

Los Angeles County Office of Education
Charter School Office
Date: November 1, 2011

Report on the Albert Einstein Academy for Letters, Arts and Sciences, Grades K-6
Appeal of the Petition Previously Denied by Saugus Union School District Board of Education

Background Information

The petition for the *Albert Einstein Academy for Letters, Arts and Sciences* (Einstein – Saugus) proposes to establish a direct funded, K-6 charter school to be operated in the geographic boundaries of the Saugus Union School District (Saugus USD). First year enrollment projection is 312 K-3 students. The school plans to add an additional grade level (approximately 78 students) per year until reaching operational capacity, defined as 546 students enrolled in grades K-6.

The Einstein petition has been denied by four school districts and one county office of education as follows: Newhall (Elementary) School District, October 2010; Ventura Unified School District, November 2010; Los Angeles Unified School District, March 2011; Ventura County Office of Education, March 2011; and Saugus Union School District, March 2011.

The governing board for the proposed Einstein elementary charter also serves as the governing body for a middle and high school authorized by William S. Hart Union High School District (Hart UHSD). Saugus USD is an elementary district; its students attend Hart UHSD for middle and high school.

Hart UHSD originally denied the Einstein Academy for Letters, Arts and Science middle/high school charter petition, but reversed its decision after the petitioner, Rabbi Mark Blazer of Temple Beth Ami in Santa Clarita, agreed to change the school's educational program from requiring Hebrew language instruction to making it optional. The petitioner further agreed not to locate the school in a proposed Southern California Center for Jewish Life where Temple Beth Ami would be co-located. Rabbi Blazer developed the first version of the Einstein Academy for Letters, Arts and Science middle/high school charter petition (Einstein – Hart) in conversation with the Hebrew Charter School Center (HCSC) of New York, which awarded the school a \$50,000 planning grant. The grant was lost when the school agreed to make Hebrew optional. Einstein – Hart authorized by Hart UHSD is in its second year of operation. (Source: JewishJournal.com, August 24, 2010. Retrieved October 19, 2011, from http://www.jewishjournal.com/cover_story/article/how_jewish_are_hebrew_charter_schools_20100824/)

The petition for Einstein – Saugus states the school plans to lease facilities within the geographic boundaries of Saugus USD in its first few years of operation. The school leadership team reports the long-term goal is to build a facility. By *Education Code*, Einstein – Saugus must be located within the geographic boundaries of Saugus USD.

The petition does not describe the targeted student population. It states the school “expects that its student body...will look similar to that of surrounding schools in the Saugus Union School District.” The petition described the demographics of the Saugus USD based on “data reported on the internet from the 2008-09 school year” and stated it will conduct a vigorous outreach program aimed at recruiting a student body that is representative of the district.

District demographics for 2011 are not noticeably different from the 2008-09 data stated in the petition. Data reported in the petition is presented in the chart, on the following page.

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2008-09 Demographic Data: Saugus Union School District			
Ethnic/Racial Data		Other Demographic Information	
Black or African American	4%	Free & Reduced Price Lunch	17%
Asian	9%	English Learners	10%
Filipino	5%	Special Education Services	11%
Hispanic or Latino	27%	Average Parent Education Level	3.56*
White	53%	*The average of all response; "1" represents "Not a high school graduate" and "5" represents "Graduate school." CDE Accountability Progress Report	
Two or More Races	1%		

Comparison of the Einstein – Hart to the District and Nearby Schools

Einstein – Hart is operated by Albert Einstein Academy for Letters, Arts and Sciences, (AEALAS) Inc. The lead petitioner for the Einstein – Saugus elementary charter school is the principal of Einstein – Hart.

The data presented below compares the Einstein – Hart to the two (2) closest Hart UHSD junior high schools, high school, and the district as a whole. For 2011, Einstein – Hart was classified by the California Department of Education (CDE) as a middle school for the purpose of computing its Academic Performance Index (API). Seventh and eighth grade students comprised 85% of the school’s enrollment.

