

RJUHSD Findings on New Pacific School - Roseville

I. BACKGROUND

New Pacific School - Roseville (New Pacific School) submitted a petition to the Roseville Joint Union High School District (District or RJUHSD) to establish a charter school. The petition was formally received by RJUHSD on October 13, 2021. Pursuant to Education Code section 47605, subdivision (b), on December 16, 2021, by mutual agreement of both parties, the RJUHSD Board (Board) held a public hearing on the provisions of the charter, at which time the Board “consider[ed] the level of support for the petition by teachers employed by the district, other employees of the district, and parents.” The Board will consider whether to grant or deny the petition during its January 13, 2022 meeting.

If the District grants the petition, New Pacific School becomes a legal entity. Under Education Code section 47605, subdivision (k)(1)(A)(i), if the District denies the petition, New Pacific School may appeal the denial to the Placer County Board of Education (PCBE). If the PCBE grants the petition, the PCBE becomes the authorizing agency over New Pacific School. If the PCBE denies the petition, then New Pacific School may appeal to the State Board of Education (SBE). (Ed. Code, § 47605, subd. (k)(2).)

II. STANDARD FOR REVIEW OF CHARTER PETITION

The Charter Schools Act of 1992 (“Act”) governs the creation of charter schools in the state of California. The Act includes Education Code section 47605, subdivision (c), which provides the standards and criteria for petition review. A charter authorizer considering whether to grant a charter petition “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 establishment of charter schools should be encouraged.” (Ed. Code, § 47605(c).) With this Legislative intent in mind, the Board should grant a charter “if it is satisfied that granting the charter is consistent with sound educational practice and with the interests of the community in which the school is proposing to locate.” (Ed. Code, § 47605(c).)

Education Code section 47605, subdivision (c), provides that the governing board of a school district shall not deny a petition unless it makes written factual findings setting forth specific facts to support one or more of the following findings:

1. The charter school presents an unsound educational program for the students to be enrolled in the charter school;

2. The petitioner is demonstrably unlikely to successfully implement the program set forth in the petition;
3. The petition does not contain the number of signatures prescribed by Education Code section 47605, subdivision (a);
4. The petition does not contain an affirmation of each of the conditions set forth in Education Code section 47605, subdivision (e), including that the charter school: (1) will be nonsectarian in its admission policies, employment practices and all other operations; (2) will not charge tuition; and (3) will not discriminate against any student on the basis of the characteristics set forth in Education Code section 220;
5. The petition does not contain reasonably comprehensive descriptions of 15 certain elements in its program and operations as set forth in Education Code section 47605, subdivisions (c)(5)(A-O), which describe the elements that must be addressed in every petition to establish a charter school. These elements include:
 - a. A description of the educational program, description of the goals and the students the charter school is attempting to educate;
 - b. The measurable pupil outcomes identified for use by the charter school;
 - c. The method by which student progress is to be measured;
 - d. The governance structure of the charter school;
 - e. The qualifications of individuals to be employed by the charter school;
 - f. The procedures the charter school will follow to ensure health and safety of pupils and staff;
 - g. The means by which the charter school will achieve a balance of racial pupils, special education pupils, and English learner pupils;
 - h. Admission policies and procedures;
 - i. The manner in which annual, independent financial audits will be conducted;
 - j. The procedures by which pupils can be suspended or expelled from the charter school for disciplinary reasons;
 - k. The manner by which employees will be covered by State Teachers' Retirement System, the Public Employees' Retirement System, or federal social security;
 - l. The public school attendance alternatives for pupils residing within the school district who choose not to attend charter schools;
 - m. Rights of employees leaving employment of the school district to work in a charter school and any rights of return;
 - n. The procedures to be followed by charter school and chartering authority to resolve disputes relating to provisions of the charter.
 - o. The procedures to be used if the charter school closes.
6. The petition does not contain a declaration of whether the charter school shall be deemed the exclusive public employer of the employees of the charter school for purposes of Chapter 10.7 of Division 4 of Title 1 of the Government Code;

