

STOCKTON UNIFIED SCHOOL DISTRICT

STAFF REPORT, PROPOSED FINDINGS OF FACT & RECOMMENDATION ON ENDEAVOR ENGINEERING ACADEMY

Date Posted: August 28, 2023

The following provides a summary of the Stockton Unified School District's ("District") staff report, proposed findings of fact, and recommendation concerning the Endeavor Engineering Academy charter petition ("Petition").

Introduction and Procedural Background

On June 9, 2023, the petitioners ("Petitioners") submitted the Petition to the District to establish Endeavor Engineering Academy ("Endeavor" or "Charter School"), along with a signed certification from Dean Andal, Lead Petitioner, deeming the Petition to be complete. Petitioners seek the approval of the Petition by the District's Board of Trustees ("Board") for an initial five-year charter term that would begin on July 1, 2024 and end on June 30, 2029.

Petitioners desire to establish a classroom-based program for students in seventh through twelfth grade. The Petition indicates that the Charter School would begin its first year of operations serving approximately 270 students in grades 7-9 and then gradually expand by one grade level each school year. At full enrollment, Petitioners anticipate serving approximately 500 students in grades 7-12.

As required by law, on July 25, 2023, the District's Board held a public hearing to determine the level of support for the Petition by teachers, other District employees, and parents/guardians. Members of the public spoke both in favor of and in opposition to the Petition.

On September 12, 2023, consistent with Education Code section 47605, the District's Board will hold a public hearing during which it will consider the admissions preferences in the Petition and will take action to either approve or deny the Petition.

Executive Summary

District staff, in consultation with legal counsel, has conducted an extensive analysis of the Petition and its accompanying exhibits. The District's review team carefully evaluated the legal grounds articulated in the Education Code for purposes of determining whether the Petition meets the minimum standards for approval. Based on the District's comprehensive review of the Petition and supporting documents, District staff recommends that the Board take action during the second public hearing to **deny** the Petition.

Legal Requirements for the Establishment of a Charter School

The consideration of a petition to establish a charter school requires the District to determine whether the petition meets the standards and criteria set forth in Education Code section 47605. Specifically, under Education Code section 47605(c), in reviewing petitions for the establishment of charter schools, the governing board of a school district shall grant a charter for the operation of a charter school if it is satisfied that approving the charter is consistent with sound educational practice and with the interests of the community in which the school is proposing to locate. The governing board shall also consider the academic needs of the students that the charter school proposes to serve. The governing board of the school district shall not deny a petition unless it makes written factual findings specific to the particular petition, setting forth specific facts to support one or more of the following denial findings:

1. The charter school presents an unsound educational program for the students to be enrolled in the charter school.
2. The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition.
3. The petition does not contain the number of signatures required by subdivision (a) of Education Code section 47605.
4. The petition does not contain an affirmation of each of the required conditions.
5. The petition does not contain reasonably comprehensive descriptions of all required elements.
6. The petition does not contain a declaration of whether or not the charter school shall be deemed the exclusive public school employer of the employees of the charter school for purposes of the Educational Employment Relations Act.
7. The charter school is demonstrably unlikely to serve the interests of the entire community in which the school is proposing to locate.
8. The school district is not positioned to absorb the fiscal impact of the proposed charter school.

An analysis the Petition in light of the applicable statutory criteria is provided below and includes District staff's corresponding findings of fact.

Findings of Fact

The District's review team performed a comprehensive evaluation of the Petition, which included an analysis of the proposed Charter School's educational program, measurable student outcomes

and methods for measuring student progress, fiscal and governance structures, employee qualifications, student admissions, facilities, and legal issues. Below, District staff presents its findings of fact addressing the general categories of review for the Petition, which correspond with the criteria set out in Education Code section 47605.

Finding of Fact No. 1: The Petition presents an unsound educational program for the students enrolled in the Charter School.

The Petition's proposed educational program is inconsistent with sound educational practice.

The overarching mission of the proposed Charter School is to provide students with "a rigorous standards-based core academic curriculum paired with a specialized career technical education" that will prepare them for "both the world of work and post-secondary education." (See Petition, p. 19.) The Petition further states that the Charter School will offer a high quality academic program, featuring math and English excellence, that will be integrated with its offered CTE pathways.

