitting a decline in performance.

The measurable outcomes also do not consistently address all components of the applicable state priorities. For example, Priority 1 includes access to instructional materials, appropriately assigned and credentialed teachers, and facilities in good repair; however, the petition’s measurable outcomes address only instructional materials. In addition, some measures are not aligned to the current state accountability system. The petition continues to reference an API Growth Target, which is no longer used in California, and does not consistently incorporate applicable California School Dashboard state indicators.

Element 3: Measuring Pupil Progress

The petition states that data will be disaggregated by pupil subgroup and that the Executive Director will monitor significant subgroups and inequitable outcomes. However, the strength of this monitoring is limited by the measurable pupil outcomes section, which does not establish complete academic outcomes for all applicable pupil subgroups.

Element 4: Facility Locations

The petition does not provide a reasonably comprehensive description of each facility proposed to be operated by the charter school as required by Education code section 47605.6(b)(5)(D). While the petition references future enrichment centers and identifies anticipated expansion in the Tehachapi Union School District and Panama Buena Vista School District. As written, the petition does not identify the proposed facility locations with sufficient specificity to permit meaningful evaluation by the County Board. Additionally, the petition does not address the material revision requirements applicable to the establishment of operations at additional sites. As drafted, the facilities section could be interpreted as authorizing future expansion into unspecified locations without further action by the County Board. The petition provides insufficient information regarding the process by which additional facilities will be identified, reviewed, and approved.

The petition proposes to operate at 12000 Olive Drive, Bakersfield, CA 93312. This location currently operates as a church, and the petition does not address the procedures the charter intends to implement to ensure compliance with constitutional and statutory requirements that public charter schools operate in a nonsectarian manner such as separation of religious and educational activities, the treatment of religious displays or other procedures.

Element 5: Governance Structure and Parent Involvement

The petition does not clearly establish governing board member terms, complete officer roles, minimum qualifications, or procedures for selecting, appointing, replacing, or removing Board members. Although Board bylaws are referenced as an appendix, the petition does not identify the procedure for amending the bylaws or clearly describe the Board's authority to adopt, amend, or repeal them. The organizational chart also omits the Board of Directors and therefore does not fully depict the governance and reporting relationship between the Board and school administration.

In addition, the petition uses differing leadership titles, including Executive Director of Education and President and Chief Executive Director of Education, without clearly explaining whether these titles refer to the same position or distinguishing their respective authority and responsibilities.

The petition also does not identify a process for resolving internal governance disputes or provide a sufficiently developed description of internal controls specifically addressing fraud, embezzlement, and misuse of public funds. The petition also contains inconsistencies regarding parental involvement.

The petition identifies several opportunities for parent participation, including the School Advisory Council, ELAC, town halls, surveys, and school-home engagement activities; however, it provides limited detail regarding how parent and guardian input will meaningfully inform school-level or governing-board decision-making. Additionally, the petition does not clearly describe whether these advisory groups possess any formal role in advising the governing board, how recommendations will be communicated to the governing board, or how the governing board will consider such input in its decision making progress.

The petition provides limited information regarding the governance structure required by Education Code section 47604(c), which provides for the chartering authority to be entitled to a single representative on the board of directors of the nonprofit public benefits corporation.

Collectively, these omissions limit the County Board's ability to evaluate the effectiveness of the proposed governance structure and determine whether the petition provides a reasonably comprehensive description of the charter school's governance structure as required under Education Code §47605.6(b)(5)(E)

Element 6: Employee Qualifications

The petition identifies two key non-instructional administrative roles with significant responsibilities related to fiscal management, compliance oversight, personnel administration and operational leadership. Although the petition identifies general educational and managerial qualifications for these positions, it does not specifically describe experience requirements related to charter school administration, California public school finance, independent study compliance, or nonclassroom-based instructional oversight.

While the Education Code does not prescribe specific credentials for these positions, the petition provides limited information demonstrating that personnel occupying these roles will possess the specialized expertise necessary to administer a countywide nonclassroom-based charter school. Given the significant operational, fiscal, and regulatory responsibilities assigned to these positions, the petition provides limited assurance regarding the organization's capacity to successfully implement, manage, and oversee the proposed educational program.

Element 7: Health and Safety

Several required procedures are not sufficiently described. Although the petition requires fingerprinting and criminal-record clearance before an employee begins work, it does not describe procedures for ongoing criminal-record monitoring or subsequent-arrest notification. The petition also does not specifically address the required tuberculosis risk assessment and examination process for employees; a general requirement for "medical clearance" does not describe the applicable TB requirements.

The petition provides for adoption and annual review of a comprehensive School Safety Plan but does not clearly describe how staff will be trained on the plan itself, including the frequency of training, when the plan will be reviewed with staff, or who is responsible for providing the training.

Element 8: Pupil Population Balance

The petition does not clearly describe how enrollment data will be regularly monitored and analyzed for racial and ethnic groups, pupils with disabilities, English learners, and redesignated fluent English proficient pupils. Although the petition states that recruitment efforts will continue, it does not establish a clear process for identifying underrepresented pupil groups and implementing targeted corrective outreach when disparities are identified.