7. The charter school is demonstrably unlikely to serve the interests of the entire community in which the school is proposing to locate. Analysis of this finding shall include consideration of the fiscal impact of the proposed charter school. A written factual finding under this paragraph shall detail specific facts and circumstances that analyze and consider the following factors:
 - a. The extent to which the proposed charter school would substantially undermine existing services, academic offerings, or programmatic offerings.
 - b. Whether the proposed charter school would duplicate a program currently offered within the school district and the existing program has sufficient capacity for the pupils proposed to be served within reasonable proximity to where the charter school intends to locate.or,
8. The school district is not positioned to absorb the fiscal impact of the proposed charter school. A school district satisfies this paragraph if it has a qualified interim certification pursuant to Education Code section 42131 and the county superintendent of schools, in consultation with the County Office Fiscal Crisis and Management Assistance Team, certifies that approving the charter school would result in the school district having a negative interim certification pursuant to Section 42131, has a negative interim certification pursuant to Section 42131, or is under state receivership. Charter schools proposed in a school district satisfying one of these conditions shall be subject to a rebuttable presumption of denial.

Charter school petitions are also required to include a discussion of their impact on the chartering authority, including the facilities to be utilized by the proposed charter school, the manner in which administrative services will be provided, potential civil liabilities for the chartering authority, and a three-year projected operational budget and cash flow. (Ed. Code, § 47605(h).) In addition to the above considerations, the review and analysis of the petition was also guided by the regulations promulgated by the SBE for the SBE's evaluation of charter petitions [Cal. Code Regs, tit. 5, §11967.5 et seq. (Regulations)].

The petition was thoroughly reviewed by a team of District staff members who each reviewed the petition, or sections thereof, as relevant to their area of expertise with the assistance of legal counsel as needed.

III. SUMMARY OF FINDINGS OF FACT AND STAFF RECOMMENDATION

The options before the Board with regard to the petition are as follows: (1) Approve the petition; or (2) Deny the petition.

Following a comprehensive review and analysis of the petition by the Staff Team and legal, **DENIAL** of the petition is recommended based on the following conclusions:

1. New Pacific School is demonstrably unlikely to successfully implement the program set forth in the petition; and

2. New Pacific School is demonstrably unlikely to serve the interests of the entire community in which the school is proposing to locate. Analysis of this finding shall include consideration of the fiscal impact of the proposed charter school.

IV. RJUHSD STAFF ANALYSIS AND FINDINGS OF FACT

This section describes only those requirements of a charter petition under the Act which staff finds have not been met. As such, this report and findings of fact do not summarize the requirements of a charter petition under the Act which staff finds have been met.

Finding 1: New Pacific School is demonstrably unlikely to successfully implement the program set forth in the petition.

1. The Petition Does Not Identify A Single Facility.

District staff have significant concerns regarding New Pacific School’s lack of identified facilities, particularly in light of the school proposing to enroll students for the 2022-2023 school year. Education Code section 47605, subdivision (a)(1), requires that “a petition for the establishment of a charter school shall identify a single charter school that will operate within the geographic boundaries of the school district.” Furthermore, Education Code section 47605, subdivision (h), requires that a charter petition provide information regarding the operation of the charter school, including a “description of the facilities to be used by the charter school” and “specify where the charter school intends to locate.”

The petition does not describe the location or, at a minimum, a proposed location of the charter school facility that the petitioner proposes to operate, including: size and resources; safety; and educational suitability. Rather, the petition simply states that the facility will be located within the City of Roseville within Roseville Joint Union High School, but no such facility has been identified or secured. (Petition at p. 176.) The petition identifies that the facility will contain classrooms designed for project-based learning and room for inquiry and collaboration and will include classrooms, student bathrooms, office space, open area for gatherings, outdoor space, and a kitchen prepared to distribute meals to students. Not only will such a facility be difficult to find in the City of Roseville, but it will also be very expensive.

The petition also states that the charter school “may apply for Proposition 39 facilities with the District.” (Petition at p. 176.) However, the New Pacific School is proposing to open for instruction in the 2022-23 school year, and the deadline to request Proposition 39 school facilities for the 2022-23 school year has already passed, which severely limits their ability to secure a suitable facility in time for the start of the school. Identifying and recruiting interested students will also be very challenging when families do not know the location of the facility.