Einstein – Hart and Hart Union High School District					
Source: CDE DataQuest	Einstein-Hart	Hart UHSD	Academy of the Canyons HS	Rancho Pico Jr. High	Rio Norte Jr. High
2011 Growth API	908	832	941	901	898
Ethnic/Racial Data & Other Demographic Data [^]					
Black or African American	[0%]	4%	4%	4%	4%
Asian	[3%]	7%	10%	16%	12%
Filipino	[2%]	5%	7%	5%	5%
Hispanic or Latino	11%	32%	23%	18%	20%
White	1% [64%]	49%	53%	49%	53%
Two or More Races	[4%]	2%	1%	7%	7%
Participants in Gifted and Talented	0%	13%	24%	18%	17%
Free & Reduced Price Lunch	0%	16%	6%	9%	4%
English Learners	0%	9%	2%	7%	3%
Reclassified Fluent English	0%	8%	10%	7%	5%
Students with Disabilities	0%	12%	3%	12%	12%
Average Parent Education Level*	--	3.46	3.69	3.84	3.95
*The average of all response; "1" represents "Not a high school graduate" and "5" represents "Graduate school." CDE Accountability Progress Report					
[^] Demographic data is reported through Standardized Testing and Reporting (STAR). Racial/ethnic data for Einstein not available or potentially inaccurate through STAR, was taken from CALPADS and is indicated by brackets.					

Reason for Denial by the Local District

Saugus USD Board of Education denied the petition based on written findings of fact and comply with requirements for denial under the following sections of the Charter School Act:

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EC § 47605(b)(1) The school presents an unsound educational program for specific students populations to be served by the school.

EC § 47605(b)(2) The petitioners are demonstrably unlikely to successfully implement the program described in the charter due to the following: Petitioners have a past history of petitioning for a charter school and being denied by several local educational agencies including Newhall School District, Ventura Unified School District, and Los Angeles Unified School District. Petitioners are unfamiliar with the content of the petition and requirements of law that apply to the proposed charter school.

EC § 47605(b)(4) The petition does not contain an affirmation of specified assurances.

EC § 47605(b)(5) The petition fails to provide a reasonably comprehensive description of the 13 of the 16 required elements:

Element 1: Educational Program	Element 8: Admission Requirements
Element 2: Measurable Pupil Outcomes	Element 9: Submission of Independent Audit
Element 3: Method for Measuring Pupil Progress	Element 10: Suspension and Expulsion Procedures
Element 4: Governance Structure	Element 12: Public School Alternatives
Element 5: Employee Qualifications	Element 14: Dispute Resolution Procedures
Element 6: Health and Safety Procedures	Element 16: Closure Procedures
Element 7: Means for Achieving a Racial and Ethnic Balance	

Any of the above findings may be cause for denial of a charter under *EC § 47605(b)*.

Response from the Petitioner

The petitioner provided a written response to the findings of the local board and submitted it as part of the petition package. The response was considered during the review process.

Appeal to the Los Angeles County Board of Education

The Los Angeles County Board of Education (County Board) held a Public Hearing to determine support for the petition on October 18, 2011. The petitioner submitted a response to comments made in opposition to the petition during the Public Hearing; these responses were considered as part of the review. Additionally, the petitioner provided information to the Review Team in response to questions asked by the Los Angeles County Office of Education (LACOE). When the petitioner's response included "clarifications" or "intents" that were not available to the local district, the response was not considered as part of the review.

LACOE Review Process

The LACOE Charter School Review Team (Review Team) considered the petition according to the requirements of law, *California Administrative Code of Regulations (CCR)*, County Board Policy and Regulations, and LACOE review procedures. LACOE has adopted the *CCR* established by the CDE for the purpose of charter review with modifications as necessary to reflect the needs of the County Board and County Office of Education.

The Review Team included staff from the Controller's Office, Business Operations, Business Services, Risk Management, Divisions for School Improvement, Curriculum and Instructional Services, Special Education, Student Support Services, Office of General Counsel, and the Charter School Office.