The Petition describes several instructional approaches and pedagogical strategies that the Charter School will utilize to enable students to continuously learn and grow, and such strategies will be selected based on how the individual student learns. Some of these strategies include project-based learning, explicit direct instruction, massed and distributed practice, problem-solving, inquiry, flexible supports, authentic experiences, distance learning (for grades 11 and 12, in partnership with outside vendors or a local community college), and CTE work experience. Notably, the Petition affirms that the instructional strategies will be well-aligned with Common Core State Standards ("CCSS"), Next Generation Science Standards ("NGSS"), the History/Social Science Framework, English Language Development ("ELD") standards, and State Content Standards. However, the Petition does not include sufficient detail reflecting the Petitioners' understanding of those standards or otherwise meaningfully describe *how* the curriculum will be aligned with the standards. This is critical to ensuring the soundness of an educational program.

Further, although the Petition provides a basic overview of the various instructional methodologies that the Charter School would utilize to educate its student population, there is no indication that the Petitioners designed and developed the proposed instructional framework in a manner to specifically address the needs of a target population within the District. In fact, the Petition states that the Charter School's educational program will be based on the instructional needs of its students and not limited to any particular student demographic. (See Petition, p. 28.) While tailoring the program to the instructional needs of the students and the needs of the Stockton community (e.g., developing a trained workforce in the construction trades, as well as in the HVAC, welding, and automotive industries) is important and commendable, there is a lack of sufficient detail in the Petition to meaningfully evaluate the student population that the Charter School would seek to attract. Consequently, given that the Petition is largely silent on the distinct student groups or learning needs that the Charter School would target as part of its marketing and recruitment efforts, the District cannot evaluate whether the proposed model would provide a meaningful benefit for students that is distinctive from what District schools already offer.

Finding of Fact No. 2: The Petitioners are demonstrably unlikely to successfully implement the program.

Below, the District has broken down the specific findings indicating that the Petitioners are demonstrably unlikely to successfully implement the proposed Charter School program.

A. Concerns Related to Educational Program.

There are several aspects of the Petition’s description of the Charter School’s educational program that concern the District and could undermine the Petitioners’ ability to successfully implement the proposed educational program. Specifically:

1. Career Technical Education (“CTE”). The Petition states that the Charter School intends to offer four CTE pathways in the following industries: Mechanical Systems Installation & Repair, Residential & Commercial Construction, Welding & Materials Joining, and Systems Diagnostics, Service, & Repair. Students will be expected to complete one full pathway by graduation, and CTE teachers will be expected to hold a CTE teaching credential and a certification in their trade. However, the Petition does not address how the Charter School will recruit such CTE-qualified teachers, or how staff will establish a structure or framework to ensure that students complete the required 400 hours of CTE curriculum to complete a pathway, both of which are critical components of the proposed CTE instructional model.
2. Curriculum. The proposed curriculum is deficient in several respects:
 - The Petition describes an instructional approach where various core subjects are interwoven as part of a “lesson of the day” in which a teacher would pair a lesson in a particular subject with the content of another subject matter from the same school day. However, the Petition does not specifically address how this approach would be coordinated among teaching staff or according to individual student needs, especially given the variability in student class schedules. For example, the Petition states that the CTE Automotive Technology teacher would coordinate with the lead English teacher to provide specific writing lessons that communicate automotive concepts that are consistent with the learning level of the individual student. (See Petition, p. 38.) It is unclear how this learning strategy would be implemented effectively and consistently for students at different learning levels or who are participating in different CTE pathways. This approach requires a significant degree of preparation and coordination among teachers and, while a laudable goal, could be challenging to implement with fidelity.

