



Santa Ana Unified School District

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Superintendent of Schools

SANTA ANA UNIFIED SCHOOL DISTRICT STAFF REPORT AND PROPOSED FINDINGS OF FACT FOR COMPASS CHARTER SCHOOLS OF SANTA ANA JANUARY 13, 2025

I. INTRODUCTION

On October 4, 2024, Compass Charter Schools (“Compass”) submitted a “Continuing Charter Petition” and Certification of Completeness to Santa Ana Unified School District (“District” or “SAUSD”), seeking authorization for a new school with the name Compass Charter Schools of Santa Ana (“Compass-SA”). Below is a summary of the District’s findings and recommendations for consideration by the Governing Board.

The Board must take action to either grant or deny the charter within ninety (90) days of receipt of a petition unless this date is extended for an additional 30 days by agreement. (Cal. Educ. Code § 47605(b).) Compass-SA and SAUSD agreed in writing to extend the dates for public hearing. Board action is scheduled for its regular meeting on January 28, 2025.

On December 19, 2024, pursuant to Education Code Section 47605(b), SAUSD’s Board held an initial public hearing to consider the level of support for the Petition by teachers employed by the school district, other employees of the school district, and parents. The findings and recommendations in this report are based on the District’s analysis of information gathered from the hearing, its comprehensive review of the Petition, independent research it conducted about Compass, and requests for additional information from Compass, including a clarification meeting and school site visit held on November 5, 2024.

II. BACKGROUND AND RELEVANT FACTS

The District first learned about Compass when it received a letter from its Superintendent and CEO, Elizabeth Brenner, on February 14, 2024, requesting permission to continue operating a resource center known as the Orange County Learning Center (“OCLC”) within SAUSD’s boundaries. The letter indicated the resource center was operating as part of a charter school authorized by Mountain Empire Unified School District (“MEUSD”), located in East County, San Diego.

In response, the District requested to meet with Compass to learn more about the school and its resource center, as it did not have sufficient information to provide the written approval being sought. On Friday, May 24, 2024, the District met with Compass at OCLC, located at 600 N. Main Street, Santa Ana, California, 92701. During the meeting, the District found that Compass was unable to provide clear and complete information on a number of topics, including among others, its teacher credentialing and the availability of performance data to support its program. Overall, the District felt concerned that this resource center, operating far away from its authorizer, serving mostly students who do not reside within their authorizing District, was not
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receiving appropriate oversight and posed a liability for the District, as the District had no ability to manage the charter school without local control. Based on these concerns, the District sent Compass a letter on July 17, 2024, denying permission to continue operating as part of its charter renewal petition to MEUSD. Subsequently, on October 4, 2024, Compass submitted the present charter Petition directly to SAUSD for authorization by the local district, rather than by MEUSD.

Compass operates a nonclassroom-based, independent study educational program at several locations in 18 counties in California. (See [map](#) from Compass website of counties served.) Since inception, Compass has opened and operated its program at numerous locations (up to at least fifteen at one point) in various districts, and its schools have operated under other names and/or identities, including the Academy of Arts and Sciences. (See Charter Petition, Appendix D with missing pages, “Restated Articles of Incorporation of Academy of Arts and Sciences,” (partial document) demonstrating name change to Compass Charter Schools on January 30, 2017.) The authorization, approval, oversight and nomenclature remains unclear to the District despite several inquiries. The names, start dates, and location of each school site operated by Compass also remains unclear, as is which school district authorized which location, and oversight of each.

Presently, Compass maintains three active charters under the following names and authorizers: Compass Charter Schools of Los Angeles, authorized by Acton-Agua Dulce Unified School District; Compass Charter Schools of San Diego, authorized by Mountain Empire Unified School District; and Compass Charter Schools of Yolo, authorized by Winters Joint Unified School District. (See “[Accreditation/Authorizers](#)” listed on Compass website.)

In September 2017, Compass opened a school and called it the Orange County Learning Center (“OCLC”), within SAUSD’s boundaries. This learning center is the subject of this report, and the location that Compass now seeks through its current charter Petition to convert from OCLC into a charter school with the name “Compass Charter Schools of Santa Ana,” to be authorized by SAUSD.

Details regarding the opening of OCLC, including the exact date of opening and under what authority it opened, are not provided in the charter Petition. After receiving the Petition, the District sent Compass a letter on October 22, 2024 requesting additional information, so it could appropriately understand the nature of the resource center and the pending petition for a continuing charter. In response, Compass’s Superintendent, Ms. Brenner sent the District a letter on November 1, 2024, stating that Compass began leasing a facility in SAUSD on August 15, 2017 and started serving students on September 7, 2017.

The letter further stated that “[t]he school notified the SAUSD on September 7, 2017 that it would be operating a resource center within the district Pursuant to Education Code Section 47604.4(b).” Education Code Section 47604.4 is included in the Charter Schools Act to provide authority to the county superintendent of schools to investigate charter schools based upon a written complaint or other information justifying an investigation. Pursuant to this investigative authority, part (b) of Section 47604.4 states, “A charter school shall notify the **county** superintendent of schools of the county in which it is located of the location of the charter school, including the location of each site, if applicable, prior to commencing operations.” (Emphasis added.) The District did not receive notification.

On November 5, 2024, the District convened and met with Compass to review these details, among other topics. At the meeting, Ms. Brenner stated that in July 2017, Compass sent a notification letter to SAUSD’s Superintendent regarding its intent to open a learning center, and

Compass never received a response. The District then requested a copy of this notice letter, which Ms. Brenner subsequently forwarded to the District on November 12, 2024. The accompanying email stated, “The letter that is attached includes the Superintendent of the authorizing district.” Upon review, the District learned that the letter was dated September 7, 2017, and was not addressed to SAUSD’s Superintendent, but rather was addressed to Superintendent Mijares, who was the then acting Superintendent of the Orange County Department of Education (“OCDE”).

The September 7, 2017 notice letter to OCDE states in relevant part that Compass “will be operating a resource center within Orange County, located at 902 South Broadway Street in Santa Ana.” The letter further indicates that OCLC was opening pursuant to authority provided in Education Code Section 47605.1(c).