2. The Soundness of the Budget Cannot Be Accurately Analyzed Given the Lack of Identified Facility.

There are also concerns with the 3-year budget, which includes an expenditure line item for a facility lease (166,618 for 2022-23; 256,267 for 2023-24; and 265,778 for 2024-25), but these

numbers are hypothetical and District staff cannot adequately assess whether the budget presents a realistic financial and operational plan. Moreover, the budget does not account for potential tenant improvements that may be required if a facility is secured.

3. Lack of Charter School Provided Transportation Raises Concerns.

The charter petition states that access to school will be “through car-pooling, safe bike, and walking routes, and other strategies and partnership.” (Petition at p. 37.) Given that New Pacific School proposes to serve grades K-12, District staff have concerns regarding transportation and access to school for all students, but particularly the socioeconomically disadvantaged students, which the school is targeting.. The petition does not offer any school provided transportation, and there are concerns whether the single-parent households and socio-economically disadvantaged households will have the means to ensure students are able to get to and from school safely. Moreover, since the charter school does not have a proposed location, District staff are not able to assess whether bike and walking access to the school site is feasible and/or safe.

In sum, the Act requires that a charter school petition identify a single location within its authorizer’s boundaries and to identify the facilities to be used by the school. This requires New Pacific School to identify an actual school site the school intends to use. The minimum requirements are not met and, this causes major concerns including, but not limited to, current and projected availability of a charter school site and timeline for securing the facility prior to the start of the 2022-23 school year. Furthermore, tenant improvements will likely be required including construction of classrooms, kitchen, offices etc. The petition lacks assurances of all legal compliance with health and safety, ADA, and applicable building codes which is a major safety concern. Based on this finding, RJUHSD staff find New Pacific School demonstrably unlikely to successfully implement the program set forth in the petition. (Ed Code, § 47605(a)(1) and (c)(2).)

Finding 2: New Pacific School is demonstrably unlikely to serve the interests of the entire community in which the school is proposing to locate.

Assembly Bill (AB 1505), signed into law on October 3, 2019, made comprehensive amendments to the Act, including the addition of new bases to deny a petition for the establishment of a charter school. (Ed. Code, § 47605(c)(7).) Pursuant to AB 1505, a chartering authority may deny a petition if “[t]he charter school is demonstrably unlikely to serve the interests of the entire community in which the school is proposing to locate.” A chartering authority must consider the “extent to which the proposed charter school would substantially undermine existing services, academic offerings, or programmatic offerings,” and whether “the proposed charter school would duplicate a program currently offered within the school district and the existing program has sufficient capacity for the pupils proposed to be served within reasonable proximity to where the charter school intends to locate.” As part of its analysis, a chartering authority shall also consider the fiscal impact of the proposed charter school. As outlined below, District staff find that the charter petition is demonstrably unlikely to serve the interests of the entire community in which it is proposing to locate.

1. New Pacific School will have a Negative Fiscal Impact.

District staff project the approval of the New Pacific School will have a negative fiscal impact on Local Control Funding Formula (LCFF) revenue. It is unknown what percentage of students enrolled at New Pacific School would come from RJUHSD, but the charter school plans to offer high school enrollment by Year 3 (2024-25) with 25 freshmen and growing by 25 each additional year, with a cap of 100 high school students on-going. Based upon projected LCFF revenue, RJUHSD's potential loss of funding could be up to \$1.3 Million at a rate of \$13,000 per average daily attendance (ADA) by the time 100 high school students are in attendance in 2027-28. This projected fiscal impact is based on an assumption that all 100 high school students would otherwise attend RJUHSD. While it is not anticipated that all 100 students in 2027-28 would otherwise attend RJUHSD, in the event that 50% of the students would otherwise attend RJUHSD, the impact would still be approximately \$650,000 in on-going loss in LCFF revenue (e.g., 50 students at a rate of \$13,000 per ADA). This potential ADA loss may be partially mitigated by District savings from a reduction in RJUHSD staff to serve less students. However, if the distribution of students enrolled in New Pacific School that would otherwise attend RJUHSD is spread across grades 9-12, RJUHSD may not be able to reduce staff. Beginning in 2024-25, the charter anticipates 25 high school students attending New Pacific School. At an estimated LCFF rate of \$11,908 per ADA (2024-25), it is reasonably expected that RJUHSD could lose \$142,896 if only 12 of the 25 charter high school students would otherwise attend RJUHSD.