Findings are based on a review of the same petition submitted to the local district, supporting documents submitted by the petitioner, and information obtained through the Capacity Interview and other communications with the petitioner and other school representatives. The petitioner submitted proposed changes to the petition necessary to reflect the County Board as the potential authorizer. These changes should reflect the statutory, policy, and structural differences between a county office of education and a local district. Differences include, but are not limited to, the statutory authority of the County Superintendent of Schools to investigate complaints as well as structural differences with regard to special education services. Proposed changes provided by the petitioner were considered by the Review Team.

Findings of Fact

Finding 1: The petition provides an unsound educational program for students to be enrolled in the school. [EC § 47605(b)(1)]

The *CCR, Title 5*, Section 11967.5.1(b) provides the criteria that a program that is *unsound would involve activities that would present the likelihood of physical, educational, or psychological harm to the affected pupils or is not likely to be of educational benefit to the pupils who attend the school.*

The Review Team has concerns regarding the efficacy of the educational program in general due to the lack of a unified approach to learning and a lack of staff development to support the myriad of programs and strategies the petition proposes to utilize. The petition also fails to identify how the school will strategically determine when and how it will use many of the programs and strategies, including how they are aligned to meet the needs of all subgroups of students to be enrolled at the school.

Additionally, the Review Team determined the described educational program unsound for specific subgroups of students:

Students with Disabilities: The petition fails to describe how students with special needs who might have difficulty learning a second language would be supported sufficiently to allow them to learn Hebrew, which is required for all students. Additionally, the petition proposes fewer than the recommended number of instructional minutes for teaching English Language Arts and Mathematics, which may adversely affect students with disabilities from mastering core content standards.

English Learners: The petition lacks focus and sufficient detail regarding the instruction of English learners and relegates instructional activities as "opportunities" (p. 17). There is insufficient description of how English Learners who might have difficulty simultaneously learning Hebrew and English would be supported sufficiently. Additionally, the petition fails to allocate instructional time for English Language Development in its instructional schedule and proposes fewer than the recommended number of instructional minutes for teaching English Language Arts and Mathematics, which may adversely affect English Learners from mastering core content standards.

Additional analysis is provided under Finding 5: Educational Program (Element 1).

Finding 2: The petitioners are demonstrably unlikely to successfully implement the program. [EC § 47605(b)(2)]

Based on review of the petition, supporting documents, and the Capacity Interview with the school's leadership team, the petition does not meet the following criteria established in *CCR, Title 5*, § 11967.5.1(c). The petitioners:

1. *Are unfamiliar with the requirements of law that would apply to the proposed charter school including, but not limited to:*

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- a. The statutory requirements for establishing the location of the charter school. The petitioners stated they were interested in co-locating the elementary campus with the secondary campus, or locating the school in Van Nuys, neither location is within the geographic boundaries of the Saugus USD.
 - b. The requirements of Standardized Testing and Reporting (STAR). The petitioner, as principal of the Einstein – Hart, failed to comply with the requirements for reporting demographic data to the CDE under 5CCR § 861 School-By-School Analysis. Failure to report resulted in a lack of demographic data for the school which the CDE uses to compute Similar Schools rankings for the purpose of API comparison. The school was unaware of the failure until informed by LACOE.
 - c. During the Capacity Interview, the petitioners indicated that special education students at the Einstein – Hart are served after the instructional day, and services could be provided in the same manner at the Einstein – Saugus elementary school. The petitioners were unaware that failure to provide services during the instructional day could be a violation of state and federal law.
 - d. The petition states, all staff will be given access to a student's IEP, which is not in keeping with confidentiality safeguards required under law. The petition submitted to Saugus USD indicates lack of understanding of the difference between a Local Education Agency (LEA) and a Special Education Local Plan Area (SELPA).
2. *Have presented an unrealistic financial and operational plan for the proposed charter school with respect to professional development and insurance:*
- a. Planning for professional development is insufficient to support the myriad of programs and strategies to be used by the school. The petition states Einstein – Saugus will use a number of programs and strategies in implementing its instructional design, including interdisciplinary curriculum, authentic instruction, Accountable Talk, Primary Mathematics, global and multicultural themes, backward design, differentiated instruction, Readers' and Writers' Workshop, project-based learning provided by the Buck Institute for Education, and Hebrew Language and culture. Each of these requires extensive professional development for instructional staff to be implemented successfully. The petition also states teachers will receive professional development to support English Learners, to address students' special needs, and to develop improved strategies following data analysis. However, only three (3) professional development days are allocated and the plan for professional development is not described in any detail as to how and when it would take place. The budget allots \$4,200 for professional development; an underestimate of the cost for providing the level of training needed to fully implement the programs and strategies identified in the petition. Therefore, the petitioners are likely to have difficulty implementing the stated educational program.
 - b. Insurance coverage is inadequate. The monies allocated of \$15,000 for various insurance policies such as property, general liability, workers' compensation, errors and omission and crime is not adequate. The costs could be two (2) to three (3) times this amount depending on the number of employees and students.
3. *Lack the necessary background in the following areas critical to the charter school's success, and the petitioners do not have plan to secure the services of individuals who have the necessary background in curriculum, instruction, assessment*
- a. The petitioners lack the necessary background and experience to implement the charter based on inconsistencies, lack of clarity, and inaccuracies in the petition as documented in this report.