At the time OCLC opened its doors, the Third District Court of Appeal had ruled in *Anderson Union High School District v. Shasta Secondary Home School*, 4 Cal.App.5th 262 (2016) (“*Shasta*”), that the geographic restrictions in the Charter Schools Act apply to nonclassroom-based charter schools operating resource centers. To achieve compliance with this court opinion, the State Board of Education (“SBE”) approved a waiver policy in March 2017 for authorizers of nonclassroom-based charter schools with existing, noncomplying resource centers to submit a waiver application to SBE with a plan to bring the resource centers into compliance. OCLC received no waiver and opened in violation of law and process.

Compass at all times has presented that OCLC is operating as part of Compass Charter Schools of San Diego, which is authorized by Mountain Empire Unified School District (“MEUSD”) in East County San Diego. To better understand how OCLC opened through its San Diego charter, the District asked Compass (in its letter dated October 22, 2024) for the date and the procedure through which MEUSD authorized OCLC. In her November 1, 2024 reply letter, Ms. Brenner stated, “The Current charter petition, which includes the operation of one Learning Center, was submitted for approval to MEUSD on October 5, 2016. The approval was effective July 1, 2017.”

However, the existing charter from MEUSD does not authorize operation of any locations in San Diego County or MEUSD, and does not refer to a learning center, or OCLC, being authorized as a resource center in an adjacent county to San Diego County. Rather, the charter petition states, “At this time, CCS does not anticipate requiring additional facilities or resource center locations. Should CCS wish to add, change, or remove resource center locations in the future, it will enter into and/or revise a separately-executed memorandum of understanding with Mountain Empire Unified School District, which shall state that such changes require notice to Mountain Empire Unified School District and no material revision of the CCS charter.” (Page 10, Compass San Diego Charter Renewal Petition, 2017-2022.)

While an MOU is typically used to specify details of the relationship between a charter school and its authorizer, the Charter Schools Act explicitly requires a charter school to request a material revision any time it proposes to expand operations to one or more additional sites or grade levels. (See Cal. Educ. Code §§ 47605(a)(4) and 47607(a)(3).) In addition, “[t]he chartering authority shall consider whether to approve those additional locations or grade levels at an open, public meeting.” (Cal. Educ. Code § 47605(a)(4).)

At the clarification meeting held on November 5, 2024, Ms. Brenner reiterated that the charter

was approved in 2017, including the “Learning Center” operation in Orange County. She also provided new information (not included in the Petition or in previous communications) that OCLC was already operating at the time of opening under a different charter school, known as iLead charter. None of this information is included in any charter approved by any authorizer of Compass.

On November 7, 2024, the District sent an email to Ms. Brenner informing her that the publicly available charter authorized by MEUSD does not include the operation of a learning center in Orange County. The District asked her to send a copy of the charter which she referenced that includes it, as well as any memorandums of understanding (“MOUs”) between MEUSD and Compass regarding OCLC. The District also requested documentation or additional information which demonstrates the transition of OCLC from iLead to Compass. On November 12, 2024, Ms. Brenner responded as follows: “The charter was approved prior to opening the learning center, so the specific information regarding the OCLC is not included. If you search for ‘learning center’ you should find language that mentions a learning center in general...” Ms. Brenner also stated she would search for additional documentation regarding the transfer from iLEAD to Compass.” To date, the District has not received any information regarding the transfer of the learning center from one entity to another, or any documentation which authorizes the opening of OCLC.

In a further attempt to gain information regarding the legal authority for OCLC to open its doors, the District made a public records request to MEUSD for any and all signed MOUs between Compass and MEUSD. This request was based on the statement in Compass San Diego’s current charter that Compass would enter into a separately executed MOU with its authorizer if it opened a learning center. On November 22, 2024, the District received all documents subject to that public records request, none of which contained an MOUs specific to the opening of OCLC or any other resource center.

At some point after beginning operations in 2017, OCLC changed its location from the one initially listed in the letter to the OCDE Superintendent (902 South Broadway Street in Santa Ana) to its current location at 600 North Main Street, Santa Ana, California, 92701. The District has not found any documentation, in the Petition or elsewhere, which shows a material revision to the Compass San Diego charter indicating that the resource center moved to a new location, or that the move was made with approval and/or notice to either the authorizer or the local District.

Finally, Compass reports that aside from OCLC, no other resource centers or physical locations exist within MEUSD or San Diego county. Other than OCLC, the only physical building reported to exist pertaining to the charter school is its central office, located at 850 Hampshire Road, Thousand Oaks, California, 91361. The charter claims to operate only virtually in San Diego, while enrolling students under the Orange County Learning Center.

III. STATUS OF PETITION AS A CONTINUING CHARTER SCHOOL

After requesting to locate in SAUSD without authorization from any governing board of any school district, Compass submitted a Petition on October 4, 2024 with the title “Compass Charter Schools of Santa Ana Continuing Charter Petition.” In the Introduction section of the Petition, Compass states:

Education Code Section 47605.1(c)(5)(B) allows the California Department of Education to regard as a continuing charter school, a nonclassroom-based charter school that was granted approval of its petition, that was providing educational services prior to October 1, 2019, and is authorized by a different chartering

authority due to changes to this statute that took effect January 1, 2020. Compass Charter Schools of Santa Ana meets this definition. (Pages 8-9, *Charter Petition*.)

Although the Petition asserts OCLC is a continuing charter pursuant to the above referenced statute, Compass provides no information to verify that OCLC was ever granted approval or legitimately opened in the first instance. The Petition includes only one small paragraph in its Introduction to describe OCLC, which includes no authority by which it opened:

CCS opened the Orange County Learning Center (“OCLC”) in 2017 within the geographical boundaries of the Santa Ana Unified School District. The learning center currently serves scholars in grades TK-8. This learning center is proposed to become Compass Charter Schools of Santa Ana. (Page 8, *Charter Petition*.)

As described in the Background section of this Report, and despite the lack of clarity in the renewal petition, the District has attempted to gather information regarding the legitimacy of this resource center’s opening. No verifiable information suggests it was initially approved, or that the location in the District was authorized through a material revision, MOU, or otherwise. There are no signatures seeking to establish OCLC, and no school board that approved it.

To that end, Compass opened a school site without required signatures by parents or teachers, or any of the requirements prescribed by the Charter Schools Act. While Compass has produced one notice letter written to OCDE in 2017, no notice letters were ever provided to SAUSD until just this past year, seven years after OCLC opened. Furthermore, the timing of the resource center’s opening raises concerns, as OCLC opened soon after the *Shasta* decision and during a time when State laws were in flux.

