



Board of Education Report

File #: Rep-102-22/23, **Version:** 1

**Denial of the Proposed New Charter Petition for Vista Legacy Global Academy [PUBLIC HEARING]
November 15, 2022
Charter Schools Division**

Action Proposed:

Adopt the denial of the new charter petition for Vista Legacy Global Academy (“Charter School”), proposed to be located in Board District 2 and Local District Central, and adoption of the attached *Findings of Fact in Support of Denial of the New Charter Petition for Vista Legacy Global Academy*.

Background:

On August 18, 2022, Vista Legacy Global Academy submitted its charter school petition application to the Charter Schools Division seeking to open and operate an independent charter school. The 90-day statutory timeline for Board action on this petition runs through November 16, 2022.

A Public Hearing was held on October 11, 2022.

Vista Charter Public Schools currently operates two LAUSD-authorized independent charter schools: Vista Charter Middle and Vista Horizon Global Academy.

Based on a comprehensive review of the charter petition application and supporting documentation, staff has determined that the charter school petition has not met the requirements set forth in Education Code section 47605 and therefore recommends denial of the petition.

Due Diligence:

Current Vista Charter Public Schools governing board members completed questionnaires regarding conflicts of interest. A due diligence review of the charter school and its governing organization, school leader, and on-site financial manager, was performed by the Office of the Inspector General.

The petition is available for perusal in the Charter Schools Division and online at the District’s Board of Education website at <https://achieve.lausd.net/Page/18644>

Statutory Framework:

Education Code section 47605(c) sets forth grounds for denying a new charter petition. Section 47605(c) states, in part, that “[t]he governing board of the school district shall grant a charter for the operation of a school under this part if it is satisfied that granting the charter is consistent with sound educational practice and with the interests of the community in which the school is proposing to locate. The governing board of the school district shall not deny a petition for the establishment of a charter school unless it makes written factual findings, specific to the particular petition, setting forth specific facts to support one or more of the following findings:”

- (1) The charter school presents an unsound educational program for the pupils to be enrolled in the charter school. (Ed. Code, § 47605(c)(1).)

- (2) The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition. (Ed. Code, § 47605(c)(2).)
- (3) The petition does not contain the number of signatures required by subdivision (a) [of Section 47605]. (Ed. Code, § 47605(c)(3).)
- (4) The petition does not contain an affirmation of each of the conditions described in subdivision (e) [of Section 47605]. (Ed. Code, § 47605(c)(4).)
- (5) The petition does not contain reasonably comprehensive descriptions of all of the [fifteen elements set forth in Section 47605, subdivision (c)(5)]. (Ed. Code, § 47605(c)(5).)
- (6) The petition does not contain a declaration of whether or not the charter school shall be deemed the exclusive public employer of the employees of the charter school for purposes of Chapter 10.7 (commencing with Section 3540) of Division 4 of Title I of the Government Code. (Ed. Code, § 47605(c)(6).)
- (7) The charter school is demonstrably unlikely to serve the interests of the entire community in which the school is proposing to locate. (Ed. Code, § 47605(c)(7).)
- (8) The school district is not positioned to absorb the fiscal impact of the proposed charter school. (Ed. Code §47605(c)(8).)

Grounds for Denial:

Staff of the Charter Schools Division and the Office of the General Counsel reviewed the new charter petition application for Vista Legacy Global Academy and have assessed that the petition application does not meet the criteria for approval. As fully discussed in the attached *Findings of Fact in Support of Denial of the New Charter Petition for Vista Legacy Global Academy*, based on review of the petition and supporting documentation, staff has determined, in accordance with Education Code section 47605(c), the following:

- (1) *The Petitioners are demonstrably unlikely to successfully implement the program set forth in the petition;*
- (2) *The Petition does not contain reasonably comprehensive descriptions of all required elements; and*
- (3) *The Charter School is demonstrably unlikely to serve the interests of the entire community in which the school is proposing to locate.*

Expected Outcomes:

Denial will prevent the establishment of Vista Legacy Global Academy as an LAUSD-authorized charter school at this time.

Board Options and Consequences:

“Yes” - If the Board adopts the recommendation of denial and the attached *Findings of Fact in Support of Denial of the Charter Petition for Vista Legacy Global Academy*, Charter School would not be authorized to open or operate as a charter school. The petitioners may submit an appeal to the Los Angeles County Board of Education and if denied at the county level may appeal to the State Board of Education on limited grounds specified by law.

“No” - If the Board does not adopt the recommendation of denial and the attached *Findings of Fact in Support of Denial of the Charter Petition for Vista Legacy Global Academy*, and instead takes specific action to approve the new charter petition, Charter School would be authorized to operate as a charter school for the charter term beginning July 1, 2023. Within 30 days, the Board requires that the school submit to the Charter Schools Division a revised charter petition that meets all LAUSD requirements, including but not limited to a reasonably comprehensive description of all fifteen required elements and compliance with current Federal, State and District Required Language.

Policy Implications:

There are no policy implications at this time.

Budget Impact:

State income and various other income sources to the District are reduced when current District students enroll at a charter school, and comparable or offsetting expenditure reduction may not occur in such cases. Under Education Code section 47604(d), a school district that grants a charter to a charter school to be operated by, or as, a nonprofit public benefit corporation is not held liable for the charter school’s debts or obligations as long as the school district complies with all oversight responsibilities required by law. The District will continue to have monitoring and oversight responsibility for charter school finances, as specified in the Charter Schools Act. Any significant modifications to the charter school’s petition or operations that raise financial implications would require a material revision prior to implementation. Petition approval is also contingent upon adequate liability insurance coverage.

If Charter School chooses a non-LAUSD SELPA and signs the applicable Memorandum of Understanding (MOU), the charter school may request specific special education and related services from the District through fee-for-service arrangements that will reflect the calculated cost of the requested services and will be contingent on the District’s available resources.

Should Charter School elect to be part of the LAUSD SELPA, any Option election that occurs during the term of Charter School’s petition period shall be mutually agreed upon and addressed in an MOU between the Charter School and the District. The Option election shall be effective on July 1 of the next school year with the corresponding fair share contribution.

Staff’s fiscal impact analysis is calculated based on multiple sourced assumptions (as reflected below) to provide a projection of Vista Legacy Global Academy’s potential fiscal impact to existing District schools in the proposed target community.

Assuming that approximately 30% of the students who plan to attend Vista Legacy Global Academy would have attended an existing LAUSD school, and assuming that Vista Legacy Global Academy meets 69% of its enrollment projections, the expected enrollment loss for the District’s schools could be \$636,544 (125 students) in the first year and increasing to \$2,546,177 (500 students) by the proposed charter school’s fifth year of operation (i.e., Fiscal Year 2027-2028). Staff estimates that the average revenue per student is \$26,171 in the 2022-2023 academic school year. Multiplying 21% (30% x 69%) of the expected charter enrollment and approximately 94% District average daily attendance (ADA) ratio by this amount over the period of Charter School’s proposed charter term equates to \$8,911,618. Because District revenue is associated with ADA rather than enrollment (See 5 C.C.R. § 402), the estimated revenue loss is not directly proportional to the number of students who would attend Charter School. As a result of lower enrollment to the District schools, any loss of revenue may be offset by possible reductions in expenditures, estimated at 10% of the loss of revenue. Based on the above analysis, Vista Legacy Global Academy’s new petition, if approved by the LAUSD Board, could

substantively impact (fiscally) existing District schools in the proposed target community.

Currently, there are fifteen (15) other charter schools serving the similar grade level(s) (Grades 9-12) within the community of Vista Legacy Global Academy's proposed location.

Student Impact:

As stated in the *LAUSD Policy and Procedures for Charter Schools*, “[W]hen the LAUSD Board authorizes and oversees a charter school, it establishes a relationship to advance its vision and mission and to accelerate gains in academic achievement and accountability for all of its students and public schools,” (*Policy*, p.3). Based on a comprehensive review and assessment of Charter School’s new petition application, staff has determined that Charter School has not met the requirements for charter school approval and therefore recommends denial of the new petition.

Equity Impact:

Not applicable

Issues and Analysis:

Issues are outlined above and in more detail in the attached *Findings of Fact in Support of Denial of the New Charter Petition for Vista Legacy Global Academy*.

Attachments:

Attachment A - Staff Assessment and Recommendation Report

Attachment B - Schools within the Community Data; Schools within the Community Subgroup Medians Data Sets

Attachment C - 3-Mile Radius Map

Attachment D - Vista Legacy Global Academy Schools within the Community List with Enrollment Data

Attachment E - *Findings of Fact in Support of Denial of the New Charter Petition for Vista Legacy Global Academy*

Attachment F - Vista Legacy Global Academy Community Impact Assessment

Exhibits for perusal at the following link:

<https://drive.google.com/drive/folders/1jBT7ZExxbryaVjwyPIQyhMqw79Gwzk6R>

Informatives:

Not applicable

Submitted:

10/19/22

RESPECTFULLY SUBMITTED,

APPROVED & PRESENTED BY:

ALBERTO M. CARVALHO
Superintendent of Schools

JOSÉ COLE-GUTIÉRREZ
Director
Charter Schools Division

REVIEWED BY:

DEVORA NAVERA REED
General Counsel

___ Approved as to form.

REVIEWED BY:

TONY ATIENZA
Director, Budget Services and Financial Planning

___ Approved as to budget impact statement.

ATTACHMENT A

STAFF ASSESSMENT AND RECOMMENDATION REPORT
NEW CHARTER PETITION

Board of Education Report 102-22/23
 November 15, 2022

School Name:	Vista Legacy Global Academy		BOARD IS REQUIRED TO TAKE ACTION BY: November 16, 2022
Type of Charter School:	Start-Up Independent Charter School		
Charter Operator	Vista Charter Public Schools		
Location Code:	Not Available		
Type of Site(s):	Private		
Proposed Site Address:	2900 West Temple St., Los Angeles, CA, 90026		
Board District(s):	2	Local District(s):	Central
Grade Levels Proposed to be Served:	9-12	Enrollment Proposed in Charter Petition:	500
CONSIDERATION:	New Charter Petition		
PROPOSED CHARTER TERM	July 1, 2023 - June 30, 2028		
STAFF RECOMMENDATION:	Denial		
SUMMARY OF STAFF FINDINGS:	<p>Based on a comprehensive review of the new petition application, staff has determined that the proposed charter school has not met the standards and criteria for approval.</p> <ul style="list-style-type: none"> ◆ The Petitioners are demonstrably unlikely to successfully implement the educational program set forth in the petition. ◆ The Petition does not contain reasonably comprehensive descriptions of all required elements. ◆ The Charter School is demonstrably unlikely to serve the interests of the entire community in which the school is proposing to locate. <p>Please see <i>Findings of Fact in Support of Denial of the New Charter Petition for Vista Legacy Global Academy</i> for further detail.</p>		

STAFF ASSESSMENT

I. ACTION PROPOSED

Staff recommends Denial of the charter petition for Vista Legacy Global Academy (“Charter School”). The school is proposed to be located in Board District 2 and Local District Central, for five (5) years beginning July 1, 2023 – June 30, 2028, to serve 125 students in grade 9 in the first year of operation, and up to 500 students in grades 9-12 by the end of the charter term.

II. CRITERIA FOR NEW PETITIONS

District staff comprehensively reviews each charter petition application to determine whether the school has met the requirements set forth in Education Code section 47605. Staff must determine whether the submitted petition would be reasonably comprehensive, educationally sound, and demonstrably likely to be successfully implemented. The LAUSD Board shall not deny a petition for the establishment of a charter school unless it makes written factual findings, specific to the particular petition, setting forth specific facts to support one or more of the following findings:

- 1) The charter school presents an unsound educational program for the pupils to be enrolled in the charter school. (Ed. Code, § 47605(c)(1).)
- 2) The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition. (Ed. Code, § 47605(c)(2).)
- 3) The petition does not contain the number of signatures required by subdivision (a) [of Section 47605]. (Ed. Code, § 47605(c)(3).)
- 4) The petition does not contain an affirmation of each of the conditions described in subdivision(e) [of Section 47605]. (Ed. Code, § 47605(c)(4).)
- 5) The petition does not contain reasonably comprehensive descriptions of the 15 elements set forth in Section 47605, subdivision (c)(5). (Ed. Code, § 47605(c)(5).)
- 6) The petition does not contain a declaration of whether or not the charter school shall be deemed the exclusive public employer of the employees of the charter school for purposes of Chapter 10.7 (commencing with Section 3540) of Division 4 of Title I of the Government Code. (Ed. Code, § 47605(c)(6).)
- 7) The charter school is demonstrably unlikely to serve the interests of the entire community in which the school is proposing to locate. (Ed. Code, § 47605(c)(7).)
- 8) The school district is not positioned to absorb the fiscal impact of the proposed charter school. (Ed. Code, § 47605(c)(8).)

Please see the *LAUSD Policy and Procedures for Charter Schools* for more information.

III. GENERAL SCHOOL INFORMATION

A. School History

	Vista Legacy Global Academy
Initial Authorization:	Not Applicable
Most Recent Renewal:	Not Applicable
Approved Material Revisions of Current Charter:	Not Applicable
Board Benchmarks in Current Charter Term:	Not Applicable
Submission of New Petition Application:	Vista Legacy Global Academy submitted its new petition application on August 18, 2022. The 90-day statutory timeline for Board action on the petition runs through November 16, 2022.

B. Educational Program

	Vista Legacy Global Academy
Key Features of Educational Program:	<p>Vista Legacy Global Academy proposes to offer a 9-12 educational program, which includes the following features:</p> <ul style="list-style-type: none"> ◆ A college and career preparatory program including Career Technical Education (CTE) pathways in Health Science, Business, and Climate Change and dual enrollment at colleges/universities ◆ Vista’s “Framework for Student Engagement” that incorporates social emotional learning elements such as Way of Council, and instructional strategies such as Kagan strategies, project-based learning, and mastery grading ◆ A focus on teaching “global competencies” and Science, Technology, Engineering, Arts, and Math (STEAM) skills
Master Plan for English Learners and Standard English Learners:	<p>Vista Legacy Global Academy plans to implement its own Master Plan for English Learners and Standard English Learners which includes the following features:</p> <ul style="list-style-type: none"> ◆ Teachers will implement both integrated and designated English Language Development (ELD) instruction ◆ The school proposes to implement instructional strategies and resources for English Learners such as word walls, use of realia and manipulatives, and computer-based, interactive instructional materials
Special Education SELPA	Vista Legacy Global Academy has not indicated its intent regarding a Special Education Local Plan Area (SELPA) selection.

C. Student Enrollment and Population

Vista Legacy Global Academy proposes to serve students at 2900 West Temple St., Los Angeles, CA 90026, for the first year of the proposed term.

D. Charter School Operator

Vista Legacy Global Academy proposes to be operated by Vista Charter Public Schools, a California nonprofit public benefit corporation that also operates two other LAUSD-authorized charter schools. Vista Charter Public Schools also has four other charter schools authorized in Orange County, California.

IV. STAFF REVIEW AND ASSESSMENT

Based on a comprehensive review of the new petition application, staff has determined that the charter school has not met the standards and criteria for approval. Staff analysis includes the following:

A. Does the new petition include a sound educational program, a reasonably comprehensive description of the 15 elements required for petitions, an affirmation of each of the conditions described in Education Code section 47605(e), and are petitioners likely to successfully implement the program set forth in the petition?

No, for reasons more fully set forth in the *Findings of Fact in Support of the Denial of the New Petition for Vista Legacy Global Academy*, petitioners have not fully met these criteria.

1. *Student Achievement and Educational Performance*

a. Summary

As a proposed new charter school, Vista Legacy Global Academy does not have a record of performance in this category.

b. Measurements of Academic Performance on the California School Dashboard
Not Available

c. English Language Arts Academic Indicator
Not Available

d. Math Academic Indicator
Not Available

e. English Learner Progress Academic Indicator
Not Available

f. Standardized Assessments Participation Rates
Not Available

g. College/Career Academic Indicator
Not Available

h. Suspension Rate Indicator
Not Available

i. Graduation Rate Indicator [HS Only]
Not Available

- j. Chronic Absenteeism Indicator
Not Available
- k. English Learner Performance
Not Available

2. ***Annual Oversight Results***

a. Student Achievement and Educational Performance

As a proposed new charter school, Vista Legacy Global Academy does not have a record of performance in this category. However, Vista Charter Middle, currently authorized by the LAUSD Board of Education, which serves grades 6-8, earned a rating of *Developing* on its Annual Performance-Based Oversight Reports in the area of Student Achievement and Educational Performance in 2020-2021. Due to the COVID-19 pandemic, state law suspended the reporting of state indicators on the 2021 Dashboard. Accordingly, a *No Rating* was issued in this category in 2021-2022.

Vista Horizon Global Academy, the organization's other school currently authorized by the LAUSD Board of Education, which serves grades TK-5, received a *No Rating* in the Student Achievement and Educational Performance category in 2020-2021 as the school's first year of operation was 2019-2020 and, thus, had no 2019 California School Dashboard data. Due to the COVID-19 pandemic, state law suspended the reporting of state indicators on the 2021 Dashboard. Accordingly, a *No Rating* was issued in this category in 2021-2022.

b. Governance

As a proposed new charter school, Vista Legacy Global Academy does not have a record of performance in this category. However, Vista Charter Middle and Vista Horizon Global Academy, both earned a rating of *Accomplished* in 2020-2021 and 2021-2022.

c. Organizational Management, Programs, and Operations

As a proposed new charter school, Vista Legacy Global Academy does not have a record of performance in this category. However, Vista Charter Middle earned ratings of *Unsatisfactory* and *Accomplished* in 2020-2021 and 2021-2022, respectively. The rating of *Unsatisfactory* in 2020-2021 was due to completion of Child-Abuse Mandate Reporter training for three staff members outside the legal timeline and one teacher providing instruction prior to obtaining a proper credential.

Vista Horizon Global Academy earned ratings of *Unsatisfactory* and *Developing* in 2020-2021 and 2021-2022, respectively. The rating of *Unsatisfactory* in 2020-2021 was due to completion of Child-Abuse Mandate Reporter training for one staff member outside the legal timeline. The rating of *Developing* in 2021-2022 was due to one teacher lacking appropriate authorization to provide instruction to English Learners.

- i. Access and Equity
Not Available
- ii. Special Education
Not Available

iii. Additional Information

Vista Charter Public Schools currently operates two charter schools authorized by the LAUSD Board of Education:

- Vista Charter Middle (6-8) which the state has identified as Middle performing (based on the CDE 2020 classification).
- Vista Horizon Global Academy (TK-5) does not have a performance classification.

Vista Charter Public Schools currently operates three charter schools authorized by the Orange County Department of Education:

- Vista Condor Global Academy (TK-5) which the state has identified as Middle performing (based on the CDE 2020 classification).
- Vista Heritage Global Academy (6-12) which the state has identified as Low performing (based on the CDE 2020 classification).
- Vista Meridian Global Academy (9-12) which is scheduled to commence operations in 2023-2024.

Vista Charter Public Schools currently operates one charter school authorized by the Anaheim Elementary School District:

- Palm Lane Global Academy (TK-6) which the state has identified as Middle performing (based on the CDE 2020 classification).