- The integration of technology into the curriculum, including how students will receive technology and how teaching staff will be trained on the use of technology, is not meaningfully described in the Petition. The Charter School aims to prepare students to become productive citizens in a rapidly changing technological world by ensuring students are “technological innovators.” (See Petition, p. 21.) However, the Petition’s description of the proposed educational program only mentions that students will be instructed in the use of Microsoft Word and Microsoft Excel programs and does not contemplate teacher training in new technologies, nor does it discuss the type of computer programming that students will use to complete certain coursework and assessments.
 - The Petition states that the Charter School’s art and music docent program will be established with parent volunteers. However, relying on volunteer participation to facilitate this desired program without an identifiable back-up plan creates a risk that students will not have access to this program should the Charter School be unable to secure the needed volunteers for its implementation.
 - The Petition includes multiple references to establishing a partnership with local community colleges, including the San Joaquin Delta College, to provide students with access to Advanced Placement (“AP”) and community college courses (including courses in subjects not taught at the Charter School), and to qualify CTE coursework and other courses for college credit. The Petition indicates that it will seek to negotiate an articulation agreement with San Joaquin Delta College; however, there is no indication that the Petitioners have initiated communications with the college to offer these opportunities to Charter School students, or to confirm whether and when such a partnership would be established. This raises concerns for the District considering that the opportunity for students to access college-level courses and receive college credit is an integral part of the proposed educational model of the Charter School.
3. Special Education Services. Regarding the provision of special education and related services, the Petition does not adequately describe the continuum of placement options that will be made available to students found to be eligible under federal and state special education laws. More specifically, placement options for students with special needs are not meaningfully described in which the Petition merely states that the “Charter School will seek to include all special needs students with non-disabled peers to the maximum extent appropriate according to their [individualized education program (“IEP”)]. However, if the student’s needs as documented on the IEP require a program other than inclusion, the Charter School will work with Stockton Unified School District and/or SELPA to provide an appropriate placement and services.” (See Petition, p. 49.) While the District

expects that the Charter School would work collectively with the District (or SELPA, as applicable) on placement-related matters, the determination of an appropriate placement is made by the IEP team with the participation of all required members, including the student's parent/guardian. In addition, irrespective of whether the Charter School would operate as a school of the District or as its own local educational agency member of a Special Education Local Plan Area ("SELPA"), the Petition should include a reasonably comprehensive description of the continuum of placement options that would be available to a student to ensure the provision of a free appropriate public education ("FAPE"). The Petition also omits any description regarding individual transition plans and procedures relating to students exiting from special education.

4. Student Goals and Measurable Outcomes. The Petition is significantly lacking in its description of the means to objectively measure student outcomes with respect to the Petition's stated goals for its students. Specifically, the measurable student outcomes described in the Petition are generalized toward all students in the Charter School on a schoolwide basis, without specific reference to significant subgroup populations. It is inadequate for the Petition to simply state that "[i]nsofar as student subgroups comprise the majority of the school population, the schoolwide goals apply equally to all subgroups." (See Petition, p. 73.) Rather, the Petition should meaningfully identify the measurable student outcomes for *all* groups of students anticipated to be served by the Charter School, including ethnic subgroups, socioeconomically-disadvantaged students, English Learners, students with disabilities, and foster/homeless youth. The District also identified the following deficiencies with respect to the Charter School's goals, actions, and measurable outcomes aligned with the state priorities:

- For State Priority #2, Subpriority C (English Learner and English Language Proficiency), the goal for achieving English language proficiency among the Charter School's entire EL population is not measurable. The measurable outcome states that students "will achieve EL performance band increases every year," but there is no explanation as to what the expected performance band increases would be for each student based on the student's current performance level. For example, are students expected to increase one performance band each year or at some other frequency?
- For State Priority #4, Subpriority A (California Assessment of Student Performance and Progress ("CAASPP")), it states that a majority of students at each grade level, including all student subgroups, shall exceed the 2021-2022 District benchmark for standards met or exceeded on the CAASPP statewide assessment in the areas of English Language and mathematics. For the actions to achieve this goal, the Petition indicates that the Charter School will implement a reading intervention program for students who are performing below the standard, and it will provide an extra period of

instruction in English and/or mathematics. However, no detail is provided to address whether this extra period replaces other courses/enrichment opportunities for students or how it would be staffed and budgeted to provide the supplemental instruction in these core areas.