The New Pacific School petition states that the school is targeting “students and families in Roseville, on the southeast side of the Roseville Joint Unified School District.” (Petition at p. 30.) Therefore, it is reasonable to expect that a majority of their high school students would otherwise attend RJUHSD, as there are two RJUHSD high schools in the targeted area.

In sum, RJUHSD staff finds that New Pacific School is demonstrably unlikely to serve the interests of the entire community in which the school is proposing to locate and will have a negative fiscal impact on RJUHSD and its students and families. (Ed Code, § 47605(c)7).

2. New Pacific School Proposes Duplicate Programs Already Existing in the Community.

Pacific Charter Institute is a charter organization that has historically focused its efforts on virtual independent study programs with work centers and small campuses for the “in-person” elements of the work found in most independent study programs. New Pacific School would be Pacific Charter Institute's first school setting where the instructional model would be similar to a traditional K - 12 campus in terms of its physical and daily structure (bell schedule, lunch, recess, etc.). New Pacific School would look similar to other neighborhood schools, with the exception of the physical plant which would most likely be a structure more commonly identified as a business or commercial property.

Staff finds that approval of New Pacific School would substantially undermine existing services, academic offerings, and/or programmatic offerings currently within the RJUHSD. Moreover, New Pacific School would duplicate programs currently offered within the RJUHSD, and RJUHSD has sufficient capacity for the students New Pacific School proposes to serve. As such,

RJUHSD staff find New Pacific School demonstrably unlikely to serve the interests of the entire community in which the school is proposing to locate (Ed Code, § 47605(c)(7).)

All schools in RJUHSD have enrollment capacity. Therefore, RJUHSD readily allows opportunities for choice through the intradistrict transfer process. Consideration must be given to Oakmont High School and Roseville High School, as both schools have experienced declining enrollment since the opening of West Park High School in 2020-21. The proposed duplicate program could further compromise enrollment. Additionally, RJUHSD provides a non-comprehensive high school opportunity for students at Independence High School (IHS). IHS offers a more personalized approach to learning for students through online and blended learning. IHS offers unlimited capacity, as RJUHSD matches staffing to the need. The data New Pacific School references (Adverse Childhood Experiences, SEL, Connectedness, etc.) as reasons to open the charter are data that educators across the nation are all focused on and working to address. It is unclear whether New Pacific School is offering any additional educational services or programs beyond what already exist within RJUHSD, throughout Roseville, and are available to the parents and students for which New Pacific School proposes to serve. Also, as PCI has no experience running “traditional, on ground programs,” there are no data points to show that New Pacific School will be more successful than schools and programs already provided by RJUHSD.

RJUHSD has always been responsive to the needs of the community. Whether it be innovative programs such as International Baccalaureate and Career Technical Education, quickly moving students and faculty into distance learning through 1:1 computer distribution and hundreds of hours of technology training for teachers moving their instruction to online learning, or being one of the first districts to bring students back to in-person learning in Sacramento and Placer Counties, RJUHSD has a long history of executing and supporting innovative educational programs.

New Pacific School lists five “Key Elements” of their school:

- A. 1. Project-based Learning
- B. 2. Individualized Learning Plans
- C. 3. Social Emotional Learning
- D. 4. College and Career Readiness
- E. 5. Professional Development for Teachers

Each of these five elements currently exist within RJUHSD and the Roseville educational community, as discussed in more detail below:

- A. *Project-based Learning (PBL)*

RJUHSD schools, in particular Independence High School, personalizes instruction, providing student paced instruction, PBL, and STEM. Multiple schools offer Advisory, Multi-Tiered Systems of Support, career focused guidance and pathways, whole student development, and social emotional development in Advisory, etc. Specifically, both Oakmont High School and Granite Bay High School offer International Baccalaureate (IB) programmes that provide

students with a rigorous and integrated approach to project based learning. Additionally, the IB Diploma Programme promotes inquiring, knowledgeable and internationally-minded individuals who must write an extended essay and design their own CAS (creativity, activity, service) project, presenting both to a faculty panel during their senior year.