Internal Assessment Data

Vista Charter Public Schools provided 2021-2022 (fall to spring administration) i-Ready Diagnostic Growth reports in Reading and Math for Vista Charter Middle and Vista Horizon Global Academy for students in grades 6-8 and K-5, respectively.

Every Student Succeeds Act (ESSA) requires that all schools and student groups meet the 95 percent participation requirement for English language/arts/literacy (ELA) and Math. In reviewing the i-Ready data provided for Reading, the fall 2021 to spring 2022 i-Ready Diagnostic Growth reports show that Vista Horizon Global Academy's participation rate of 98.9% met the participation rate criterion, however, Vista Charter Middle's participation rate of 88.8% did not meet the participation rate criterion. Similarly, in Math, Vista Horizon Global Academy's participation rate of 98.9% met the participation rate criterion, but Vista Charter Middle's participation rate of 89.6% did not meet the participation rate criterion.

Based on Staff's research (i.e., review of state-level and i-Ready information, conferral with i-Ready representatives), a school that has more than 50% of its students achieving 100% of their Annual Typical Growth¹ targets is demonstrating growth above the norm (with the ultimate goal for a school to meet 100% of students meeting their Annual Typical Growth targets). Thus, Staff assessed the extent to which the charter school's results show at least 50% of all students achieving 100% of Annual Typical Growth.

¹ i-Ready's Typical Growth marks the annual growth of an average student at a given placement. Typical Growth values were derived using the median, or 50th percentile, of student growth at each grade and placement level on the i-Ready Diagnostic.

In reviewing the i-Ready data for Reading provided by Vista Charter Public Schools (notwithstanding the lower participation rate for Vista Charter Middle), the fall 2021 to spring 2022 i-Ready Diagnostic Growth reports show that the percent of students that met Annual Typical Growth was 56% for Vista Horizon Global Academy, and 39% for Vista Charter Middle.

In reviewing the i-Ready data for Math provided by Vista Charter Public Schools (notwithstanding the participation rate below 95% for Vista Charter Middle), the fall 2021 to spring 2022 i-Ready Diagnostic Growth reports show that the percent of students that met Annual Typical Growth was 61% for Vista Horizon Global Academy, and 40% for Vista Charter Middle.

Thus, a majority of Vista Horizon Global Academy's students achieved 100% of Annual Typical Growth. However, less than a majority of Vista Charter Middle's students achieved 100% of Annual Typical Growth (notwithstanding the participation rate below 95%).

Vista Charter Public Schools also provided i-Ready Diagnostic reports for two of its three schools operating in Orange County² (Vista Heritage Global Academy and Vista Condor Global Academy, both located in Santa Ana, California). In reviewing the i-Ready data provided for Reading, the fall 2021 to spring 2022 i-Ready Diagnostic Growth reports show that neither Vista Heritage Global Academy's participation rate of 93.6%, nor Vista Condor Global Academy's participation rate of 92.5% met the participation rate criterion. Similarly, in Math, neither Vista Heritage Global Academy's participation rate of 92.6%, nor Vista Condor Global Academy's participation rate of 93.7% met the participation rate criterion. Thus, neither Vista Heritage Global Academy nor Vista Condor Global Academy met the participation rate criterion in either Reading or Math.

In reviewing the i-Ready data for Reading provided by Vista Charter Public Schools (notwithstanding the lower participation rates), the fall 2021 to spring 2022 i-Ready Diagnostic Growth reports show that the percent of students that met Annual Typical Growth was 66% for Vista Heritage Global Academy, and 48% for Vista Condor Global Academy.

In reviewing the i-Ready data for Math provided by Vista Charter Public Schools (notwithstanding the participation rates), the fall 2021 to spring 2022 i-Ready Diagnostic Growth reports show that the percent of students that met Annual Typical Growth was 59% for Vista Heritage Global Academy, and 36% for Vista Condor Global Academy.

² Palm Lane Global Academy, serving grades K-6, was an existing charter school that came under the governance of Vista Charter Public Schools via a material revision to the school's charter (approved by the Anaheim Elementary School District Board of Education on 5/11/22). It is not clear whether the school collected internal assessment data in 2021-2022.

i-Ready Diagnostic Growth Results in Reading			
School	Percent of Students that Met Annual Typical Growth	Students Assessed / Total	Participation Rate
Vista Charter Public Schools Authorized by LAUSD			
Vista Charter Middle (data submitted for grades 6-8)	39.0%	316/356	88.8%
Vista Horizon Global Academy (data submitted for grades K-5)	56.0%	88/89	98.9%
Vista Charter Public Schools Authorized by Orange County Department of Education			
Vista Heritage Global Academy (data submitted for grades 5-8)*	66.0%	264/282	93.6%
Vista Condor Global Academy (data submitted for grades K-5)	48.0%	295/319	92.5%

Data Source: i-Ready Diagnostic Growth reports provided by Vista Charter Public Schools

i-Ready Diagnostic Growth Results in Math			
School	Percent of Students that Met Annual Typical Growth	Students Assessed / Total	Participation Rate
Vista Charter Public Schools Authorized by LAUSD			
Vista Charter Middle (data submitted for grades 6-8)	40.0%	319/356	89.6%
Vista Horizon Global Academy (data submitted for grades K-5)	61.0%	88/89	98.9%
Vista Charter Public Schools Authorized by Orange County Department of Education			
Vista Heritage Global Academy (data submitted for grades 5-8)*	59.0%	261/282	92.6%
Vista Condor Global Academy (data submitted for grades K-5)	36.0%	299/319	93.7%

Data Source: i-Ready Diagnostic Growth reports provided by Vista Charter Public Schools

*It is not clear why the school's Diagnostic Growth report included 5th grade data nor why it did not include data for the school's 9th grade students, given the school served students in grades 6-9 in 2021-2022.

d. Fiscal Operations

As a proposed new charter school, Vista Legacy Global Academy does not have a record of performance in this category. On the 2020-2021 and 2021-2022 Annual Performance-Based Oversight Reports, Vista Charter Middle (6-8) and Vista Horizon Global Academy (TK-5) both earned the ratings of *Proficient* and *Accomplished*, respectively.

3. *Fiscal Management and Performance*

As a proposed new charter school, Vista Legacy Global Academy does not have a record of performance in this category.

a. Summary

Not Available

b. Fiscal Condition

Not Available

c. 2020-2021 Independent Audit Report

Not Available

d. Other Significant Fiscal Information

According to Vista Charter Public Schools' independent audit report for the fiscal year ended June 30, 2021, Vista Charter Public Schools, its related entities, and its charter schools reported positive net assets of \$7,445,518 and net income of \$2,572,709. Vista Charter Public Schools, without its related entities and its charter schools, reported \$0 net assets and net income. Vista Charter Public Schools' 2020-2021 independent audit report reflects positive net assets as of June 30, 2021, for its existing Vista Charter Public Schools charter schools listed below:

- (1) Vista Charter Middle² (first year of operation: 2010-2011)
- (2) Vista Horizon Global Academy² (first year of operation: 2019-2020)
- (3) Vista Heritage Global Academy³ (first year of operation: 2015-2016)
- (4) Vista Condor Global Academy (first year of operation: 2018-2019)

The following two Vista Charter Public Schools charter schools were not reflected in the Vista Charter Public Schools' 2020-2021 independent audit report:

- (1) Palm Lane Global Academy⁴ (first year of operation under Vista Charter Public Schools: 2022-2023)
- (2) Vista Meridian Global Academy³ (anticipated first year of operation: 2023-2024)

Currently, the charter schools in the Vista Charter Public Schools network pay no management fees. During 2021-2022, Vista Charter Public Schools charter schools each paid a portion of the actual expenses for shared costs and administrative services, including executive compensation (i.e., the charter organization's Superintendent, Database Administrator, and Director of Special Education and Pupil Services), consulting fees, professional developments, and legal costs that are related to the Vista Charter Public

² Currently authorized by LAUSD

³ Currently authorized by the Orange County Department of Education

⁴ Currently authorized by Anaheim Elementary School District

Schools organization as a whole. These costs are allocated based on the average daily attendance (ADA) for each of its schools.

Vista Legacy Global Academy's budget and cash flow projections submitted with its new petition project positive net income and cash balances for the first five years of operation. Vista Legacy Global Academy provided supporting documentation for the school's startup funds, which the petitioner indicates will consist of proceeds from an inter-school loan from Vista Charter Middle, in the amount of \$750,000, as reflected in its budget submitted with the petition.

Additionally, it should be noted that Staff has reviewed information that the organization has plans to also provide intra-organizational loans from Vista Charter Middle to other schools in the organization, namely, Vista Horizon Global Academy (\$350,000 in Fiscal Year 2022-2023) and Vista Meridian Global Academy (\$1.2M in Fiscal Year 2023-2024). While Vista Charter Middle may have sufficient funds to cover these loans (i.e., ending net assets in Fiscal Year 2021-2022 of \$6,017,132, based on the school's 2021-2022 Unaudited Actuals), Staff notes that Vista Charter Middle's current record of academic performance requires further attention and raises questions regarding the existing use of the school's resources and a potential need to revisit its resource allocation and intra-organizational lending practices.

Per the LAUSD Charter Schools Accounting Unit's record, as of the writing of this report, Vista Horizon Global Academy owed \$141,404 Proposition 39 over-allocated space reimbursement fees to LAUSD (consisting of the \$31,173 amount owed pertaining to Fiscal Year 2021-2022 that was due on or around September 12, 2022, and the \$110,231 remaining amount owed prior to Fiscal Year 2021-2022 that is scheduled for payment in July 2023 per the school's payment plan with LAUSD). The Charter Schools Division will continue to monitor this matter through oversight.