- For State Priority #4, Subpriority B (UC/CSU Course Requirements), the measurement for attainment of the goal of students fulfilling the UC/CSU course requirements is vague and not appropriately aligned. The measurable outcome identifies the “number of UC/CSU aligned courses taken by Endeavor students,” and the method for measurement refers to an annual audit of UC/CSU aligned courses in student records. However, missing from this measurement is any indication of whether the student received a passing grade for the applicable course. Consequently, this goal cannot be meaningfully measured to evaluate student performance.
- For State Priority #4, Subpriority D (UC/CSU and CTE Course Requirements), the Petition includes a goal that the Charter School will “offer the opportunity for all students to complete both the UC/CSU and CTE course requirements by high school graduation.” However, the actions to achieve this goal merely state that UC/CSU-aligned courses will be offered to students and CTE pathway courses will be part of regular school courses. There is no indication as to the specific actions or strategies the Charter School will implement to increase participation or ensure completion of these courses.
- For State Priority #4, Subpriority F (EL Reclassification), the measurable outcomes states that a majority of the EL students will be reclassified as Fluent English Proficient and perform at grade level on the CAASPP statewide assessment. However, there is no indication as to the timeline for the achievement of this goal. To the extent that the Charter School believes that a majority of EL students will be reclassified within one school year, this expectation is both unrealistic and misleading to the Charter School’s stakeholders.
- For State Priority #4, Subpriority G (AP Exam Passage Rate), the Petition includes a goal that the Charter School students taking AP exams will have a passage rate that exceeds the District passage rate for the 2021-2022 school year. The measurable outcome then references the number of students who take and pass AP exams will exceed the “%” in the District. However, the Petition’s stated goal of exceeding the AP exam passage rate of the District is not supported by any identifiable or measurable actions, other than encouraging students to take the exams. There are no concrete, meaningful actions described in the Petition that are designed to assist students in obtaining passing scores. In addition, there is no explanation in

the Petition as to how the Charter School's teaching staff would receive training on providing AP course instruction.

- For State Priority #8, Subpriorities A (English), B (Mathematics), C (Social Sciences, and D (Science), the Petition states that all students will achieve grade level proficiency in the corresponding subject by high school graduation. Not only are these ambitious goals, but the Petition's description of the method for measurement merely states "student records." This is overly vague and fails to communicate the specific methods in which the Charter School would objectively measure student progress toward these goals. Of particular concern is Subpriority F (Physical Education), which provides that all students, including students with exceptional needs, will meet California high school graduation requirements for physical education. The actions to achieve this goal indicate that all students will be enrolled in PE. However, this goal and corresponding action do not take into account students with mobility or other health impairments who may not be able to participate in PE. This description is a prime example supporting the need to develop measurable goals, actions, and methods of measurement that align with specific student subgroup populations including students with disabilities.

B. Operational Concerns

Hiring and retaining qualified staff is vital to the successful implementation of the Charter School's proposed educational program. The Charter School will function with a minimum of one principal, one counselor, 19 teachers, one administrative assistant, one part-time office technician, and two part-time utility positions. The counselor will lead student support services and coordinate services provided to the students by school psychologists, social workers, and nurses. However, there is no description in the Petition of the qualifications and experience required for these three latter positions. The Petition also anticipates that the essential functions of the counselor will include participating in after-school activities and Saturday programs, which raises the concern that qualified applicants could be unwilling to apply due to these extra duties that extend beyond a regular work day unless appropriately compensated. Additionally, the Petition includes an overly generalized employee recruitment plan for teaching staff and does not address detailed recruitment strategies for CTE-qualified teaching staff, leadership positions, and non-teaching staff. The lack of planning for onboarding key staffing positions calls into question whether the Petitioners will be able to successfully implement the proposed Charter School program.

C. Financial Concerns

Under Education Code section 47605(h), the Petitioners are required to provide financial statements that include a proposed first year operational budget, including startup costs, and cash flow and financial projections for the first three years of operation. While the Petition

includes a budget narrative and multi-year budget projections, there were no cash flow documents included. Instead, Petitioners merely describe the Charter School's cash flow in a single paragraph. The omission of a set of monthly cash flow calculations significantly limits the District's ability to assess the Charter School's fiscal viability and ability to ensure it has sufficient funds to meet its ongoing monthly expenses.

Additionally, the District has multiple concerns regarding inconsistencies in the assumptions included in the budget narrative and specific statements regarding enrollment and average daily attendance ("ADA") projections in the Petition. Specifically, on page 27 of the Petition, Petitioners state that for the first year of operation, the Charter School would serve 270 students, and then reach a full buildout of 527 students by year 5. However, on page 187 of the budget narrative, the Petition provides that there would be 252 students for the first year of operation, and that it would reach a full buildout of 491 students by year 5. Further, the Petition states in multiple sections that the Charter School would have an average ADA rate of 95%, yet the budget narrative details an ADA rate of 90%. This inconsistency reflects the Petitioners' lack of familiarity with their own Petition and causes the District to question the attendance and revenue assumptions included in the budget documents generally. Further, due to these inconsistencies, the District cannot determine what rates or formulas were used to determine the Charter School's anticipated revenues.