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- i. The petition lists a “Management Team” but fails to specify its role. Consequently, LACOE requested clarification. The petitioner responded via email, “The ‘management team’ is comprised of educators and others who are involved in the development of Einstein Academy charter petitions in the Ventura, Los Angeles and Santa Clarita areas. They have read and provided input to the charter petition and are supporting our efforts in numerous ways.” Only one (1) individual has reported elementary experience.
 - ii. The petitioner also wrote, “Several [members of the “Management Team”] will be considered for administrative positions at new Einstein Academy schools.” The petitioner identified only one (1) potential candidate from the “Management Team” list. The background information provided in the petition for that individual indicates he has no elementary school experience.
- b. The petitioners lack the necessary expertise and experience in elementary and public school administration to implement the charter.
- i. The Einstein – Hart principal has no elementary school experience and no public school experience beyond one year as a charter school administrator. At the Capacity Interview, the principal stated he will act as an unpaid consultant to Einstein – Saugus elementary; this role is not specified in the organizational structure provided in the petition.
 - ii. The Einstein – Hart principal’s lack of public school experience is evident with regard to the administration of state-mandated assessments. In 2011, Einstein – Hart failed to report demographic information as required as part of the Standardized Testing and Reporting (STAR) administration.

Finding 3: The petition contains the required number of signatures. [EC § 47605(b)(3)]

The petition as submitted to Saugus USD contained eight (8) signatures. The petition proposed the number of teachers in the first year of operation to be 14. In verifying the interest of the teachers at the time they signed the petition, one teacher responded that she rescinded her signature, leaving the petition with seven (7) valid signatures or 50% of the teachers to be employed the first year. None of the remaining teachers verified their interest in teaching at the school at the time they signed the petition.

Finding 4: The petition does not contain an affirmation of all specified assurances. [EC § 47605(b)(4); EC § 47605(d)]

While the petition states all the required affirmations, it does not comply with the specific requirement that *neither the charter nor any of the supporting documents shall include any evidence that the charter will fail to comply with the conditions inherent in the affirmations.* Specifically, there is evidence the Einstein petition fails to meet the criteria for the following condition:

... [A] charter school shall be nonsectarian in its programs, admission policies, employment practices, and all other operations, shall not charge tuition, and shall not discriminate against any pupil on the basis of ethnicity, national origin, gender, or disability.