B. Does the Petition Contain a Declaration of Whether or Not the Charter School Shall Be Deemed the Exclusive Public Employer of the Employees of the Charter School Community?
This criterion has not been determined to be a finding.

C. Is the Charter School Demonstrably Likely to Serve the Interests of the Entire Community?
No, for reasons more fully set forth in the Findings of Fact in Support of Denial of the New Charter Petition for Vista Legacy Global Academy, petitioners have not met this criterion.

Pursuant to Education Code section 47605(c)(7) and the *LAUSD Policy and Procedures for Charter Schools*, this analysis considered the fiscal impact of the proposed new charter school; the extent to which the proposed new charter school would substantially undermine existing services and academic offerings or programmatic offerings; whether the proposed new school would duplicate a program currently being offered in reasonable proximity; and whether the school district is positioned to absorb the fiscal impact of the proposed new charter school.

Community and Schools within the Community

Per the *LAUSD Policy and Procedures for Charter Schools*, "community" includes families and individuals who reside, work, and/or are served in the identified geographical area, and all public schools (District and charter), serving similar grade levels as the proposed new charter school. The identified geographical area will be based on LAUSD Community of Schools and neighborhoods

within a three-mile radius from the location identified by the petitioners of the proposed new charter school. Thus, petitioners will consider the existing District and charter schools operating within the Community of Schools and three-mile radius.

Analysis of data provided by the Office of Master Planning and Demographics (MPD), reveals that there are 33 existing schools within the community as defined above (18 District schools and 15 charter schools).

1. *Enrollment Trends of the Existing District and Charter Schools*

For more information, please refer to the *Findings of Fact in Support of Denial of the New Charter Petition for Vista Legacy Global Academy*.

2. *Fiscal impact*

For more information, please refer to the *Findings of Fact in Support of Denial of the New Charter Petition for Vista Legacy Global Academy*.

3. *Additional Considerations*

a. Community Engagement

Per the *LAUSD Policy and Procedures for Charter Schools*, the petitioners must provide documented evidence of transparent, inclusive, and active community engagement activities with parents in the community, existing public schools, neighborhood councils, community-based organizations, and elected representatives within the targeted community which the charter school seeks to locate. As part of the submitted materials, Petitioners are to include publicly disclosable information/documentation of the stakeholders' responses (to the extent possible) and a summary of the responses received from stakeholders as part of the petitioner's assessment of the impact to the community, which will be shared with the LAUSD Board.

Staff's review of the materials submitted by Vista Legacy Global Academy revealed that the charter school conducted community outreach efforts, specific to the proposed new charter school, with parents, the general public, District and charter school leaders, LAUSD Community of Schools Leadership (Community of Schools Administrators for the Downtown Community of Schools and MacArthur Park Community of Schools), LAUSD Board Member offices, the Rampart Village Neighborhood Council, community-based organizations (including, but not limited to, the Silverlake Chamber of Commerce, Peace Over Violence, and El Centro del Pueblo), and elected officials. The documentation provided showed the charter school's outreach included emails, automated phone calls, flyer distribution, virtual meetings, and a "coffee with the principal" meeting at the organization's existing school within the community (Vista Charter Middle).

The charter school provided documentation of stakeholder responses consisting of emails from three community-based organizations (Bresee, El Centro del Pueblo, and Peace Over Violence), and one existing independent charter school (Central City Value) within the community. The majority of the responses appear to be supportive of the proposed new charter school and/or appreciative of the information provided by the charter school.

Overall, the charter school's community engagement was reasonable in scope based on the materials and response provided by the charter school.

b. Academic Performance

To assess the current academic performance levels of the existing Schools within the Community (“SWC”), consisting of 18 District schools and 15 charter schools that serve any of the same grade levels proposed to be served by Charter School, staff reviewed the record of performance on the applicable 2019 California School Dashboard indicators both schoolwide and for each numerically significant subgroup served as compared to state averages.

Performance Levels of Schools within the Community Compared to State Averages:

Comparison of the Schools within the Community to the state averages on the six applicable 2019 California School Dashboard indicators schoolwide, revealed the following performance:

- **ELA:** 16 of 31 SWC outperformed the state average DFS of -2.5
- **Math:** 8 of 31 SWC outperformed the state average DFS of -33.5
- **ELPI:** 12 of 32 SWC outperformed the state average of 48.3%
- **College/Career (CCI):** 17 of 30 SWC outperformed the state average of 44.1%
- **Graduation Rate:** 14 of 30 SWC outperformed the state average of 85.9%
- **Suspension Rate:** 30 of 32 SWC outperformed the state average of 3.4% (have a rate lower than 3.4%)

In summary, a majority of SWC outperformed the state on 3 of 6 applicable indicators (ELA, CCI, and Suspension Rate). Please see *Vista Legacy Global Academy Schools within the Community Data Set*.

SWC Subgroup Medians Comparison to State Averages:

The SWC’s numerically significant subgroups include the Asian, Black or African American, English Learner, Filipino, Latino, Socioeconomically Disadvantaged, Students with Disabilities, Two or More Races, and White subgroups. Comparison of the SWC’s numerically significant subgroup medians to the state averages on the five applicable 2019 California Schools Dashboard indicators, revealed the following: [ELPI is not included in this analysis, as it applies to only one subgroup and is already considered in the schoolwide analysis.]

SWC Medians	ELA		Math		CCI		Graduation Rate		Suspension Rate	
	SWC	State	SWC	State	SWC	State	SWC	State	SWC	State
Asian	94.1	64.8	73.9	59.8	--	74.0%	--	93.9%	--	1.0%
Black or African American	-13.5	-47.6	-77.3	-87.9	--	23.7%	--	78.6%	--	8.8%
English Learner	-88.2	-45.1	-140.4	-68.6	--	16.8%	--	72.6%	0.5%	3.1%
Filipino	62.6	46.7	-9.2	18	--	64.5%	--	93.9%	--	1.3%
Latino	-10.6	-26.6	-90.7	-62.2	46.1%	36.1%	85.4%	83.7%	0.4%	3.5%
Socioeconomically Disadvantaged	-5.8	-30.1	-88.0	-63.7	46.8%	35.8%	85.9%	83.2%	0.5%	4.3%
Students with Disabilities	-99.5	-88.1	-157.3	-119.4	--	10.8%	--	70.6%	0.0%	6.2%
Two or More Races	64.4	30.3	23.1	2.5	--	49.7%	--	86.9%	--	3.3%
White	79.5	30.7	30.0	1.4	--	53.8%	--	89.1%	--	2.9%

-- Number of students counted for this indicator were less than 30, therefore total # of subgroups comparisons varied by indicator

As seen in the table above:

- **ELA:** 7 of 9 numerically significant subgroups medians outperformed their respective state subgroup average performance
- **Math:** 4 of 9 numerically significant subgroups medians outperformed their respective state subgroup average performance
- **College/Career (CCI):** 2 of 2 numerically significant subgroups medians outperformed their respective state subgroup average performance
- **Graduation Rate:** 2 of 2 applicable numerically significant subgroups medians outperformed their respective state subgroup average performance
- **Suspension Rate:** 4 of 4 applicable numerically significant subgroups medians outperformed their respective state subgroup average performance

In summary, a majority of the SWC’s numerically significant subgroups outperformed their respective state subgroup averages in 4 of the 5 applicable indicators (ELA, CCI, Graduation Rate, and Suspension Rate). Please see *Vista Legacy Global Academy’s Schools within the Community Subgroup Medians Data Set*.

c. Facilities Plan

Staff has reviewed the facilities plan and documentation provided by petitioners as part of its new petition application and determined it to be reasonable and appropriate pursuant to *LAUSD Policy and Procedures for Charter Schools*. The Petitioners have indicated their intent to serve students at 2900 West Temple St., Los Angeles, CA 90026, for the first year of the proposed term and has indicated an intent to secure a private site for subsequent years of the proposed term. The proposed site is the current site of Vista Charter Middle. Petitioners’ Community Impact Assessment reports the proposed site will be shared between Vista Charter Middle and Charter School in the first year of the proposed term while the organization searches for an appropriate private site for Charter School to serve students in the subsequent years. The Petitioners presented a valid Certificate of Occupancy

(COO) issued by the applicable permitting agency (City of Los Angeles Department of Building and Safety). The presented COO indicates that the proposed site is appropriate for educational use and has an occupancy maximum load of 1,331, which accommodates the proposed charter school's projected enrollment of 125 in the first year and Vista Charter Middle's 2021-2022 norm enrollment of 339. Petitioners' Community Impact Assessment indicated that the facility can accommodate only 600 students. Petitioners indicated they are working with a real estate firm to secure a private site for years 2-5 of the proposed term, and further noted that they may also submit a request for facilities from the District, pursuant to Proposition 39.

4. *Duplication of Programs*

Please see *Findings of Fact in Support of Denial of the New Charter Petition for Vista Legacy Global Academy* for further detail.

Community Impact Analysis Conclusion

Taken as a whole, balancing various factors, and for reasons more fully set forth in the *Findings of Fact in Support of Denial of the New Charter Petition for Vista Legacy Global Academy* Staff assesses that Vista Legacy Global Academy is demonstrably unlikely to serve the interests of the entire community in which it proposes to locate.