In the budget, the Petitioners reflected lottery revenue for year 1 of the Charter School's operations, even though lottery funds are not available until the Charter School's second year. Moreover, the budget accounts for charter school facilities funding under Senate Bill 740, even though it has not secured a facility. Given that the Petitioners have budgeted for the receipt of SB 740 funds to be at \$357 per unit of ADA, the failure to secure this funding (should the Charter School be deemed ineligible) could seriously undermine the Charter School's ability to maintain a balanced budget.

With respect to special education revenues, the budget assumptions state that the Charter School intends to operate as its own LEA of the El Dorado Charter SELPA. Therefore, it budgeted the receipt of federal and state special education revenues based on that assumption. However, according to pages 48-49 of the Petition, the Charter School would initially operate as a public school of the District for purposes of the provision of special education and related services to students. Therefore, it is unclear why the Petitioners indicated in the budget assumptions that they intend to be part of the El Dorado Charter SELPA, especially given the differences in SELPA funding allocations which are based on the SELPA plan to which the school belongs. As such, the amounts budgeted in the Petition for special education revenue cannot be meaningfully evaluated to verify that they are accurate.

The budget also includes the receipt of funding (private donations) in year 1 of operation in the amount of \$50,000. However, there is no indication in the Petition or supporting documents to justify the receipt of such donations. Therefore, without a letter or commitment, agreement, or other tangible evidence that the Charter School will receive this funding, the Petitioners should not have included it as an anticipated source of revenue.

The District further notes that because the anticipated revenues are both inaccurate and unrealistic, as detailed above, this could compromise the Charter School's ability to cover the costs of its necessary expenses, which could lead to deficit spending.

Finally, the Petitioners appear to have grossly underestimated the costs associated with construction and other tenant improvements to the proposed facilities that are critical to implementing the educational model described in the Petition. According to the budget narrative, there is an estimated cost of \$1.00 per square foot per month in lease/rent that would increase to \$1.25 per square foot per month for years 2-5 of the charter. However, the Petition is devoid of any evidence or other detail reflecting the square footage of the proposed facilities or why this estimated per square foot amount increases after year 1, even though extensive tenant improvements would be necessary to convert the facilities from an office/warehouse use to an educational setting/CTE space. Also, only \$2,100 has been set aside for repairs and maintenance to the facilities, as well as computer equipment. This anticipated expense is extremely low considering the current state of the proposed facilities, which could compromise the Charter School's financial ability to perform any necessary maintenance or repairs in year 1.

For these reasons, District staff has determined that the Petitioners are demonstrably unlikely to successfully implement the proposed charter program.

Finding of Fact No. 3: The Petition contains the required number of signatures.

The Petition states that the Charter School expects to enroll approximately 270 students in its first year of operation and that the Charter School intends to employ 12 teachers during the first year of operation. Therefore, the Petition would need to contain either: (1) signatures of parents/guardians representing at least 135 students who are meaningfully interested in enrolling their grade-level eligible students in the Charter School, or (2) at least six signatures of teachers who are meaningfully interested in teaching at the Charter School.

The Petition includes eight signatures of teachers meaningfully interested in teaching at the Charter School for the 2024-2025 school year. Petitioners have therefore met the signature requirement.

Finding of Fact No. 4: The Petition contains an affirmation of each of the required conditions.

The Petition includes all required affirmations and assurances of the required conditions.

Finding of Fact No. 5: The Petition does not provide reasonably comprehensive descriptions of the required elements set forth in Education Code section 47605.

Based on an analysis of the Petition by the District's review team, the Petition lacks reasonably comprehensive descriptions of several of the required elements set forth in Education Code section 47605. The District has identified the deficient items below.