Findings exist that the petition fails to meet the following components of the condition:

1. *Shall be nonsectarian and not discriminate on the basis of ethnicity or national origin.*
 - a. There is evidence of an affiliation between the Einstein governing board, Temple Beth Ami, and the Southern California Center for Jewish Life as follows:

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- i. Mark Blazer, founder of the Einstein schools, is the Rabbi of Temple Beth Ami and the unpaid Executive Director for the proposed Einstein – Saugus. The petition does not accurately portray the relationship Rabbi Blazer has with Einstein – Saugus; the position of Executive Director is not described in the school’s governance or organizational structure, including the organizational chart (page 56) and there is no job description for the position. There is a reference to a “Director” only on page 58 of the charter under *Ongoing Improvement*.
 - ii. Rabbi Blazer, interviewed in various Jewish journals, is quoted as saying, “So, for the 90% of kids who aren’t going to Jewish Day Schools, this [Einstein] is an alternative.” (Source: http://www.jewishjournal.com/cover_story/page2/how_jewish_are_hebrew_charter_schools_20100824/ August 2010)
 - iii. Financial reports for Einstein – Hart indicate Rabbi Blazer and the Southern California Center for Jewish Life have both lent money to that school.
 - iv. The Einstein schools are promoted on the Temple Beth Ami website (available at <http://ca018.urj.net/>) through a direct link to the Einstein schools website.
- b. The governing board is not diverse. Five (5) of the six (6) board members are affiliated with Temple Beth Ami or the Southern California Center for Jewish Life. Two (2) serve on the Southern California Center for Jewish Life capital campaign committee, one (1) is Temple Beth Ami’s Education Director, and two (2) stated they are members of Temple Beth Ami.
 - c. The petition lacks a described curriculum, content standards, and scope and sequence for teaching Hebrew culture that ensures the instructional program is nonsectarian and nondiscriminatory. By its requirement that all students must participate in instruction in Hebrew language and culture without providing an alternative, the school may be viewed as favoring or encouraging some student subgroups on the basis of ethnicity and national origin and excluding other student subgroups. The petition (page 9) states, “some families may wish their children to learn the Hebrew language for cultural or religious reasons.”

2. *Shall not charge tuition.*

As a component of the Einstein schools’ Enrollment Package (available at <http://ealas.org/school/enrollment-packet-2011-2012/>) parents are asked for a \$2,500 donation per student per year, and larger sums (\$10,000) are solicited through the school’s annual giving campaign letter. Solicitation of funds through the Enrollment Package gives the appearance that the donation is linked to enrollment in the school (tuition). The donation requirement may have the consequence of a discriminatory impact: Parents who cannot afford to pay \$2,500-\$10,000 may be discouraged from enrolling their children in the school.

Finding 5: The petition does not contain a reasonably comprehensive description of all required elements. [EC § 47605(b)(5)(A)-(P)]

Based on criteria modeled after those in the *California Code of Regulations, Title 5, (5 CCR)* and adapted by LACOE to reflect the needs of the County Board and County Office of Education, ten (10) of the 16 elements are not reasonably comprehensive.

Element 1: Description of the Educational Program. *Not reasonably comprehensive*

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The 5 CCR § 11967.5.1(f)(1) requires the petition to address eight (8) criteria. The petition fails to provide sufficient description for any of the established criteria rendering aspects of the educational program deficient for specific populations the school proposes to serve: English Learners, low-achieving students, high-achieving students, and students with disabilities. The deficiencies are as follows:

1. The petition fails to indicate *the proposed charter school's target student population, including, at a minimum, grade levels, approximate numbers of pupils, and specific educational interests, backgrounds, or challenges.*
 - a. It does not describe the specific *backgrounds or challenges* that may be faced by students enrolled at the school. The petition discusses the student population of Saugus USD, and states that it “expects that its student body...will look similar to the surrounding schools.”
 - b. It fails to provide what the *targeted* student population will be other than stating, the school “will attract students seeking an alternative instructional model and those whose families wish them to learn Hebrew.” The petition does not identify the challenges that may be faced by students who “want to learn Hebrew” but struggle to do so due to disability or primary language status. Failure to identify *backgrounds or challenges* that may be faced by students leaves the program unprepared to successfully support these students.
2. The petition does not specify *a clear, concise school mission statement with which all elements and programs of the school are in alignment and which conveys the petitioners' definition of an "educated person" in the 21st century, belief of how learning best occurs, and goals consistent with enabling pupils to become or remain self-motivated, competent, and lifelong learners.*
 - a. While there is a concise mission statement, “to prepare elementary students for 21st century careers and lives, as members of a democratic society. Einstein Academy offers an interdisciplinary educational experience with Hebrew language and culture study...” the target population is defined insufficiently to determine whether the *framework for instructional design* is adequate for all student populations to be served.
 - b. The school’s vision, which combines a college preparatory focus with an interdisciplinary curriculum while developing competency in Hebrew language and culture, indicates the school is seeking to attract high-achieving students rather than a cross-section of students with varying abilities and interests.
 - c. The petition does not describe how a college preparatory, language-focused school requesting parental donations in the thousands of dollars each year is aligned with the *backgrounds and challenges* of students from low socioeconomic families, students with disabilities, English Learners (comprising 12% of the Saugus USD student population), and those for whom learning a second or third language may be difficult.