ATTACHMENT E

**FINDINGS OF FACT IN SUPPORT OF DENIAL OF THE
NEW CHARTER PETITION FOR
VISTA LEGACY GLOBAL ACADEMY
BY THE LOS ANGELES UNIFIED SCHOOL DISTRICT**

BOARD OF EDUCATION REPORT 102-22/23

Date: November 15, 2022

I. BACKGROUND

On August 18, 2022, a petition (“Petition”) and supporting materials for the establishment of Vista Legacy Global Academy (“Charter School” or “Petitioner”) to be operated by Vista Charter Public Schools (“VCPS” or “the organization”) was submitted to the Charter Schools Division (“Staff”) of the Los Angeles Unified School District (“LAUSD” or “District”) by Petitioner¹ seeking to start a new charter school within the geographic boundaries of LAUSD to serve 125 students in grade 9 in the first year and up to 500 students in grades 9-12 by the fifth year of Charter School’s operations. Charter School seeks to serve students in and around ZIP code 90026, which is located in the Downtown Community of Schools and served by Board District 2 and Local District Central. The Petition proposes a five-year term from July 1, 2023 – June 30, 2028. (*See Exhibit 1, Charter School Petition.*)

In accordance with the Charter Schools Act (Ed. Code § 47600 et seq.) and the adopted *LAUSD Policy and Procedures for Charter Schools* (“District policy”), within 60 days of receipt of the new petition application, the LAUSD Board shall hold a public hearing for the LAUSD Board to consider the level of support for the petition by teachers employed by LAUSD, other employees of LAUSD, and parents, as directed by Education Code section 47605(b). Within 90 days of receipt of the new petition, the LAUSD Board shall hold a public hearing at which it will either grant or deny the new petition. Petitioner shall have equivalent time and procedures to present evidence and testimony to respond to the staff recommendations and findings. (Ed. Code, §47605(b).) The District will publish the Superintendent’s recommendation, and any written findings required to support the recommendation, at least 15 days prior to the LAUSD Board meeting at which it will act on the new petition. (Ed. Code, § 47605(b).)

Based on review of the application for the new petition and supporting materials relating to Petitioner’s request to establish a new school within LAUSD’s boundaries, the District has substantial concerns with the Petition, as presented. The discussion below outlines the applicable law and criteria for evaluating new petitions and analysis concerning whether the Petitioner’s request satisfies the requirements under the Charter Schools Act and District policy.

¹ “Petitioner” includes a lead petitioner or other authorized person(s) on behalf of the organization that submits a petition to the District seeking establishment of a charter school.

II. SUMMARY OF APPLICABLE LAW AND DISTRICT POLICY FOR EVALUATING NEW PETITIONS

In determining whether to grant or deny a new charter petition, the LAUSD Board must carefully review the proposed charter application, consider public input, staff's professional judgment, recommendations and reports, and criteria established by law, including the academic needs of pupils the school proposes to serve. (*See* Ed. Code, § 47605(c); *see also*, 5 C.C.R §11967.5.1.) The LAUSD Board shall not deny a petition for the establishment of a charter school unless it makes written factual findings, specific to the particular petition, setting forth specific facts to support one or more of the following findings:

- (1) The charter school presents an unsound educational program for the students to be enrolled in the charter school. (Ed. Code, § 47605(c)(1).)
- (2) The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition. (Ed. Code, § 47605(c)(2).)
- (3) The petition does not contain the number of signatures required by Education Code section 47605(a). (Ed. Code, § 47605(c)(3).)
- (4) The petition does not contain an affirmation of each of the conditions described in Education Code section 47605(e). (Ed. Code, § 47605(c)(4).)
- (5) The petition does not contain reasonably comprehensive descriptions of the 15 elements in a charter petition. (Ed. Code, § 47605(c)(5).)
- (6) The petition does not contain a declaration as to whether or not the charter school shall be deemed the exclusive public school employer of the school's employees for purposes of collective bargaining pursuant to Government Code sections 3540-3549.3. (Ed. Code, § 47605(c)(6).)
- (7) The charter school is demonstrably unlikely to serve the interests of the entire community in which the school is proposing to locate. (Ed. Code, § 47605(c)(7).)
- (8) LAUSD is not positioned to absorb the fiscal impact of the proposed charter school. LAUSD satisfies this paragraph if it has a qualified interim certification pursuant to Section 1240 and the county superintendent of schools, in consultation with the Fiscal Crisis and Management Assistance Team, certifies that approving the charter school would result in the school district having a negative interim certification pursuant to Section 1240, has a negative interim certification pursuant to Section 1240, or is under state receivership. Charter schools proposed in LAUSD satisfying one of these conditions shall be subject to a rebuttable presumption of denial. (Ed. Code, § 47605(c)(8).)

III. BASIS OF FINDINGS OF FACT AND STAFF RECOMMENDATION

Based on a comprehensive review of the Petition and supporting materials and the Capacity Interview held with the Petitioner, Staff recommends that the LAUSD Board of Education deny the Petition and adopt these *Findings of Fact in Support of Denial of the New Charter Petition for Vista Legacy Global Academy* based on the following grounds:

- The Petitioners are demonstrably unlikely to successfully implement the educational program set forth in the petition.
- The Petition does not contain reasonably comprehensive descriptions of all required elements.
- The Charter School is demonstrably unlikely to serve the interests of the entire community in which the school is proposing to locate.

The analysis below contains the findings assessing the sufficiency of the Petition. Staff identified multiple areas of concern, and for the reasons set forth in more detail below, recommends **denial** of the Petition.

A. Petitioners are Demonstrably Unlikely to Successfully Implement the Program Set Forth in the Petition

Pursuant to District policy, in evaluating whether the petitioner is demonstrably likely or unlikely to successfully implement the program set forth in a charter petition,² the LAUSD Board will assess a variety of factors, including but not limited to:

- Petitioner’s past history of involvement in charter schools or other education agencies (public or private), as one the chartering agency would regard as unsuccessful.
- Evidence that petitioners are familiar with the content of the petition and the requirements of law that would apply to the proposed charter school.
- The financial and operational plan for the proposed charter school, including the structure for providing administrative services and criteria for selection of contractors.
- Insurance (e.g., general liability, workers’ compensation, and other necessary insurance of the type and in the amounts required for an enterprise of similar purpose and circumstance). Specifically, petitioner must have the required insurance coverage and limits policy endorsing the Los Angeles Unified School District and Board of Education as named additional insureds.
- The types and potential location of facilities needed to operate the size and scope of educational program proposed in the charter.
- The petitioners’ background and experience in areas critical to the charter school's success, including curriculum, instruction, assessment, finance, and the petitioner’s plan to secure the services of individuals who have the necessary background and experience in these areas.

² The policy for "demonstrably unlikely to successfully implement the program" includes factors and guidance promulgated by the State Board of Education. (See 5 C.C.R § 11967.5.1.)

1. The Petition and Supporting Materials Omit or Fail to Disclose Significant Information/Facts Which Raises Concerns Regarding the Organization’s Transparency with the District, Families, and/or Stakeholders.

The Petition includes Vista Meridian Global Academy in the list of schools currently operated by VCPS and states therein that Vista Meridian Global Academy, “opened in fall 2021.” However, the facts below demonstrate that Vista Meridian Global Academy is not, in fact, currently operating and VCPS does not accurately describe its currently operated schools and programs to its families/stakeholders, and potential charter school authorizers:

Vista Charter Public Schools’ Authorizers and Charter Schools

LAUSD	Orange County Department of Education	Anaheim Elementary School District
Vista Horizon Global Academy (TK-5)	Vista Condor Global Academy (TK-5) (approved on appeal after denial by Santa Ana Unified School District)	Palm Lane Global Academy (TK-6)**
Vista Charter Middle (6-8)	Vista Heritage Global Academy (6-12) (approved on appeal after denial by Santa Ana Unified School District and materially revised to expand to grade levels 9-12)	--
--	Vista Meridian Global Academy* (9-12) (Countywide Charter School) ³	--

*Approved 6/1/22 and slated to open in 2023-2024

**Material Revision to come under governance of VCPS approved 5/11/22.

- Staff’s review of publicly available documents revealed that Vista Meridian Global Academy was authorized by the Orange County Department of Education’s (OCDE) Board of Education as a countywide high school for a five-year term beginning July 1, 2022. However, per supporting documentation provided to OCDE by VCPS, the organization delayed Vista Meridian Global Academy’s opening to the 2023-2024 academic year. (See Exhibit 2, Vista Meridian Budget Narratives and Exhibit 3, OCDE Board Materials 2022.)
- VCPS uses the name “Vista Meridian Global Academy” to refer to its high school program offered at Vista Heritage Global Academy⁴ (“Vista Heritage”), a separate

³ Education Code section 47605.6 provides that a county board of education may grant a charter for the operation of a charter school only if it is satisfied that granting the charter is consistent with sound educational practice and that, “the charter school has reasonable justification for why it could not be established by petition to a school district pursuant to Section 47605.”