- A. Educational Program.** The design of the proposed educational program in the Petition is not reasonably comprehensive and lacks sufficient detail for the District to determine whether the program is likely to be successfully implemented. The District hereby incorporates by reference the findings set forth in Finding of Fact No. 1 and Finding of Fact No. 2 (Subsection A) as though fully set forth herein.
- B. Measurable Student Outcomes.** The Petition fails to provide sufficient detail regarding the means to objectively measure student outcomes to ensure student success. The District hereby incorporates by reference the findings set forth in Finding of Fact No. 2 (Subsection A) as though fully set forth herein.
- C. Governance Structure.** The Petition states that the Charter School will be operated and governed by the Board of Directors of Endeavor Public Schools, Inc., a nonprofit public benefit corporation. The Petition and corporate bylaws describe the governance structure of the Charter School. However, the bylaws contain internal inconsistencies. First, the Petition includes a set of corporate bylaws in which the terms for the initial directors on the Board of Directors (“Endeavor Board”) are inconsistent with those described in the Petition. The Petition states there will be three Endeavor Board seats for directors serving four-year terms, and *two* Endeavor Board seats for directors serving two-year terms. By contrast, the corporate bylaws provide there will be three Endeavor Board seats for directors serving a four-year term, and *three* Endeavor Board seats for directors serving a two-year term. Further, there are nine Endeavor Board members listed in Appendix 1 to the Petition, but pursuant to Article VII, Section 7.3, of the corporate bylaws, there are only six seats for the initial Endeavor Board, and the Petition itself only discusses five seats for the initial Endeavor Board. Given that the bylaws serve as a critical governing document for the Endeavor Board, this calls into question how the Charter School would structure its governance team if its Petition is approved.

The procedures for distribution of assets upon closure of the Charter School in the Articles of Incorporation allow for too broad of a distribution. The Articles of Incorporation specify that remaining assets shall be “distributed to a nonprofit fund, foundation, corporation or association which is organized and operated exclusively for educational or charitable purposes and which has established its tax exempt status under section 501(c) of the Internal Revenue Code...or shall be distributed to the federal government, or to a state or local government.” However, as the Charter School would be a school operating within the District and serving District students, at least revenues generated by students through state and federal apportionments should be distributed to another public school or educational entity operating within San Joaquin County upon closure of the Charter School and dissolution of the corresponding nonprofit entity.

The Petition discusses parental involvement in the governance of the Charter School. However, effective representation of teachers is not discussed and there is a lack of committees and/or advisory groups for parents to join. The District also notes that all feedback to the Endeavor Board would be routed through the principal, which could limit

meaningful parent participation and the voicing of any concerns or suggestions for the Board to the extent they are filtered through the principal. Further, while the Petition affirms that a Conflict of Interest Code will be adopted, the Petition does not affirm that the Endeavor Board will develop, continuously review, and update policies and internal controls to prevent fiscal mismanagement.

- D. Employee Qualifications.** The District hereby incorporates by reference the findings set forth in Finding of Fact No. 2 (Subsection B) as though fully set forth herein. In addition to the concerns stated in Finding of Fact No. 2 (Subsection B), the District notes that the Petition also lacks confirmation that teachers at the Charter School will have certificates of clearance and satisfy the requirements for professional fitness pursuant to Education Code sections 44339, 44340, and 44341. (See Educ. Code § 47605(l)(1).) The Petition also fails to discuss general qualifications for administrative and non-instructional support staff in a sufficient level of detail. The Petition’s language largely focuses on teaching staff and paraprofessionals (for example, employees will be both “innovative individuals” with a passion for lifelong learning and “coaches and facilitators of learning”), which raises the concern that there has been a lack of planning to secure qualified, experienced, and competent non-teaching staff.
- E. Health and Safety Procedures.** The Petition includes a series of health and safety policies and procedures to be implemented by the Charter School, but does not address Title IX and the internet posting requirements of the Charter School’s Title IX coordinator and other relevant information. In addition, the Petition does not confirm that parents of students will be notified twice annually regarding access to mental health services, does not confirm a maintenance plan for any automated external defibrillator devices kept on campus, and does not contemplate implementing earthquake drills (though fire drills are covered). The District, however, notes that the required confirmation that safety and disaster plans will be kept on file at the Charter School is made in the Petition’s “Miscellaneous” section.
- F. Balance of Students from Different Subgroups.** While the Petition describes proposed student recruitment methods in detail, the Petition does not provide an analysis of anticipated demographics of students attending the Charter School, and rather relies on the expectation that the anticipated demographics will closely resemble those of the District. Merely detailing recruitment policies is not enough to adequately address the means by which the Charter School will achieve a balance of students from different subgroups that is reflective of the general population residing within the territorial jurisdiction of the District, absent an analysis that results in an anticipated demographic makeup that mirrors that of the District. Successful charter petitions include a breakdown of projected student enrollment numbers by demographic, which projections are supported by the recruitment strategies detailed in the Petition and are indicative of whether or not the school will achieve a balance of students from different subgroups that is reflective of the general population residing within the territorial jurisdiction of the District.