In its Petition, Compass additionally claims its status as a continuing charter pursuant to a “carve out” in a law which imposed a moratorium on nonclassroom-based charter schools from January 1, 2020 to January 1, 2026. While the Petition does not mention it by number, the statute it references is Education Code Section 47612.7, a law which went into effect as part of the major overhaul of the Charter Schools Act pursuant to AB 1505 and 1507. Section 47612.7 currently prohibits the approval of petitions for new nonclassroom-based charter schools, but provides an exception for charter schools with an existing resource center required to submit a petition to a local governing board pursuant to the removal of the “adjacent county” provision in Education Code Section 47605.1.

Worth noting is that the Legislature implemented the Section 47612.7 moratorium on nonclassroom-based charter schools to provide it with an opportunity to study the processes used for their funding and to make recommendations for enhancing oversight and reducing fraud, waste, and abuse by such schools. (*See* Cal. Educ. Code § 47612.7(d).) Also worth noting is that when Compass was operating under its former name, Academy of Arts and Sciences, its CEO was Sean McManus, who was later criminally prosecuted as the leader in a large scale charter school fraud scheme related to the A3 network of charter schools, which he started after leaving the Academy of Arts and Sciences. This type of criminal scheme is what prompted the Legislature to implement the stated moratorium.

Irrespective of whether OCLC is now permitted to submit a petition to SAUSD based on the exception it cites to in this section, the question remains of whether the school was legitimately operating or approved by any authorizer to open in the first place.

Finally, the only document the District is aware of which indicates the authority under which OCLC opened is the 2017 letter to OCDE, which states that OCLC may operate in a county

adjacent to its authorizer because the “charter school provides its primary educational services in, and a majority of the pupils it serves are residents of, the county in which the charter is authorized,” as required by former Education Code Section 47605.1(c). However, Compass provides no supporting evidence to verify that the majority of pupils it was serving when it opened and throughout its existence (including at the present time) are residents of San Diego County. For instance, in its charter Petition, Compass gives information regarding its average daily attendance (“ADA”) for the entire school, but it does not disaggregate any of this data by county or district. As such, the District has had to search for and request clarification information about the residency of the pupils OCLC is serving.

In its October 22, 2024 letter, the District inquired, of the 790 ADA claimed by Compass Charter Schools of San Diego in the 2023-2024 school year, how many were residents of San Diego County, how many were residents of Orange County, and how many attended OCLC. Ms. Brenner responded with a letter on November 1, 2024, stating that 305 students reside in San Diego County, 246 reside in Orange County, and 136 attend OCLC. Based on this data, the majority of pupils served during the 2023-2024 school year were not residents of San Diego County, as even if half of the students resided there, the number would have been 395. Furthermore, all of the District’s attempts to gain clarifying information have produced differing number sets that do not clearly add up or make sense.

In addition, Compass has never opened or operated a primary physical school site or location of any sort in its authorizing district (MEUSD) or in San Diego County. Compass has confirmed that the only physical location that has ever existed in connection with its San Diego charter is OCLC. The District is unclear why a resource center would need to be opened in an adjacent county, while no such center exists in either its authorizing district or county. The District has found no information which makes it evident that the charter school is providing its “primary educational services” in MEUSD or even in San Diego County. Even Compass’s main offices are located in Thousand Oaks, California, far away from its authorizer.

Based on the foregoing, the District does not believe that Compass’s Petition warrants consideration as a “Continuing Charter Petition,” and rather should be considered as a petition for a new charter school. Nonetheless, the District has reviewed the Petition under both standards (as a continuing charter school and a new charter school) and presents findings under both types of review below.

IV. LEGAL STANDARDS

A. General Criteria for Charter Petition Reviews:

Education Code Section 47605(c) governs both charter renewals (under Education Code Section 47607) as well as petitions for new charters. Pursuant to this section, the governing board of a school district shall not deny a petition unless it makes written factual findings to support one or more of the following findings:

1. The charter school presents an unsound educational program for the pupils to be enrolled.
2. The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition.
3. The petition does not contain the required number of signatures. (This provision applies to initial petitions and not renewals.)

4. The petition does not contain an affirmation of each of the conditions described in subdivision (e) of Education Code Section 47605. The petition does not contain a reasonably comprehensive description of elements A – O, described in paragraph (5) of subdivision (c) of Education Code Section 47605.
5. The petition does not contain a declaration of whether or not the charter school will be deemed the exclusive public employer of the employees of the charter school.
6. The charter school is demonstrably unlikely to serve the interests of the entire community. (This provision applies to initial petitions and not renewals.)
7. The district is not positioned to absorb the fiscal impact of the proposed charter school. (This provision applies to initial petitions and not renewals.)

B. Evaluation of Performance Metrics for Renewal Petitions:

In addition to the general criteria, charter renewals are based on performance on state and local indicators. Charters are placed in one of three performance levels: high, middle, or low. In determining whether to grant a charter renewal, the Governing Board shall review both schoolwide performance and the performance of numerically significant student subgroups on the state and local indicators included in the California Schools Dashboard (“Dashboard”), giving greater weight to performance on measurements of academic performance. (Educ. Code §§ 47607, 47607.2.)

For middle performing charters, in addition to the state and local indicators, the chartering authority shall consider clear and convincing evidence, demonstrated by verified data, showing either of the following:

- A) The school achieved measurable increases in academic achievement, as defined by at least one year’s progress for each year in school.
- B) Strong postsecondary outcomes, as defined by college enrollment, persistence, and completion rates equal to similar peers. (Educ. Code § 47607.2(b).)

The Board may deny a middle performing charter under this Section “only upon making written findings, setting forth specific facts to support the findings, that the charter school has failed to meet or make sufficient progress toward meeting standards that provide a benefit to the pupils of the school, that closure of the school is in the best interest of pupils, and...that its decision provided greater weight to performance on measurements of academic performance.” (Education Code § 47607.2(b)(6).)

V. SUMMARY OF FINDINGS

A. Petition does not contain a reasonably comprehensive description of all required elements of Education Code Section 47605(c)(5).

1. Educational program (Educ. Code § 47605(c)(5)(A)):

- The Petition states on page 8 that the learning center currently serves scholars in grades TK-8. However, under the “Description of Program” section on page 31, it states the school is open to scholars in grades TK-12. The Petition provides no explanation for how it intends

to expand its current programming at the learning center to serve these additional grade levels.