Students in all grade levels and at all RJUHSD schools who are interested in PBL also have access to Project Lead the Way (PLTW) full pathways where they learn industry standards and manage real world projects in partnership with local mentors.

At Oakmont High School, students in the Health Academy participate in PBL throughout all of their courses as well as creating a portfolio with their volunteer experiences, skill development, and academic achievements each year. They then use this portfolio to apply for hospital placement and also have an impressive portfolio that they can continue to add to and use in their job interviews after graduation. One of the last projects the seniors do is a patient simulation where each group gets a patient with symptoms and background. They have to do examinations, run labs, ask questions, and come up with a diagnosis and treatment plan for their patient. In addition, K-8 schools in the Roseville community provide robust learning opportunities for students. For example, Eureka Union School District (EUSD) provided this information: “Maidu Elementary School engages in inquiry-based learning (IBL). As most educators know, IBL approaches span a spectrum of strategies, from highly structured inquiry to open-ended inquiry. With the adoption of Mystery Science and Core Knowledge Science, inquiry-based learning is part of the school day at Maidu. NGSS (Next Generation Science Standards) actually incorporate and emphasize scientific inquiry.”

B. Individualized Learning Plans

RJUHSD schools, in particular Independence High School, provides individualized learning plans for each student, customized in collaboration with the student and family and focused on achieving the student’s goals for after high school.

C. Social Emotional Learning (SEL)

All RJUHSD schools and students are served by robust Wellness Centers and school counseling teams that coordinate and support student social emotional learning. In addition, individual classroom teachers incorporate SEL into their lessons, building relationships with students and supporting social and mental wellness along with academic learning.

In addition, K-8 schools in the Roseville community provide robust social emotional learning opportunities for students. For example, Eureka Union School District provided this information: “Maidu Elementary School is a Title I Distinguished School and has been recognized for its stellar PBIS (Positive Behavior Interventions and Support) program, receiving accolades as a Silver Recognition School, and receiving the Gold Ribbon Schools award for their model PBIS program. Maidu is part of a small, close-knit group of schools known for its exemplary academic performance and attention to whole child outcomes.

Socio-Emotional Program- Toolbox is a research-based socio-emotional learning curriculum used schoolwide to teach critical social competencies necessary for academic and life success. This program addresses the trauma effects of ACEs (Adverse Childhood Effects). Because students are in person, they are able to access and practice these skills all day, every day. Lessons are televised each week through the school's Maidu Media news program. Students access the lessons at school, along with their parents' ability to view the lessons so there is consistent language in helping our students have a positive learning environment.”

D. College and Career Readiness

RJUHSD comprehensive high schools regularly outperform both state and county averages in terms of graduation rates and college and career indicators as published on <https://caschooldashboard.org/>. In fact, we offer multiple Career Technical Education programs at all our comprehensive and alternative education sites. These programs cover industry sectors in Arts, Media, and Entertainment, Building and Construction Trades, Education, Child Development, and Family Services, Engineering and Architecture, Health Science and Medical Technology, Hospitality, Tourism, and Recreation, Information and Communication Technology, Manufacturing and Product Development, Marketing, Sales, and Services, and Transportation. Additionally, our continuation school--Adelante High School--hosts a Clinical Medical Assisting program and an Automotive Services Technician program. Independence High School, our independent study high school, offers CTE classes in Digital Animation, Professional Photography, and Robotics. Furthermore, RJUHSD offers an internship program to place students in local businesses to further develop the skills and knowledge they have learned in our programs.

The Oakmont Health Careers Academy offers a three-year college preparatory program that provides a highly rigorous and relevant curriculum that stresses real world application for students interested in medical careers. The Health Careers Academy curriculum includes technical courses at four levels and exposure to the medical world which gives students a strong foundation for entrance to medical careers. As graduates they have the personal and leadership skills to be very successful in postsecondary education and in the professional world. All six RJUHSD high schools offer a comprehensive array of Advanced Placement courses that have rigorous academic standards that help students prepare for and earn college credit. At Oakmont High School, there are IB and AP pathways identified in every content area with a suggested order of enrollment that is inclusive to all students. Additionally, an IB Theory of Knowledge course helps students develop important college readiness skills that investigate the origin and reliability of the knowledge they've acquired.