- G. Admissions & Lottery Procedures.** The Petition includes admissions and lottery procedures, but the procedures are not reasonably comprehensive with respect to ensuring accuracy of the physical drawing process and any record-keeping procedures the Charter School intends to implement. The Petition describes a hand-drawn lottery process, which raises questions as to its accuracy. The Petition states that a disinterested third party will pull lottery tickets, but a disinterested third party alone does not solve for human error. To that end, the District advises the Charter School to implement a computer-based lottery process for increased accuracy. Additionally, the Petition lacks details regarding how long lottery records will be kept for inspection. The omission of this information limits the District’s ability to evaluate whether the admissions procedures are legally compliant and ensure equity and access to all students who may be interested in enrolling in the Charter School.
- H. Annual Independent Financial Audits.** The Petition discusses required annual independent financial audits in relatively sufficient detail. However, the District notes that the Petition does not address timelines for resolving deficiencies in any way, which need to be identified in the Petition to ensure timely compliance and resolution of any findings or other discrepancies.
- I. Dispute Resolution Procedures.** The Petition includes proposed dispute resolution procedures, but the process for resolution of internal disputes is unclear. Specifically, the Petition states on page 147 that “Endeavor shall have an internal dispute resolution process to be used for all internal disputes related to Endeavor operations.” However, there is no discussion of what this internal dispute resolution process would look like, leaving the District to wonder how exactly disputes among employees, administration, students, and others would be resolved.
- J. Closure Procedures.** The District hereby incorporates by reference the findings set forth in Finding of Fact No. 5 (Subsection C), concerning the distribution of remaining assets of the Charter School upon closure, as though fully set forth herein.
- K. Facilities Description.** The description of the Charter School’s proposed facilities is wholly lacking in detail, which prevents the District from evaluating the suitability of the space for a CTE-focused educational program. The Petition fails to include a description of the indoor and outdoor space, such as whether there is sufficient classroom and administrative office space, rooms appropriate for CTE programming, cafeteria or food service space, restrooms, multi-purpose space, etc. According to the Petition, a site plan of the facilities was supposed to be included in Appendix 8, but this was not provided. Appendix 8 merely includes a letter from the listing broker for the property, which reflects an intent to offer for lease office and warehouse space located at 129 S. Grant Street in downtown Stockton for use by the Charter School and that the space is suitable for the educational programming the Charter School seeks to offer. Additionally, the Petition does not include any details regarding the terms of any contemplated lease for the space.

The District also finds it concerning that there is no meaningful discussion of the planned tenant improvements that would be performed by the Charter School to convert the space to educational use, or the process that it would follow to implement these changes (e.g., changes in zoning, permitting for improvements, conditional use permits, ADA access, etc.). Given the information currently available about the proposed facilities, the District has serious reservations regarding their use in a manner that is conducive to student learning and that will support the proposed educational model described in the Petition.

Finding of Fact No. 6: The Petition includes a declaration of whether or not the Charter School shall be deemed the exclusive public school employer of the employees of the Charter School.

The Petition confirms that Endeavor Public Schools, Inc., the nonprofit corporation that would operate the Charter School, shall serve as the exclusive public school employer of the employees of the Charter School for purposes of the Educational Employment Relations Act.

Finding of Fact No. 7: The Charter School is demonstrably unlikely to serve the interests of the entire community in which the school is proposing to locate.

The Petitioners seek to open a classroom-based charter school program within the District's boundaries and propose to serve students in grades 7-12. The educational model would be designed to provide students with a focused education that leads to high school graduation, basic certification in a trade, and preparation for a family-wage job. Students would be expected to complete one of four California state-aligned CTE pathways by graduation. Based on a detailed analysis of the proposed Charter School program, the District believes that the proposed Charter School would (1) substantially undermine existing services and academic/programmatic offerings for students, and (2) duplicate programs that are currently offered by the District that have sufficient capacity for the number of students that the Charter School proposes to serve within a reasonable proximity to where the Charter School intends to locate its facilities.

First, the Petition does not describe any programmatic features that are not already offered in District schools, and such offerings are not new or innovative, as further detailed below. Rather, the offer of such proposed programming by the Charter School would substantially undermine existing services. For example, a decrease in enrollment at District schools would lead to a decrease in existing CTE funding streams, which are formulated based on District enrollment. This would in turn negatively impact the District's ability to fund improvements to CTE facilities so they remain equipped with industry-standard equipment, and the ability to host Work Based Learning experiences. Decreased enrollment due to the undermining of existing services and programs would also result in lost apportionment funding for the District, which would put the District in a position to decide which positions it could no longer fund. CTE teachers' salaries are funded out of the District's General Fund. These salaries are used in the 2:1 match for CTE grants, such as the Career Technical Education Incentive Grant and Strong Workforce Programs. A loss in CTE and other teaching positions would also result in a reduction in potential funds to be gained through grant matching.