- On page 31, the Petition states, "...parents have the role of 'Learning Coach' and play an important role of partnering with CCS teachers to educate children at home." There is no description provided for what the role of "Learning Coach" entails, how parents are trained in this role, or whether it is a requirement to have a Learning Coach for admittance to the program. Furthermore, the Petition provides no explanation for how students who do not have fixed parents or guardians to serve as a Learning Coach may still access the program. In addition, on page 32, the Petition states that families will be allowed to "provide challenging lessons on a daily basis," which implies that parents will take on the role of a teacher, although without a description of any training or expectations.
- A lack of clarity exists surrounding the curriculum and instruction with respect to Compass as a whole as well as the learning center proposed for authorization. The Petition states that scholars engage in learning by choosing from a range of curriculum and learning modalities, including "an asynchronous learning management system (LMS) for online courses, text books, hands on experiences, events, and more." (Page 33.) On that same page, it states that scholars who attend the learning center follow a regular school day and content is focused on core subjects and enrichment. Page 33 of the Petition also makes statements such as "[s]cholars engage in their learning daily through assignment completion to show course progress, attendance in live synchronous instruction sessions, participating in direct instruction, and other activities..."

From these descriptions, however, it remains unclear what the learning expectations are for students in this program. The description appears to provide flexibility for students to choose whatever method and curriculum they prefer, yet provides no set standards for learning or curriculum completion. The only requirement indicated is that "work is completed and progress is made daily," however there is no explanation regarding what work must actually be completed and how progress is measured.

Under the "Curriculum and Instructional Design" section on pages 38 to 39, the Petition states that scholars have access to a "demanding education program" and "rigorous, board approved curriculum," however there is no information regarding what that curriculum specifically entails or what scholars are expected to learn. Instead, the Petition references "Appendix B for a list of approved curriculum." Yet, Appendix B simply provides a one-page list of online, homeschool resources, many of which families must pay to access. It is confusing how this list of resources represents the school's rigorous curriculum or how students will make "progress towards mastering grade-level standards and their academic goals." (Page 38.) While it appears that parents may choose from whatever curriculum they wish, there is no way to gauge that students are completing a scope and sequence of courses as required by the California State Standards for each grade level.

Additionally, Appendix J presents the high school course catalog and Appendix K contains the middle school course catalog, however, there is no accompanying information to describe the curriculum that is used to complete these courses. The Petition leaves many questions unanswered: Does Compass contract with an outside company to provide the courses listed in its catalogs via an online platform? Or does Compass design and develop its own curriculum? Or do parents and supervising teachers work together to develop the lessons as they go, and does this then become a semester course for credit? For high school courses that are listed as A-G approved, where are

these courses located and how have they been approved?

It is further unclear whether students who attend the learning center must follow a particular curriculum or mode of instruction as compared with students who do not. Pages 39 to 40 of the Petition describe in-person classes for core subjects and an “active project-based learning environment,” yet at the same time describes individual curriculum choices. While many options for learning exist, it also does not appear that any one method is ever required or necessarily implemented. The Petition makes statements regarding access to synchronous and asynchronous, virtual and direct instruction, “Learning Labs” and “Q&A sessions,” however, the Petition never states that any of these modalities are necessarily required as part of the school’s instruction, and if so, how the school implements these requirements or follows up with students who are not completing them. The description raises questions regarding whether the charter school has any minimum requirements or standards in place.

- The descriptions under the various subheadings on pages 36 to 37 are vague and do not contain sufficient descriptions of how the objectives will be achieved. For example, under the “Equity” subheading, it states that scholars will have access to “challenging and equitable opportunities to develop learning skills...[and] they are exposed to real-world, scholar-centered, authentic, and inquiry-based learning experiences...” Beyond this statement, the Petition provides no additional detail or concrete examples of how this objective will be achieved, or the types of lessons or experiences that will be provided to meet it.
- While the Orange County Learning Center is the actual school that is the subject of the pending Petition and for which the Petitioner is presently seeking authorization, the Petition provides no details or explanation of the program that takes place at this center aside from several sentences on pages 33 and 40. The only information provided is that students attend from 9:00 am to 2:00 PM, content is focused on core subjects and enrichment, scholars receive instruction in a variety of modalities, and that the center also provides community events. Many questions are left unanswered: Will all students enrolled through this charter school have access to the learning center? Is there an attendance requirement? Do they attend every day? How are their lessons and credits coordinated with the home school program? How does the curriculum differ for a student who attends OCLC compared to a student who does not attend? How are lessons delivered? What subjects are offered at the center? Are credentialed teachers delivering the lessons? Does the learning center function as a separate school program or is it intended only to supplement the regular online curriculum, and if so, how?
- Page 43 of the Petition cites to the Master Agreement, which is attached in Appendix A. Neither the Master Agreement, nor the Board’s written policies in Appendix F, include a description of re-engagement tiers in place for students who are not making adequate progress, as required by Education Code Section 51747(d). Pages 57 and 89 of Appendix F state that the “Charter School has adopted tiered reengagement strategies” and additionally restate the various legal requirements of Education Code Section 51747(d), but these sections do not describe the strategies with specific detail relevant to the program.

In addition, the Master Agreement is missing a statement that in the case of a student who is referred pursuant to Education Code Sections 48915 (expulsion) or 48917

(suspended expulsion), instruction may only be provided to the student through independent study only if the student is offered the alternative of classroom instruction. (Education Code § 51747(d).)

- Page 45 describes attendance based on work completion. While independent study attendance credit is determined using the time value method, which is based on work completed rather than seat time, beginning in 2024-2025, independent study must document for each student:
 1. The hours and fraction of an hour students participate in synchronous instruction with the assigned teacher;
 2. The hours and fraction of an hour students spend working asynchronously with no work product completed;
 3. The hours or fraction of an hour students spend asynchronously to complete the work product assigned.

The Petition does not mention the recording of the time it takes a student to complete the work assigned corresponding to each learning period/course broken-down in the three categories above, which beginning this year is required as a condition to receive ADA credit/funding.