In addition, K-8 schools co-located within the boundaries of RJUHSD provide robust learning opportunities for students. For example, in response to the Petition Eureka Union School District provided this information:

Before the pandemic, the California Schools Dashboard ranked Eureka Union School District in the BLUE, BLUE (highest ranking for ELA and Math performance) category. Hence, EUSD

has a reputation for being the destination district, receiving over 600 interdistrict applications each year.

Spanish Content-Based Immersion. On page 40, Maidu is identified as having a Foreign Language Program (Spanish). In contrast to the New Pacific Charter's Plan of using Rosetta Stone to teach a second language, Maidu utilizes a unique and effective approach that uses content-based immersion, in a setting where only the target language is spoken. All students attend and participate in this class twice a week.

Tier II Intervention and English Learner Program. Maidu has a dedicated full-time Intervention/English Learner Support Teacher and two full-time intervention aides who provide push-in and pull-out support for EL and SED students who are struggling. Intervention teachers provide teachers with model lessons and resources to use in the classroom to further support struggling students.

E. Professional Development for Teachers

RJUHSD provides extensive professional development to teachers and support staff throughout each academic year, including three full days, monthly staff meetings, job-embedded instructional coaching, and a wide variety of subject- and team-specific learning opportunities.

In addition, K-8 schools in the Roseville community provide robust learning opportunities for staff. For example, in response to the Petition Eureka Union School District provided this information:

The document (page 49) may imply that schools referenced for comparison do not provide 20 hours of learning opportunities to its teachers. EUSD actually provides more than 50 hours and these opportunities vary in methods of delivery to offer differentiated support for teachers. Majority of Maidu's teachers are experienced and accomplished, hence a menu of learning opportunities are offered to provide teachers the autonomy to select the PD that aligns with their areas of growth. EUSD provides three days of Professional Development during the academic year, plus monthly afternoon PDs on selected topics, and 10 days of workshops in the summer. With support from Eureka Schools Foundation, EUSD is unique in its additional offering of paid opportunities for teacher teams to plan and collaborate during the summer. Last summer, teachers from Maidu met during the summer to plan and collaborate on Math and Science lessons.

Sunday Program. Maidu Elementary School teachers receive consistent training on evidence-based literacy practices. Sunday

Essentials is being used for Tier II intervention, while Sunday System is utilized to support Tier III students. Maidu teachers have received training and have implemented SIPPS (Systematic Instruction in Phonological Awareness, Phonics and Sight Words), and lately EUSD has renewed its focus on Structured Literacy (Science of Reading) approaches with its partnership with LiteracyHow. The Maidu Intervention teacher is certified in Reading Recovery, a highly effective intervention of one-to-one tutoring for low-achieving first graders.

Based on this, RJUHSD staff find New Pacific School demonstrably unlikely to serve the interests of the entire community in which the school is proposing to locate. (Ed Code, § 47605(c)(7).)

V. CONCLUSION

The Roseville Joint Union High School District Board has two options for action with regard to the petition:

1. Deny the petition and adopt this staff report as the written factual findings required to support its denial of the petition; or
2. Approve the petition.

For the reasons stated above in the report, which are based on the analysis of the petition and supporting documentation, and information provided by New Pacific School, RJUHSD staff recommend that the petition be denied based on the following findings:

1. New Pacific School is demonstrably unlikely to successfully implement the program set forth in the petition; and
2. New Pacific School is demonstrably unlikely to serve the interests of the entire community in which the school is proposing to locate. Analysis of this finding includes consideration of the fiscal impact of the proposed charter school.

Staff recommends the Board make the following motion:

Based upon a careful review of the New Pacific School petition by District staff, I move the Board adopts the Findings of Fact presented in the staff report. I further move that the Board deny the New Pacific Charter petition based upon these findings.

Second, then vote.