⁴ On July 1, 2020, the OCDE Board approved VCPS’ material revision application to add grade levels 9-12 to Vista Heritage’s charter. The transcript of the public hearing before the OCDE Board of Education held June 3, 2020, includes the organization’s executive leadership’s explanation of the process by which VCPS attempted to open a standalone high school by submission of a petition to the Santa Ana Unified School District, submitted and subsequently withdrew the same petition to OCDE, and finally sought a material revision of the Vista Heritage charter to add grade levels 9-12. VCPS then proceeded to refer to the 9-12 grades of the resulting span school (i.e., authorized to serve grades 6-12) as a high school with the Vista Meridian Global Academy name in several public-facing documents. (See Exhibit 4, OCDE Board Materials 2020.)

charter school currently authorized by the OCDE Board to serve grade levels 6-12. For example, publicly available documents including enrollment forms, a VCPS website, and the VCPS parent-student handbook use the “Vista Meridian Global Academy” name in reference to grades 9-12 rather than Vista Heritage. (*See Exhibit 5, Vista Meridian Enrollment Form, Website, and Stakeholder Handbook.*)

- In the Capacity Interview, Petitioner stated that current 9th and 10th grade students at Vista Heritage are not aware they attend Vista Heritage as part of the span school (i.e., grade levels 6-12). Petitioner shared that their stakeholders believe that these students attend a separate high school named, “Vista Meridian Global Academy.”
- Additionally, VCPS listed Vista Meridian Global Academy as one of the schools operated by the organization in a presentation to the Anaheim Elementary School District (AESD) Board of Education on February 23, 2022 in support of a material revision request to manage Palm Lane Elementary Charter.⁵ This reference to Vista Meridian Global Academy predates authorization of the countywide charter school (Vista Meridian Global Academy) on June 1, 2022. (*See Exhibit 6, AESD Board Materials 2022 and Exhibit 3, OCDE Board Materials 2022.*)
- The Petition and supporting materials do not disclose that VCPS currently manages Palm Lane Elementary Charter (“Palm Lane”) and is considered part of its portfolio of schools. The Petition neither identifies the organization’s governing relationship with Palm Lane, nor does it list Palm Lane among the schools currently operated by VCPS. (*See Exhibit 1, Charter School Petition, p. 10 and 15.*)
- The Articles of Incorporation submitted by Petitioner included an amendment dated 2014. However, Staff’s research revealed the organization more recently amended the Articles of Incorporation in 2018, which they did not provide for review. As noted in more detail in the findings below, these documents differ in that the more recent document describes a more narrow scope of corporate purpose than indicated in the version submitted for review. (*See Exhibit 7, VCPS Articles of Incorporation.*)

The above facts raise questions and concerns about the veracity and accuracy of the information presented by the Petitioner to the public, stakeholders, and charter school authorizers about its schools and programs.

⁵ Palm Lane is authorized by the AESD Board of Education. On February 15, 2022, VPCS submitted a request for a material revision to AESD seeking to update and revise the Palm Lane petition to reflect, among other things, the current operations of Palm Lane.

2. Petitioners Appear Unfamiliar with the Content of the Petition and Applicable Legal Requirements

a. Staff Identified Inconsistencies between the Petition, Supporting Documentation, and Statements Made by the Petitioner during the Capacity Interview

- The Petition’s description of the school’s proposed Career Technical Education (CTE) pathways states, “Primary pathway courses will be taught on VLGA’s campus to ensure access among all of our students, with additional dual enrollment courses available off-site at LATTC [Los Angeles Trade Technical College] and other college/university partners” and, in reference to the proposed Climate Change pathway, “The program will include dual enrollment with UCI [UC Irvine] and local CSU schools...” (*See Exhibit 1, Charter School Petition, pp. 69, 94.*) However, during the Capacity Interview, in response to a question posed to the Petitioner regarding the proposed dual enrollment program, Petitioner stated that the Charter School will not offer dual enrollment courses in partnership with UC Irvine.
- The 5-year budget submitted with the Petition reflects a 0.26 Full Time Equivalence (FTE) allocation for the Principal position in Year 1. However, during the Capacity Interview, the Petitioner stated that the Charter School would employ a full-time Principal. (*See Exhibit 8, VLGA Budget Salary Positions Assumption.*)

b. Aspects of the Petition are Not Aligned with Applicable Legal Requirements

- The description of the Charter School’s plan for providing Designated English Language Development does not align with applicable law regarding when English Language Development (ELD) instruction would occur, or be offered to its students, during the school day. (e.g., Ed. Code, §46148(a)(1).) Education Code section 46148(a)(1) states: “The schoolday for high schools, including high schools operated as charter schools, shall begin no earlier than 8:30 a.m.” Here, the Petition states that the Designated ELD would occur between 7:30-8:30 a.m. during an instructional period called Zero Period. (*See Exhibit 1, Charter School Petition, pp. 106-107.*) Accordingly, the instructional period that ELD instruction would occur, or be offered to its students, would potentially violate the start time provisions expressed in Education Code section 46148.

3. VCPS’ Existing Obligations and Current Record of Available Data Call into Question the Organization’s Ability to Successfully Serve Additional Students in an Additional New Charter School.

As noted below, some of the current challenges VCPS must direct its resources to address include the following:

- Of the organization’s five (5) currently operating charter schools, four (4) have California School Dashboard (“Dashboard”) data:⁶ Vista Charter Middle, Vista Heritage Global Academy, Vista Condor Global Academy, and Palm Lane Global Academy. Vista Charter Middle, Vista Heritage Global Academy, and Palm Lane Global Academy have underperformed the state on a majority of academic performance indicators for the three most recent years for which Dashboard data is available (2017, 2018, and 2019) and Vista Condor Global Academy underperformed the state on all academic performance indicators in 2019, the only year Dashboard data is available for the school. Additionally, Vista Heritage Global Academy is currently classified by the state as Low Performing. (See Ed. Code, §47607.2(a)(1).) (*See Exhibit 9, Vista Charter Middle Data Sets; Exhibit 10, Vista Heritage Dashboard Report; Exhibit 11, Vista Condor Dashboard Report; and Exhibit 12, Palm Lane Dashboard Report.*)
- 2022-2023 is the first year that the organization is operating Palm Lane Global Academy, which --as an existing school operated by AESD and another charter school operator -- has underperformed the state in academic performance indicators in 2017, 2018, and 2019. (*See Exhibit 6, AESD Board Materials 2022 and Exhibit 12, Palm Lane Dashboard Report.*)
- The organization’s countywide charter school (Vista Meridian Global Academy) is slated to open in 2023-2024, which is the same first year as the proposed Charter School. (*See Exhibit 2, Vista Meridian Budget Narratives.*)
- Additionally, the organization’s span school (Vista Heritage Global Academy) currently only serves students in grades 6-10 and will require the organization’s resources to roll out the additional grade levels it is approved to serve (6-12).

B. The Petition Does Not Contain Reasonably Comprehensive Descriptions of all of the Fifteen Elements Set Forth in Education Code

A new petition must contain a reasonably comprehensive description of each of the 15 elements required by Education Code section 47605(c)(5). Reasonably comprehensive descriptions are expected to be substantive, address all aspects of the elements, and be specific to the petition being proposed.⁷ The Petition does not contain reasonably comprehensive descriptions in compliance with the law, as discussed in greater detail below.

1. Description of the Charter School’s Educational Program (Element 1)

The Petition does not contain a reasonably comprehensive description of the charter school’s educational program.

⁶ As the school’s first year of operation was 2019-2020, Vista Horizon Global Academy (authorized by LAUSD) has no 2019 California School Dashboard data.

⁷ The policy for "reasonably comprehensive" includes factors and guidance promulgated by the State Board of Education. (*See Title 5 California Code of Regulations, section 11967.5.1.*)

- The Petition does not contain a reasonably comprehensive description of how the Petitioner plans to deliver the proposed educational program. Specifically, Petitioner fails to provide a clear understanding of the scheduling and course offerings needed to satisfy the statutory requirements in Education Code section 47605 and the expectations outlined in the 2021-2022 *New Independent Charter Application Guide*⁸ (“Application Guide”). As noted below, the Petition does not provide sample course schedules, course sequence of all grades, and the specific courses proposed to be offered to 9th grade students in the first year of operation:
 - As submitted, the bell schedules included in the Petition indicate that the Charter School’s students would have seven (7) academic periods (in addition to “Zero Period” and “Advisory/Global Hour”) but do not identify the subjects to be taught at each grade level. While Petitioner noted in the Capacity Interview that they may utilize current Vista Charter Middle teachers in the first year of operation to provide instruction to students, the Petition materials indicate there will only be six (6) teachers in Charter School’s first year of operation, and the Petition does not make reference to any such arrangement with Vista Charter Middle, nor otherwise does it explain how the Charter School would offer students seven (7) academic courses with only six (6) teachers. (See Exhibit 1, Charter School Petition, p. 29, and Exhibit 8, VLGA Budget Salary Positions Assumption.)
 - Additionally, the Petition provides no clarity for how the Charter School’s proposed dual enrollment program (proposed to be offered, at least in part, off campus at LATTC and “other college/university partners”) would fit into the daily schedule, nor how a student might, “...pursue and complete an Associate’s Degree from one of our college partners by the time they graduate from high school...” (See Exhibit 1, Charter School Petition, p. 68-69.)
- The Charter School’s CTE pathways are not comprehensively described in the Petition in accordance with applicable statutory and District policy requirements, and the below provides examples of the Petition’s lack of comprehensiveness:
 - The “Climate Change” pathway identified in the Petition presents no course description, aligned standards, etc., and as such, Staff is unable to assess Charter School’s proposed program in this area. (See Exhibit 1, Charter School Petition, p. 94)
 - During the Capacity Interview, Petitioner represented that all the Charter School’s students will take dual enrollment courses. Additionally, the Petition lists passing dual enrollment courses as one of the conditions by which students will meet the CDE’s College/Career Indicator.⁹ However, descriptions of dual enrollment

⁸ Annually, the LAUSD Charter Schools Division publishes a New Independent Charter School Petition Application Guide to provide petitioners with information regarding what the District considers a “reasonably comprehensive” petition.

⁹ The CDE’s College/Career Indicator (CCI) is included in the California School Dashboard as an Academic Performance Indicator for schools serving students in grade 12.

courses are included for only one (Business) of the Charter School’s three pathways (Health Science, Business, and Climate Change). As a result, it is unclear how students in the Health Science or Climate Change pathways would participate in the dual enrollment courses and inhibits Staff’s ability to appropriately review this aspect of the proposed educational program. (*See Exhibit 1, Charter School Petition, p. 91-94.*)

- During the Capacity Interview, Petitioner also stated, “all CTE Pathways culminate in at least a certificate.” However, the Petition fails to describe the means by which a student would earn any certification and does not identify any specific certifications students could earn. Further, while the Petition includes descriptions of programs and/or courses at LATTC that align somewhat with the Charter School’s CTE pathways (e.g., the description of the Health Science pathway notes LATTC, “...offers the disciplines of Registered Nursing, Kinesiology & Health, Health Occupations and the Sciences of Anatomy, Physiology, Biology and Microbiology.”), it is not clear whether these LATTC programs align with any specific professional certifications students could earn, nor whether Charter School students will have access to courses in these areas. (*See Exhibit 1, Charter School Petition, p. 68.*)

2. Description of the Charter School’s Governance Structure (Element 4)

The Petition does not contain a reasonably comprehensive description of the Charter School’s governance structure.