- Page 45 of the Petition describes the Truancy Policy, however pupils in kindergarten through twelfth grade independent study are not subject to truancy laws. Instead, Education Code Sections 51747(b) and 51749.5(a)(8)(B) call for an evaluation to determine whether or not the pupil should remain in independent study. LEAs are also required to have in their independent study board policies a plan for tiered reengagement strategies to include outreach and clear standards for requiring a pupil-parent-educator conference. (Educ. Code §§ 51747(d) and 51749.5(a)(8)(C).) The Board Policies only contain general but not specific information regarding tiered reengagement.
- The Petition states that each learning period equals 27 school days, and the maximum length of time that may elapse between the time an assignment is made and the time and the date by which the student must complete the assignment shall be 27 school days. It is unclear how student progress is monitored before the end of the period if assignments are not completed prior to the 27th day of the learning period.
- Various sections of the document reference information applicable to high school courses/a-g and graduation requirements, however the Petition specifically states that OCLC enrolls students in grades TK-8. As previously stated, no clear explanation is provided for how the school will serve students in high school.
- Pages 46 to 47 of the Petition describe a Multi-Tiered System of Support (“MTSS”) and Response to Intervention (“RTI”) for scholars who are academically low achieving. It is unclear from the description who refers the students for MTSS/RTI support if the parent is the Learning Coach. The Petition does not describe how parents are trained in identifying these needs or how the Supervising Teacher would know from a monthly check-in that a student is struggling. Furthermore, the Petition does not explain whether Students are provided with Tier 2 and Tier 3 support at the Learning Center. Also, on page 47, support is only mentioned in the areas of Math and Language Arts, however, according to the Petition, the Learning Center does not provide instruction in these subjects.

- Page 48 describes the Scholar Study Team (“SST”) procedures; however, the description is overly broad and vague. The section does not explain who refers a student to SST, how the referral is made, who sits on the SST, and other pertinent details regarding procedures for the SST.
- Similarly, the sections regarding English Learners are overly broad and not specific to the reality of the Learning Center. The Petition provides an overview of the legal requirements for all schools with respect to English Learners, however, during the District’s walkthrough of the Learning Center, evidence of Designated or Integrated ELD instruction was not present. In addition, Compass’s Superintendent did not know the number or if any English Learner students were enrolled, suggesting there might be three students enrolled but she was not sure. During the walkthrough, Compass stated that English Learners are supported through a staff member during homeschooling time, however, a comprehensive description of this process is missing from the Petition.
- Pages 52 to 53 discuss the consequences for academic dishonesty. The description does not explain how it is determined that a student has violated academic integrity and who sits on the Disciplinary Action Committee (DAC).

Special Education

- The Petition is lacking in detail or specific steps that OCLC takes to support students with disabilities who may find the independent study model challenging. Special education students may require structure and routine or may struggle with self-directed learning; the Petition does not describe any specific strategies the school utilizes to maintain engagement and active participation of students with attention difficulties in the online learning environment.
- Upon visiting the learning center, the District learned that OCLC currently serves 30 to 35 students on Individualized Education Programs (“IEPs”). Compass offers many different types of curriculum for parents to choose from, however, within this model, the Petition does not explain how a teacher will differentiate instruction. The Petition further does not describe what modified curriculum is offered for students requiring a modified curriculum per their IEP.
- When the District visited the learning center, it observed all classrooms set up for and facilitating whole group instruction. The Petition does not explain how special education teachers will engage in small group instruction for students requiring it in their IEPs.
- Page 58 states, “The Charter School operates its own local education agency (“LEA”) for purposes of special education and is a member of the El Dorado County Charter Special Education Local Plan Area (“SELPA”)...” While Compass’s other existing charters are currently members of the El Dorado County SELPA, OCLC/Compass-SA is not currently a member of this SELPA, and so this statement is a mischaracterization of the charter school’s current LEA status for special education purposes. The Petition provides no description for the process the charter will take to achieve status as its own LEA for special education and/or a proposal for it to become a charter of the District for purposes of special education.

- Page 59 of the Petition describes staffing for special education. The description provides no details regarding staffing ratios and how staffing needs are determined. Also, the Petition mentions hiring related service providers, “including without limitation, speech therapists, occupational therapists, behavioral therapists, and psychologists,” however, a description of how these services will be implemented is not offered anywhere in the Petition. It is the District’s understanding that Compass employs outside contractors and non-public service agencies to hire related service providers, but there is no further detail regarding these services. It is unclear whether related services are provided virtually, or if providers will visit the in-person school setting to make recommendations for students in their educational environments.
- It is further unclear whether education specialists provide any in-person services at the learning center. The District understood from its visit to the learning center that no education specialists are present during in-person instruction on Tuesdays and Thursdays but are available virtually to provide specialized academic instruction on off-campus days. While the District understands that specialized academic instruction is to be delivered virtually, specific details are missing regarding expectations and structures for this instruction.
- Page 59 of the Petition mentions training, however, no specific plan is outlined for ongoing special education training and professional development for staff.
- Pages 58-59 provide a vague description of Child Find procedures. Child Find procedures are mentioned, however, no specific processes are outlined for identifying students who may need special education services, especially in a virtual learning environment.
- The Petition states that students with IEPs are provided with interim placement for 30 days that is comparable to the last consented to IEP from the previous district. However, the Petition does not describe how a student with an IEP requiring intensive needs, such as a Special Day Class placement, 1:1 aide, or diapering/toileting needs will be met. As far as the District can tell, OCLC does not have any students enrolled who require a separate special education setting, nor does the Petition describe how such students would be served.

Upon the District’s visit to the learning center, Compass staff stated that if a student requires more support than Compass can offer, the student is referred to a Non-Public School (“NPS”), however, the Petition provides no information regarding NPS placements, including how students are referred or who is responsible for the costs of services, transportation, 1:1 aides, and NPS enrollment, among other details. Nor does the Petition make any mention of or indicate the number of currently enrolled students who attend an NPS. Overall, no clear explanation is given for how Compass will provide the full continuum of services in a primarily virtual setting.

- Page 61 provides insufficient details on IEP implementation and lacks adequate explanation of how IEPs will be implemented and monitored in a virtual learning environment. In addition, the Petition does not describe how Compass will provide appropriate accommodations and modifications for students with disabilities or those who require specialized equipment in a virtual learning environment.

Compass further states that it offers field trips, enrichment activities, and clubs.

No information is provided regarding how many students with Mild/Moderate and Moderate/Severe disabilities have access to and engage in these activities.