The petition also provides limited information regarding how recruitment and enrollment information will be made accessible to families from diverse linguistic groups, including

translation, interpretation, or reasonable assistance with the enrollment process. While the petition states that outreach materials will be available in English, Spanish, and other common languages, it does not describe how language and accessibility needs will be identified and addressed throughout recruitment and enrollment.

Finally, the petition provides limited information regarding the supports that will be used to maintain enrollment balance once pupils are enrolled.

Element 9: Suspension, Expulsion and Involuntary Removal

The petition fails to provide a reasonably comprehensive description of the procedures by which pupils can be suspended, expelled, or otherwise involuntarily removed, in particular involuntary removal under independent study program results in due process violation under Education Code 47605.6(b)(5)(I). The Involuntary Removal for Unexcused Absences provision raises concerns that Education Code section 51747 is being interpreted as authority for the charter school to disenroll a student from the charter school. Education code section 51747 authorizes the LEA to evaluate a student's educational progress and missed assignments to determine whether it is in the student's best interest to remain in the independent study program or whether the student should return to the regular school program. The Petition does not adequately explain how it will implement this statutory safeguard. Since this is a nonclassroom-based charter school, the charter school cannot fulfill the legal obligation to "return the student to regular classroom instruction" and thus a determination to involuntarily remove a student from the independent study program may effectively function as a disenrollment from the charter school itself. For the petition to be legally sound, the involuntary removal for unexcused absences section must explicitly outline adequate procedural safeguards prior to disenrolling a student from the program.

Additionally, the Petition contains inconsistencies between their proposed Alternative Means of Correction and the Involuntary Removal for Unexcused Absences. Under Alternative Means of Correction, the Petition states that students shall not be suspended or expelled solely for truancy, tardiness or absences, however, the Involuntary Removal for Unexcused Absences authorizes involuntary removal for unexcused absences and failure to participate in the independent study program. The Petition does not adequately explain how these provisions operate together in practice or how involuntary removal for unexcused absences differs from disciplinary exclusions. This omission leaves unresolved whether involuntary removal from independent study will operate as a de facto disenrollment procedure rather than an educational placement decision. Consequently, it is unclear whether involuntary removal operates as a district educational placement decision contemplated by Education Code section 51747 or as a disciplinary consequence for attendance related conduct.

Element 10: Retirement System

The petition states that certificated employees will participate in the State Teachers' Retirement System (STRS) and that classified employees will participate in either the Public Employees' Retirement System (PERS) or Social Security. However, staff's review of the budget documents indicates that the financial projections include costs associated with Social Security

but do not appear to include corresponding employer contributions for certificated employees participating in STRS.

The petition does not explain this discrepancy or otherwise demonstrate that sufficient funds have been budgeted to satisfy the employer retirement obligations associated with certificated staff. Because employee retirement contributions constitute a significant and legally required operational expense, the omission of STRS costs calls into question the accuracy of the Charter School's budget and the reliability of its financial planning assumptions. Accordingly, the petition provides insufficient evidence that adequate financial resources have been budgeted to support implementation of the proposed educational program.

Element 11: Dispute Resolution

The current dispute-resolution provisions do not expressly preserve the County Board's broader statutory oversight and enforcement authority.

Element 12: Admission Policies

No Findings Determined

Element 13: Attendance Alternatives

No Findings Determined

Element 14: County Office Employee Rights

No Findings Determined

Element 15: Closure Procedures

No Findings Determined

VI. Employer Declaration Not Provided

No Findings Determined

VII. Any Other Basis

Staff has identified additional fiscal concerns that are not independently addressed elsewhere in the denial findings that further undermine the reliability of the Charter School's financial projections and operational assumptions.

The petition proposes operation from a facility located at 12000 Olive Drive; however, the petition does not include the facility lease agreement or provide sufficient information regarding the Charter School's responsibility for utility expenses, common area maintenance costs, or other facility related operating expenses. As a result, staff is unable to determine

whether the utility and occupancy costs reflected in the budget accurately represent the actual expenses associated with operating the proposed program.

Staff further notes that the budget relies upon an unduplicated pupil percentage assumption of approximately 85%, a figure that significantly exceeds the unduplicated pupil percentage reported by Valley Oaks Charter School, the most comparable nonclassroom-based charter school authorized by the County Board. As discussed previously, staff estimates that this assumption may overstate projected revenue by approximately \$200,000. When combined with potentially understated facility and utility costs, the petition's financial projections may not accurately reflect the true cost of implementing the proposed program.

Under these circumstances, the Charter School's projected revenues may be insufficient to support projected expenditures in the current and subsequent fiscal years. The petition does not demonstrate that adequate contingency planning exists to address these risks, and any correction to the projected revenue shortfall would likely require additional borrowing, modification of repayment assumptions, reductions in services, or other material changes to the financial plan presented in the petition.

Accordingly, staff finds that the petition contains material fiscal uncertainties and unsupported budget assumptions that provide an additional basis for denial pursuant to Education Code section 47605.6(b)(7).