- **Articles of Incorporation:** The articles of incorporation must be executed and filed in order to form a nonprofit public-benefit corporation. Pursuant to California law, the articles must set forth a prescribed statement that the corporation is organized under the Nonprofit Public Benefit Corporation Law for a public or charitable purpose, or both. (Corp. Code, § 5130.) If the purposes include “public” purposes, the articles must include a further description of the corporation's purposes. (*Id.*) When VCPS was initially incorporated on December 7, 2007 as a nonprofit public benefit corporation, the “specific purposes for which [the] Corporation [was] organized are to manage, operate, guide, direct and promote Vista Charter School.” However, VCPS amended its articles of incorporation (specifically its corporate purpose) on or about December 19, 2018, which failed to include Vista Horizon Global Academy as part of the purpose for which the corporation was organized. (*See Exhibit 7, VCPS Articles of Incorporation.*) Since VCPS currently operates Vista Horizon Global Academy, VCPS is operating beyond the limits of its approved corporate purpose given that the articles of incorporation do not describe this charter school as part of its corporate purpose.

C. The Charter School is Demonstrably Unlikely to Serve the Interests of the Entire Community in which the School is Proposing to Locate

Pursuant to Education Code section 47605(c)(7), Staff analyzed whether the Charter School is demonstrably likely or unlikely to serve the interests of the entire community in which the Charter School proposes to locate. Staff’s analysis includes consideration of the fiscal impact of the

Charter School. Staff analyzed specific facts and circumstances and considered the following factors:

- The extent to which the Charter School would substantially undermine existing services, academic offerings or programmatic offerings; and
- Whether the Charter School would duplicate a program currently offered within LAUSD and the existing program has sufficient capacity for the pupils proposed to be served within reasonable proximity to where the Charter School intends to locate.

New charter school petitions are considered within the context of existing public school choices in communities. This includes consideration of factors that will help the LAUSD Board determine how best to meet the educational needs of all students, including but not limited to factors such as efforts to increase student achievement; trends in declining/increasing enrollment; effective use of district facilities and resources; and, needs to achieve adequacy of funding for public schools.

Pursuant to District policy, petitioners complete a Community Impact Assessment to address the following areas: identification of the community for the proposed Charter School; facilities plan; evidence of community engagement; assessment of duplication of existing services, academic offerings or programmatic offerings; consideration of academic performance in the community. Staff examined the reasonableness and comprehensiveness of the Petitioner's Community Impact Assessment and performed its own analysis.

Based on Staff's analysis of the Petition and the Petitioner's Community Impact Assessment, consistent with how best to meet the educational needs of all students, the below findings demonstrate that the Charter School is demonstrably unlikely to serve the interests of the entire community in which the school is proposing to locate.

Staff examines the reasonableness and comprehensiveness of the Petitioner's Community Impact Assessment. Moreover, Staff also analyzes the impact of the proposed new charter school to existing District schools, and to the extent practicable, existing charter schools, in the proposed community. This may include but is not limited to impacts of birth rates, number of school-aged students, and migration in the community of interest, as data are available.

1. The Proposed Charter School Undermines/Impacts Existing Services, Academic Offerings or Programmatic Offerings by the District

As outlined below, the Charter School would substantially undermine/impact existing services, academic offerings, or programmatic offerings in the proposed targeted community.

a. Enrollment Trends within the Proposed Community

The Community Impact Analysis considers the enrollment trends of the existing District schools and charter schools in the proposed targeted community. Such analysis is necessary to help determine the need for a new school and the financial viability of the proposed charter school, as well as any impact to existing services, academic offerings or programmatic offerings. If the

petitioner submits an application for a new charter school in a community in which under-enrollment among existing District schools and/or charter schools is prevalent, this factor may constitute a significant fact in finding the proposed new charter school has a substantially undermining effect.

Staff's review of the 2021-2022 Norm Enrollment data provided by LAUSD's Master Planning and Demographics (MPD) office reveals that 28 of the 33 existing District and charter schools within the community in which Charter School proposes to locate are under-enrolled in comparison to their current capacity. Moreover, the enrollment data show that the majority of schools are under-enrolled by an average of 195 students (23 schools under-enrolled by 35.5 students or more; representing 82% under-enrolled schools). As a way to assess the materiality of the under-enrollment, Staff reviewed the extent to which the latest Norm Enrollment data reflects a majority of the existing schools are under-enrolled compared to their capacity at a level equal to or greater than the number required to staff a class according to applicable District Norms tables (i.e., in this case, 35.5:1 in grades 9-12). If a majority of schools fall within this category, Staff deems there to be prevalent under-enrollment in the community.

Enrollment data from Fiscal Years 2019-2020 and 2020-2021 indicate similar under-enrollment trends in the proposed community. Specifically, the enrollment data reflects that a majority of the schools within the community were under-enrolled by 35.5 students or more, representing 90% and 93% of under-enrolled schools for Fiscal Years 2019-2020 and 2020-2021, respectively.

Based on the data referenced above, the majority of schools within the community are under-enrolled at a level equal to or greater than the number that could impact programmatic offerings (i.e. staffing a class), which indicates prevalent under-enrollment. (*See Exhibit 13, Vista Legacy Global Academy Schools Within the Community List with Enrollment Data.*)

b. Fiscal Impact to the Community

The Charter School must be analyzed in terms of whether it has a fiscal impact to existing District schools in the proposed target community. Staff's evaluation of the fiscal impact of the Petition includes, but is not limited to, the following factors:

- (1) Analysis of estimated total revenue losses for existing District schools; and
- (2) Review of estimated impacts to staff positions for the District's services and programs (e.g., norm-based, custodial positions, teachers, and other school staff) that support the District's schools in the proposed community (e.g. use of the Electronic School Enrollment Forecast Process (E-CAST) information or the Norm Day enrollment information, whichever is the most current).

If the petitioner submits an application for a new charter school in which there is deemed a substantive fiscal impact to existing District schools in the proposed community, this factor may constitute a fact and circumstance in support of a finding leading to the denial recommendation of the petition.

Staff's fiscal impact analysis is calculated based on multiple sourced assumptions (as reflected below) to provide a projection of Charter School's potential fiscal impact to existing District schools in the proposed community.

Assuming that approximately 30%¹⁰ of the students who plan to attend Charter School would have attended an existing LAUSD school, and assuming that Charter School meets 69%¹¹ of its enrollment projections, the expected enrollment loss for the District's schools could be \$636,544 (125 students) in the first year and increasing to \$2,546,177 (500 students) by the proposed charter school's fifth year of operation (i.e., Fiscal Year 2027-2028). Staff estimates that the average revenue per student is \$26,171¹² in the 2022-2023 academic school year. Multiplying 21% (30% x 69%) of the expected charter enrollment and approximately 94%¹³ District average daily attendance (ADA) ratio by this amount over the period of Charter School's proposed charter term equates to \$8,911,618. Because District revenue is associated with ADA rather than enrollment (See 5 C.C.R § 402), the estimated revenue loss is not directly proportional to the number of students who would attend Charter School. As a result of lower enrollment to the District schools, any loss of revenue may be offset by possible reductions in expenditures, estimated at 10% of the loss of revenue.

Further, and using the same assumptions above, it is also projected/anticipated that correlative District staff reductions will result based on the data. The projected staff reductions for the District schools within the proposed community could be two teachers from the first year through Charter School's fifth year of its proposed charter term.

Based on the above analysis, Staff finds that the overall fiscal impact of Charter School on existing District schools in the proposed target community will be prevalent. Therefore, as established above, the Charter School will have a substantive fiscal impact on existing District schools in the proposed target community.

2. The Proposed Charter School Duplicates Programs Currently Offered in the District

The Petitioner is required to assess the duplication of existing programs currently offered by existing schools in LAUSD, as a whole. Such assessment must consider how the Charter School's proposed program would duplicate the current program offerings of existing schools. The enrollment trend analysis would inform the extent to which existing District programs (and charter schools) have sufficient capacity to serve the students in the community where the Charter School proposes to locate.

¹⁰ Historical average enrollment decline % to District schools due to students transferring to charter schools (from 2010-2011 through FY 2021-2022), per LAUSD's "Final Budget 2022-23" ([Link](#))(Pages 208-210 in the PDF or Section V-7 through V-9)

¹¹ Average enrollment realization ratio (as a percentage of the aggregate Norm Enrollment over the aggregate petition enrollment projections) for the new LAUSD-authorized independent charter schools in the most five recent years (Fiscal Years 2017-2018 through 2021-2022)

¹² Per Pupil Revenue Rate based on LAUSD's "Final Budget 2022-23" ([Link](#))(Page 79 in the PDF or Section II-3)

¹³ District school attendance rate of 94.3% represents the 3-year cumulative average ADA from 2019-2020 through 2021-2022 based on LAUSD's "Final Budget 2022-23" ([Link](#))(Page 388 in the PDF or SACS Page 126)

As part of the analysis to determine if the proposed Charter School is demonstrably likely to successfully serve the interests of the entire community in which the school is proposing to locate, Staff reviewed the programs in the community for duplication. The Petitioner asserted in its Community Impact Assessment that the following programs are not duplicative in the community:

- Vista’s Framework for Engagement¹⁴
- Partnership with and curricula from Community Catalyst Partners International Student Study Network (ISSN)
- CTE Pathways in Business (specifically an international business focus) and Climate Change, including Dual Enrollment options at LATTC and/or other colleges/universities
- Advisory/Global Hour for daily personalized targeted supports and daily tutoring during Zero Period.
- Full-time on-site School Psychologist and additional psycho-social supports and Social Emotional Learning (SEL) throughout the program, including Way of Council.