- Page 60 of the Petition provides very limited information regarding assessment procedures for special education. It is unclear who conducts assessments when a student is referred or how assessments will be conducted, whether virtually or otherwise. There is also no description of whether assessments will include observations in-person in the school environment or in different educational settings, including structured and unstructured settings.
- The Petition does not explain how IEP testing accommodations will be implemented for students with disabilities. In addition, the Petition does not include information regarding the number of students who currently participate in the California Alternate Assessment (“CAA”), the standardized test for students with significant cognitive disabilities, nor does it explain whether CAA testing will be administered virtually.
- The Petition does not describe how Extended School Year (“ESY”) services will be offered for students who require ESY as part of their IEP.
- On page 63, there is a lack of specifics on parent involvement in special education and how parents will be engaged in the IEP process and ongoing communication in a virtual setting.
- Finally with respect to special education, the Petition does not describe procedures Compass takes when it determines that its program is not appropriate for a student suspected of having a disability. The Compass website states, “If a scholar is not benefiting in this unique educational model with all the provided support and guidance, they may need to be referred back to their school of residence.” It is unclear at what point a student is referred back to their school of residence and whether referral occurs prior to assessment for special education or after the development of an IEP. More information is needed regarding what this referral process entails for the student and family, and how Compass takes measures to ensure that students with disabilities are not disproportionately referred back to their school of residence.

2. Measurable Pupil Outcomes (Educ. Code § 47605(c)(5)(B)):

On pages 64 to 65, the charter presents a narrative regarding measurable outcomes and its Local Control and Accountability Plan (“LCAP”). Compass identifies generally what it will use to evaluate its program, however, the narrative lacks specificity, for example with respect to target groups, metrics, goals, and other areas. The Petition asserts that this new charter school will adopt the LCAP from Compass-San Diego and that similar methodologies and success metrics will apply during its first year, however, no evidence is provided to demonstrate that these metrics align or that Compass-SD’s LCAP is necessarily relevant, where one program is purportedly tied to an in-person facility while the other is not.

In general, throughout the entire Petition, the majority of data and information provided connects to Compass-SD rather than Santa Ana’s OCLC. Direct evidence and performance data from OCLC is limited or missing throughout the Petition. As described in Section B below, which further describes the school’s performance metrics, this lack of data specific to OCLC makes it challenging to determine the reliability of the stated measurable outcomes.

3. Governance Structure (Educ. Code § 47605(c)(5)(D)):

OCLC/Compass-SA will be operated by a Governing Board which controls multiple charter schools for its network. The charter school presented in the Petition (Compass-SA) is indistinguishable from the charter network as a whole and, therefore, raises concerns regarding the independent operation of the proposed charter school to be authorized by the District. Throughout the Petition, OCLC/Compass-SA and Compass as a network of charter schools are used interchangeably, making it unclear what information pertains specifically to the school in the Petition and what belongs to Compass as a whole. Having one Governing Board which operates multiple charter schools creates confusion, potential conflicts, and liability for the District. Furthermore, it is unclear where the budgets of each school separate, making it challenging for the District to understand the scope of what it is authorizing.

In addition, the Board does not meet or operate locally, nor does the inclusion of parent involvement in governance necessarily include parents specific to OCLC, as Compass is in effect operating throughout the state. Furthermore, the roles of Compass's administrators and staffing with respect to the proposed charter is unclear, as Appendix L, which contains the Organization Chart, shows over 60 staff members. It is confusing how so many administrators and support staff are needed for one small proposed charter school which has historically had an enrollment of around 130 students.

Page 69 of the Petition states that the "Compass Charter Schools Board of Directors will meet at least four (4) times yearly, pursuant to the approved master calendar..." The District questions whether quarterly meetings at Carson, California meet the requirements of the Brown Act (Cal. Gov. Code § 54950, et. seq.).

4. Employee Qualifications (Educ. Code § 47605(c)(5)(E)):

Lack of clarity exists regarding teacher credentialing. OCLC claims to be serving students in grade TK-8 while at the same time the Petition states it is seeking a charter for grades TK-12. Some parts of the Petition discuss only serving up to grade 8, while other parts discuss high school courses, graduation, and other topics specific to high school aged students.

With respect to credentialing, it is unclear from the section on Employee Qualifications (and the Petition as a whole) whether teachers at the OCLC physical location, as well as through its online program, hold the appropriate single subject credentials to teach high school. The descriptions for the various Supervising Teachers present options for having a Multiple Subject or Single Subject Credential. No information is provided regarding how students are divided by grade level, which subjects are actually taught at the learning center, and whether teachers hold appropriate single subject credentials to teach them. In addition, no plan or explanation is provided for how the program will transition to serving high school students while ensuring appropriate employee qualifications.

5. Health and Safety Plan (Educ. Code § 47605(c)(5)(F)):

The procedures for health and safety, including those in the Petition as well as those in the "Safety Manual and Injury & Illness Prevention Program," which Compass's CEO submitted to the District on November 12, 2024, do not include all required elements of Education Code Section 32282.

The District also has concerns after visiting the learning center regarding the safety of the facility. The school does not maintain a secure, sign-in process to access the facility. Restrooms are located on an upstairs level accessed through an elevator, and evidence is not present to demonstrate compliance with gender neutral restroom requirements, or a floor plan with measurements indicative of ADA-compliance. In addition, documentation has not been provided to confirm local zoning compliance and/or Division of the State Architect approval.

6. Means to Achieve Population Balance (Educ. Code § 47605(c)(5)(G)):

Pages 88 to 89 offer a vague description of a scholar recruiting strategy with no concrete details or data to support OCLC's goals to achieve a balance of populations. No information is provided regarding the student demographic profile of OCLC and its prospective enrollees as compared to the District's demographics. It is impossible to discern from this section what percentage of students from various racial groups and student subgroups are enrolled in the school, and no comparison to the population at Santa Ana Unified School District is provided.

It is the District's understanding from conducting its own research that the population balance at OCLC is not the same as the District's. If OCLC has been operating since 2017, the District questions why it has not achieved a population balance since that time, and why statistics are not included in the Petition to demonstrate the change in population since its opening.

7. Admissions Policies and Procedures (Educ. Code § 47605(c)(5)(H)):

The Petition presents incomplete, inaccurate, and conflicting information regarding its admissions policies and enrollment procedures. Page 90 states that "scholars must reside within San Diego or a contiguous county." The District does not understand why scholars must reside in San Diego or a contiguous county for a charter school being proposed in Orange County; furthermore the Charter Schools Act states that "admission to a charter school shall not be determined according to the place of residence of a pupil, or of that pupil's parent or guardian." (Educ. Code § 47605(e)(1).)