Second, all of the CTE pathways identified in the Petition are already provided by the District. The District currently offers three Residential & Commercial Construction pathways at its Edison, Franklin, and Jane Frederick sites, one Agricultural Mechanics pathway at its Stagg site, and one Welding and Materials Joining Pathway at its Franklin site. These pathways prepare and guide students to rewarding careers in a wide variety of skilled trades. These programs also have strong connections to the San Joaquin Building Trades Council, the NorCal Carpenters Training Center, San Joaquin Builders Exchange, Consumnes River Community College, and San Joaquin Delta College, which connections provide students with multiple opportunities and venues in which to pursue careers in the relevant skilled trades. In the 2022-2023 school year, approximately 25% of the graduating members of the Multi Craft Curriculum (“MC3”) trades pre-apprenticeship program was comprised of District students who recently graduated from District schools. These students are now working career jobs in a variety of trade unions. Moreover, over the last five years, the District has invested a significant amount of CTE funding to grow these programs and increase their access to students. In 2020, Franklin High was awarded a Strong Workforce Grant to construct a state-of-the-art welding lab, which was completed in 2022 and is now accessible by students. The District anticipates that the number of students completing these programs will be increasing on the College and Career Readiness Dashboard in the coming years due to matriculating classes of completers and improved counseling, enrollment, and data gathering practices.

The District also offers two pathways focused on preparing students to enter a career in the automotive sector: an Systems Diagnostics, Service, and Repair pathway at its Weber site, and an Auto Body Repair pathway at its Franklin site. The Weber Diagnostics, Service, and Repair pathway is a flagship program and is operated under a California Partnership Academy Grant. All three courses that students take in this pathway are articulated for college credit with San Joaquin Delta College, and students are also given the opportunity to specialize in a wide variety of ASE certifications. The Auto Body Repair pathway at Franklin was created in 2022 as a partnership with San Joaquin Delta College through a Strong Workforce Program Grant to prepare students for high-demand, high-wage jobs in collision repair. Both pathways are highly popular among District students.

When students are properly enrolled in consecutive courses with a grade of “D” or better in the first course, and a grade of “C” or better in the second course, the abovementioned programs have the capacity to have 475 pathway completers every year. Additionally, in order to expand capacity, a second construction teacher was recently added at Edison High. The District’s CTE department collaborates regularly with school site counseling staff to ensure recruitment of students for programs and fidelity to the CTE pathway.

Each of the pathways offered by the District meets the Perkins V funding requirement as well. Pathway completers take a series of two courses in their chosen pathway, and they are given the opportunity to continue through an advanced class. The District is also building the framework for pathway completers to take a CTE Fieldwork/Internship class or a dual enrollment class through San Joaquin Delta College. As part of their CTE learning program, students hear from

guest speakers representing many aspects of the trades industry. Students also participate in industry field trips, including the Construction Trades Day, and visit their feeder programs at San Joaquin Delta College. Last year, over 300 District students took a field trip to Collins Electric and learned about the many career paths one could take in the construction industry.

District students are also already given the opportunity to compete in SkillsUSA at the regional, state, and national levels. During the 2022-2023 school year, teams competed at the state level in both construction and automotive repair sectors. Agricultural Mechanics students are actively involved in the Future Farmers of America program. With respect to extended learning days to be offered by the Charter School, the District's High School sites also have funding available to pay teachers to offer remedial instruction after school.

Thus, the District does not believe that the Charter School would serve the interests of the community where it proposes to locate and would diminish vital resources necessary to maintain and expand current CTE programming for District students.

Conclusion/Recommendation

Based on the above findings of fact, the District's review team has concluded that the Petition, as presented, does not meet the minimum legal standards under the Education Code to qualify for approval for the requested five-year term, beginning on July 1, 2024 through June 30, 2029.

For these reasons, and based on District staff's analysis of the above-described criteria for establishment of a charter school and the corresponding Findings of Fact Nos. 1-7, District staff recommends that the Board of Trustees take action to deny the Petition.