A comparison of the charter school’s programs identified in its Community Impact Assessment with programs offered by the existing Schools within the Community (based on publicly available information and input from Local District and Community of Schools leaders) revealed some duplication of the majority of the programs identified by Charter School as non-duplicative.

For example, a number of Schools within the Community offer CTE pathways and/or psycho-social supports. Local District leaders noted that all, or nearly all, Schools within the Community incorporate some elements of Vista’s Framework for Engagement, such as mastery learning, data-driven instruction, and project-based learning. Additionally, as noted in findings above, Petitioner did not provide a reasonably comprehensive description of the proposed Climate Change CTE pathway program and, as such, Staff did not have sufficient information to assess the degree to which the proposed program would or would not duplicate existing programs.

Staff also considered current capacity and academic achievement information as part of this analysis. Please see above regarding enrollment trends and the Staff Assessment and Recommendation Report (SARR) regarding existing performance of academic achievement in the community.

Based on the Petitioner’s Community Impact Assessment and Staff analysis, there is some duplication of existing programs and the existing programs have sufficient capacity for the students proposed to be served by the Charter School. Moreover, while there are academic needs in the community, the available academic achievement data of the organization does not demonstrate that the proposed charter school is likely to meet said needs.

¹⁴ Elsewhere in the Community Impact Assessment, Charter School describes “Vista’s Framework for Engagement” as an instructional framework that incorporates social emotional learning elements, instructional strategies such as Kagan strategies, project-based learning, and mastery learning, and involves a shift in instructional practice towards teachers acting as coaches and facilitators of personalized learning experiences.

3. VCPS' Charter Schools (with available state data) Have Not Demonstrated Academic Achievement Sufficient to Meet Existing Needs Within the Community

As described in the SARR in more detail, the community proposed to be served by Charter School has existing academic needs as the Schools within the Community median performance levels underperform the state in three of six applicable indicators: Math, ELPI, and Graduation Rate. As detailed below, the performance data of the organization's existing schools does not demonstrate that the proposed Charter School is likely to meet existing needs, including both the Dashboard indicators listed above as well as the Dashboard indicators for which the Schools within the Community median performance levels outperform the state averages. (*See Exhibit 14, Schools Within the Community Data Set.*)

Staff reviewed the available Dashboard data (2019) of charter schools operated by VCPS. As noted above, VCPS operates four (4) schools with existing Dashboard data: Vista Charter Middle, Vista Heritage Global Academy, Vista Condor Global Academy, and Palm Lane Global Academy. However, as Palm Lane Global Academy was not under the governance of VCPS in 2019, the last year for which Dashboard data is available, Staff's analysis of the performance of the organization's existing schools was limited to Vista Charter Middle (authorized by LAUSD), Vista Heritage Global Academy (authorized by OCDE), and Vista Condor Global Academy (authorized by OCDE).

In English Language Arts (ELA), Vista Charter Middle's Distance from Standard (DFS) of -25.7 was lower than the state's DFS of -2.5. In Math, Vista Charter Middle's DFS of -56.7 was lower than the state's DFS of -33.5. In ELPI, Vista Charter Middle's percentage of English Learners making progress towards English language proficiency of 38.2% was lower than the state average of 48.3%. In Chronic Absenteeism, Vista Charter Middle's percentage of students who were chronically absent was 13.5%, which was higher than the state average of 10.1%. In Suspension Rate, Vista Charter Middle's percentage of students suspended at least once of 0.5% was lower than the state rate of 3.4%. (*See Exhibit 9, Vista Charter Middle Data Sets.*)

In English Language Arts (ELA), Vista Heritage Global Academy's Distance from Standard (DFS) of -31.4 was lower than the state's DFS of -2.5. In Math, Vista Heritage Global Academy's DFS of -85.3 was lower than the state's DFS of -33.5. In ELPI, the charter school's percentage of English Learners making progress towards English language proficiency of 41.4% was lower than the state average of 48.3%. In Chronic Absenteeism, Vista Heritage Global Academy's percentage of students who were chronically absent was 11.6%, which was higher than the state average of 10.1%. In Suspension Rate, Vista Heritage Global Academy's percentage of students suspended at least once of 0.0% was lower than the state rate of 3.4%. (*See Exhibit 10, Vista Heritage Dashboard Report.*)

In English Language Arts (ELA), Vista Condor Global Academy's Distance from Standard (DFS) of -62.3 was lower than the state's DFS of -2.5. In Math, Vista Condor Global Academy's DFS of -64.3 was lower than the state's DFS of -33.5. In ELPI, the charter school's percentage of English Learners making progress towards English language proficiency of 44.9% was lower than the state average of 48.3%. In Chronic Absenteeism, Vista Condor Global Academy's percentage of students who were chronically absent was 11.6%, which was higher than the state average of

10.1%. In Suspension Rate, Vista Condor Global Academy's percentage of students suspended at least once of 0.0% was lower than the state rate of 3.4%. (*See Exhibit 11, Vista Condor Dashboard Report.*)

In summary, Vista Charter Middle, Vista Heritage Global Academy, and Vista Condor Global Academy all underperformed the state in 4 of 5 applicable indicators (ELA, Math, ELPI, Chronic Absenteeism) and outperformed the state in one indicator (Suspension Rate).

At the subgroup level, a majority (2 of 3) of Vista Charter Middle's applicable numerically significant subgroups underperformed their corresponding state subgroup averages in ELA. A majority of (2 of 3) Vista Charter Middle's applicable numerically significant subgroups outperformed their corresponding state subgroup averages in Math. All (4 of 4) applicable numerically significant subgroups underperformed their corresponding state subgroup averages in Chronic Absenteeism. All (4 of 4) applicable numerically significant subgroups outperformed their corresponding state subgroup averages in Suspension Rate. Although a majority (2 of 3) of Vista Charter Middle's applicable numerically significant subgroups outperform their respective subgroup state averages in Math, this is also the case for the District and charter schools within the community serving any grades served by Vista Charter Middle (6-8). Further, a majority of these same District and charter schools' applicable subgroup medians also outperform Vista Charter Middle's respective subgroups in Math. (*See Exhibit 9, Vista Charter Middle Data Sets.*)

At Vista Heritage Global Academy, all (3 of 3) applicable numerically significant subgroups underperformed their corresponding state subgroup averages in ELA and Math, and a majority of (2 of 3) Vista Heritage Global Academy's applicable numerically significant subgroups underperformed their corresponding state subgroup averages in Chronic Absenteeism. All (3 of 3) applicable numerically significant subgroups outperformed their corresponding state subgroup averages in Suspension Rate. As noted in findings above, Vista Heritage is currently classified by the state as a Low Performing charter school. (*See Exhibit 10, Vista Heritage Dashboard Report.*)

At Vista Condor Global Academy, all (3 of 3) applicable numerically significant subgroups underperformed their corresponding state subgroup averages in ELA and Math. A majority (3 of 4) of Vista Condor Global Academy's applicable numerically significant subgroups outperformed their corresponding state subgroup averages in Chronic Absenteeism. All (4 of 4) applicable numerically significant subgroups outperformed their corresponding state subgroup averages in Suspension Rate. (*See Exhibit 11, Vista Condor Dashboard Report.*)

Additionally, as detailed in the SARR, Staff analysis also included consideration of i-Ready Diagnostic Growth reports provided by VCPS. Neither Vista Charter Middle, Vista Heritage Global Academy, nor Vista Condor Global Academy met the 95% participation rate criteria in Reading or Math. Notwithstanding the participation rate below 95%, a majority of Vista Heritage Global Academy's students (66% Reading and 59% Math) achieved 100% of Annual Typical Growth. However, less than a majority of Vista Charter Middle's students (Reading 39% and 40% Math) and Vista Condor Global Academy's students (48% Reading and 36% Math) achieved 100% of Annual Typical Growth (notwithstanding the participation rates below 95%). Moreover, as Vista Charter Middle serves the same community Vista Legacy Global Academy proposes to

serve and Petitioner has indicated an expectation that a significant number of Vista Charter Middle students would matriculate into Vista Legacy Global Academy, the most recent internal assessment data for Vista Charter Middle is relevant. (*See Exhibit 15, VCPS Internal Assessments.*)

In summary, the record of academic performance of VCPS' existing schools supports a conclusion that the proposed Charter School is demonstrably unlikely to meet the existing needs within the community proposed to be served by Charter School.

IV. CONCLUSION

In order to deny the Petition on the grounds set forth above, Education Code section 47605, subdivision (b), requires the Board to make "written factual findings, specific to the particular petition, setting forth specific facts to support one or more" grounds for denying the Petition. The recommendation for denial is based on Staff findings that: (1) Petitioner is demonstrably unlikely to successfully implement the educational program set forth in the Petition; (2) the Petition does not contain reasonably comprehensive descriptions of all of the fifteen elements; and (3) the Charter School is demonstrably unlikely to serve the interests of the entire community in which the school is proposing to locate. Should the Board decide to deny the Petition, Staff recommends that the Board adopt these Findings of Fact as its own. Staff requests that pursuant to the above grounds for denial, the Board adopt these Findings of Fact in accordance with the statutory grounds for denial and deny the Petition for Vista Legacy Global Academy.