This wording on page 90 also conflicts with the statement on page 91, which states that "admission to CCS shall not be determined by the place of residence of the scholar or his/her parent/guardian in the State..." Then again, in contrast, the Scholar Handbook (Appendix M) contains a section titled "Residency Requirements," which again requires a scholar to reside within the county or a contiguous county of enrollment. This part of the Handbook further references "board policy number 22," which requires parents to show proof of residency. However, upon searching under Board Policy #22, the District finds that it contains Compass's "work and entertainment policy" but not a residency policy. All of these inconsistent statements create confusion regarding what the charter school actually requires with respect to residency, and whether its requirements are in alignment with the law.

In describing these various policies and requirements, Petitioners cite to Education Code Section 51747.3, a section which relates to apportionment for independent study rather than admission requirements for a charter school. In citing to this section, Petitioners appear to be conflating legal requirements for claiming average daily attendance with residency requirements.

In addition, Page 91 describes a public random drawing/lottery process, however, no information is provided regarding enrollment caps, numbers, ratios, or other details which explain the number of seats available to determine capacity for initiating a lottery. It is unclear what the projected enrollment for the school is, if there is in fact a limit to this enrollment, and under what

circumstances this type of virtual school would require a lottery.

Finally, a lack of clarity exists regarding application criteria and policies for homeless students and foster youth. While the Petition claims to admit all students who wish to attend, and the Board Policies (Appendix F) outline policies pertaining to homeless and foster youth, these policies only restate general State legal requirements but do not offer any information specific to this charter school. Questions remain, such as how would a student without a stable home placement or without a fixed wi-fi connection access the program? What procedures and supports are in place to ensure such students can successfully start and make progress in a virtual and independent study program? How might the school ensure all students have the support of a Learning Coach if one is not readily available? Page 16 of the Petition states that 15.3% of the student population is “considered homeless;” with such a high homeless population, it is unclear why detailed procedures are not included for how such students might enroll in, access, and succeed in this specific type of school, including the provision of equipment and space to engage in learning, necessary adult support, and strategies for retention.

8. Auditing Procedures (Educ. Code § 47605(c)(5)(I)):

The Education Code requires charter schools to engage an independent auditor to conduct an annual financial audit of the school’s accounts. The Petition lacks sufficient detail regarding the proposed auditor selection process, compliance with auditing standards, and the steps the school will take to address findings or recommendations resulting from the audit. These elements are critical to ensuring the charter school maintains fiscal accountability and aligns with state requirements. The Petition needs to clarify the school’s plan to select a qualified, independent auditor and the timeline and procedures for conducting annual audits and addressing any deficiencies or findings.

9. Disciplinary Procedures (Educ. Code § 47605(c)(5)(J)):

The disciplinary procedures do not indicate that suspension shall be imposed only when other means of correction fail to bring about proper conduct, required under Education Code Section 48900.5. In addition, there is no language referencing the use of restorative justice practices for cases of harassing and bullying.

B. Charter school does not clearly meet required performance metrics for a middle performing charter.

Overall, the Petition relies heavily on data from Compass-SD, often using it as a proxy for what is expected at OCLC/Compass Santa Ana (See page 9 footnote and page 14). This reliance raises concerns about the direct applicability of results to the Santa Ana context.

Pages 9 to 30 of the Petition present performance data that mixes names and information for OCLC with Compass-SD. For example, the charts and accompanying text on pages 12 and 13 use labels that indicate limited data for OCLC and mostly data for Compass-SD, however, the data sets as a whole include incomplete charts, missing labels, or a failure to indicate the number of students assessed in each data set.

After receiving the Petition, the District made multiple requests for and the charter school provided supplemental results for OCLC. The District found that verifying these results using external, publicly available resources was not possible and the supplemental data were unreliable, as the numbers of students tested did not align with the number of students enrolled. Additionally, cross-referencing the OCLC assessment report with the Petition was difficult due to unclear or missing labels on charts and tables, which hindered data interpretation and alignment. In spite of these

issues, the following observations are based on the information that could be reasonably understood.

On page 15, the Petition presents data reflecting Compass-SD's 2023 Dashboard performance, which indicates it performed below the state average in all academic indicators, with the exception of the English Learner Performance Indicator ("ELPI"). However, the District also searched for current data on the California Schools Dashboard website, which indicated that for the year 2024, the ELPI appears to have significantly declined by 32.5%. In general, the current Dashboard indicates low academic performance in all areas for Compass-SD.

With respect to the graphs provided in the Petition, scholars show consistent improvement in meeting or exceeding standards in English Language Arts ("ELA") and Math over time in the California Assessment of Student Performance and Progress ("CAASPP"), however, performance still lags behind state averages for certain categories, indicating room for further improvement.

In addition to State standardized testing, Compass provides Renaissance STAR testing as verified data for measuring performance. According to this data, approximately 50% of scholars met or exceeded standards and demonstrated typical or high growth in Reading and Math, although the data does not include an explanation of the test or what it means to meet or exceed standards.

Regarding equity and subgroup performance, the Petition states on page 22 that special education students have achieved a 22% improvement in ELA and 20% in Math since the 2017-2018 school year, reflecting notable progress for this subgroup. It is unclear, however, whether this increase is attributed to the OCLC or Compass-SD, and current CA Dashboard data at the same time shows declines in academic performance for special education students for 2024. In addition, on pages 25 to 26, the Petition indicates that Reclassified Fluent English Proficient ("RFEP") students outperform English-only (EO) students on assessments, demonstrating strong support for language learners, however, as with other areas, it is unclear to which school this data belongs. Furthermore, Compass has stated that very few English learner students have attended OCLC, and page 11 of the Petition states that the English learner population is zero.

The Petition further includes data indicating 100% high school attendance rates for 8th-grade graduates and over 40% attending college, although as with the other data, the figures are tied to Compass-SD, and not OCLC specifically. While the Petition asserts that similar methodologies and success metrics will apply, direct evidence from Santa Ana is sparse, especially considering the large difference in learning models with in-person teaching provided at a physical school site in Santa Ana, as compared to a strictly virtual environment in San Diego.

Finally, the Petition makes statements to explain its data that do not match with the description of the population at OCLC. For example, page 16 tells the reader it is important to remember when analyzing the data that "many of our scholars come to us credit deficient and discouraged from previous educational experiences...when outside pressures such as work and family obligations put their education in jeopardy...and 15.3% are considered homeless." This statement does not align with the program presented at OCLC, which serves students in grades TK-8 and is considered a hybrid homeschool program where parents act as Learning Coaches.

Overall, the Petition does not provide clear and convincing evidence of increases in academic achievement that are directly tied to OCLC. While the Petition leverages Compass-SD's historical performance to build confidence, this does not fully reflect the unique challenges and opportunities specific to Santa Ana. In addition, academic indicators on the current Dashboard do not reflect favorably for Compass-SD. The District finds that the Petition outlines plans for

significant academic gains and equity-focused initiatives but lacks comprehensive metrics demonstrating success within the Santa Ana context. It is the District's opinion that the Petition would benefit from concrete performance data that are clearly labeled from OCLC to validate claims of success and feasibility within the local context before being authorized as a continuing charter.

Based on the above, the District finds that the charter school failed to clearly demonstrate that it met or made sufficient progress toward meeting standards that provide a benefit to the pupils of the school and that closure of the school is in the best interest of pupils. In making this determination, the District gave greater weight to performance on measurements of academic performance." (Education Code § 47607.2(b)(6).)

C. The Charter School Presents an Unsound Educational Program for the Pupils to be Enrolled in the Charter School.

It is the District's position that OCLC/Compass-SA presents an unsound educational program based on the findings outlined in Section A above with respect to the following programming areas: curriculum, instructional design, meeting state standards, teacher qualifications, and meeting the needs of all populations and subgroups, especially homeless and foster youth and special education students.

D. Petitioners Are Demonstrably Unlikely to Successfully Implement the Program Set Forth in the Petition.

The District concludes that Petitioners are demonstrably unlikely to successfully implement the program set forth in the Petition based on the findings described in the above sections of the Staff Report related to the following: lack of clarity around proposed grade levels and credentialed staffing needed to serve all grade levels and subjects, and lack of clear and convincing data regarding measurable pupil outcomes.

In addition, Petitioners are demonstrably unlikely to successfully implement the program for the reasons described below:

- The Petition includes no information about the projected enrollment for students who will attend OCLC/Compass-SA for the coming school years for which it seeks authorization. This missing information is of foremost importance to a charter Petition. The information regarding projected ADA which is included in the Budget Report in Appendix H is for Compass-SD and not OCLC/Compass-SA. Without projected enrollment numbers broken down by grade level for this specific school, OCLC/Compass-SA is not likely to successfully implement this program, as it has no way of knowing how many students it even plans to serve.

The District has had to conduct its own research and attempt to seek out this information on its own. Upon a follow-up request from the District for projected enrollment numbers, Compass stated in a response letter on November 1, 2024, that the projected enrollment for the 2025-2026 school year is 185, and the projected ADA is 179. No additional accompanying information has been provided to guide this determination, nor have any budget forecasts been provided for this specific school based on five years of projected ADA.

- The District has concerns regarding the fiscal stability of the proposed budget. With respect to those enrollment projections which are provided in the Petition, the

assumptions fail to include a detailed analysis of local demand, recruitment strategies, or potential competition from neighboring schools. Overestimation of enrollment could lead to significant revenue shortfalls, directly impacting the school's ability to meet its operational and educational goals. Another budgetary concern is with the Cost of Living Allowance ("COLA"). The budget incorporates annual increases based on optimistic COLA projections. However, state-determined COLA rates are subject to change based on economic conditions, and over-reliance on these assumptions may result in underfunding. It is critical for the Petition to demonstrate contingency plans for scenarios where COLA adjustments are lower than projected.

Overall, the Petition would benefit from a detailed justification for enrollment projections for the specific school, including data on community demographics and demand, as well as a sensitivity analysis to illustrate the impact of lower-than expected enrollment or COLA adjustments on the budget. In addition, the District recommends the Petition specify contingency measures, such as adjustments to staffing or program costs, to ensure financial solvency under varying fiscal conditions.

VI. Additional Summary of Findings (Initial Charter)

Should Compass-SA's Petition be reviewed as an initial rather than a continuing charter petition, the District additionally recommends denial based on the following findings.

A. Charter school is demonstrably unlikely to serve the interests of the entire community

Education Code Section 47605(c)(7) specifies denial if a charter school is demonstrably unlikely to serve the interests of the entire community. An analysis under this finding includes the following:

- a. The extent to which school would substantially undermine existing services, academic offerings, or programmatic offerings.
- b. Whether it 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 school intends to locate.

The Santa Ana Virtual Academy ("SAVA") program, for which the District is currently in the process of obtaining a school code from the California Department of Education ("CDE"), offers the same type of program and learning opportunities as OCLC. SAVA provides personalized learning with standards-based curriculum aligned with the District. This program started during the COVID-19 pandemic, and due to its effectiveness, it is growing from a program into a school. SAVA has sufficient capacity to serve students within reasonable proximity to where OCLC is located. In addition, SAVA has the ability to ensure students who are not successful in a virtual learning environment can more easily transfer into one of the District's other programs while still remaining enrolled in school. Accordingly, the District concludes that the charter school's opening will duplicate a District program already serving students in the area.

The District additionally finds that OCLC's lack of services for students with moderate to severe disabilities and its lack of apparent continuum of special education services renders it demonstrably unlikely to serve the interests of the entire community. The District believes that the charter school's opening will require the District to disproportionately serve those special education students with higher needs and higher costs of services. Thus far the District has not

seen evidence of the school serving students with intensive needs, nor has it received information on the number of students being served in NPS placements. OCLC/Compass-SA is further requesting to be its own LEA for special education purposes. Based on these factors, the District finds that this school will not serve the interests of all special education students in the community.

B. Petition does not contain the required number of signatures.

The Petition is missing required signatures for an initial charter pursuant to Education Code Section 47605(c)(3). As far as the District is aware, this school never obtained signatures to open, nor did it open as part of a material revision to the Compass-SD charter petition.

VII. STAFF RECOMMENDATION

Based on the foregoing, District Staff recommend denying the Petition for a continuing charter school, the on the following grounds:

- The Petition does not contain a reasonably comprehensive description of all the required elements under Education Code Section 47605(c)(5);
- The charter school does not meet the required metrics for renewal of a middle performing charter school (Educ. Code § 47607.2(b));
- The Petition presents an unsound education program (Educ. Code § 47605(c)(1));
- The Petitioners are demonstrably unlikely to successfully implement the program set forth in the Petition (Educ. Code § 47605(c)(2)).

In addition, should the Petition be considered as one for a new charter, notwithstanding the moratorium on new nonclassroom-based charter schools under Education Code Section 47612.7, the District recommends denial on the following grounds:

- The charter school is demonstrably unlikely to serve the interests of the entire community (Educ. Code § 47605(c)(7));
- The Petition does not contain required signatures (Educ. Code § 47605(c)(3)).