For example, the sample instructional schedules (page 35) do not reflect recommended time allocations within the language arts and math frameworks, and there are no time allocations for English Language Development. Students are likely to have difficulty mastering the state content standards within the time allocations provided in the petition.

- d. The sample schedules contradict statements made elsewhere in the petition. The schedules indicate language arts instruction begins at 8:00 a.m., while the petition (page 3) states breakfast will be served from 8:00 to 8:30 a.m. Similarly, the schedule for Hebrew instruction presents a

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conflict: the single Hebrew teacher cannot teach Kindergarten classes from 10:25 to 11:00 and Grades 1 – 3 from 10:50 to 11:20.

3. The petition fails to indicate how *the instructional approaches the charter school will utilize, including curriculum and teaching methods, will enable pupils to master the content standards for the four core curriculum areas and to achieve the objectives specified in the charter.*
 - a. It provides for a myriad of instructional programs and approaches, many of which require extensive staff development to implement. The petition fails to describe how the school would determine which curriculum or strategy would be used to meet the needs of the different student populations, how the appropriateness and effectiveness of the curriculum or approach would be measured, or provide for sufficient staff development for successful implementation.
 - b. In speaking with the petitioner, LACOE was informed that the school will use “ability grouping,” which is neither defined nor described in the petition, except with respect to teaching Hebrew (page 29). “Ability grouping” can have the effect of denying equal access to the curriculum to specific student populations.
4. The petition does not indicate *how the charter school will identify and respond to the needs of pupils who are not achieving at or above expected levels.*
 - a. The described plan to meet the needs of academically low-achieving students is insufficient. The petition states teachers will be made aware that raising the achievement of these students is important; however, raising awareness is not a plan for meeting students’ academic needs. The petition largely repeats the components of the regular instructional program and states these components will work well for low achieving students. No intervention program is described.
 - b. It fails to address the anticipated needs of students who may not progress whether at the low or high end of the academic performance curve. It also implies academically low-performing students will have to attend programs after school and on weekends to make up for the gaps, which implies a punitive structure as a response to academic needs.
5. The petition does not indicate *how the charter school will meet the needs of students with disabilities, English learners, students achieving substantially above or below grade level expectations, and other special student populations.*
 - a. The deficiencies in the plan for meeting the needs of English Learners are as follows:
 - i. There is no clear vision for guiding the instruction of English Language Development. The petition states English Language Development will be provided to English Learners “within the classroom and/or as a separate instructional time” (page 41).
 - ii. There is no description of how the school will determine when and for which level of English proficiency it is appropriate to use mentioned strategies (page 40) such as “Specially Designed Academic Instruction in English (SDAIE), scaffolding, visual organizers such as concept mapping and Venn Diagrams and breaking down complex tasks into mini-lessons.” The petition also fails to provide a course sequence for English Language Development while it does provide one for Hebrew.
 - iii. The description of the Instructional Program for English Learners states, “Opportunities to read, write, listen, and speak will engage all learners, including our English Language (EL)

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students to achieve." Given the academic challenges to prepare students for college and careers as stated in the mission, the instructional program must go beyond "opportunities" for English Learners.

- iv. The petition does not ensure that low performing English Learners will be provided instruction by highly trained teachers. The petition states, "A bilingual aide provides specialized support to English Language Learners performing at a low level of skill for part of the class and then meets with individual or small groups of students to work on needs identified by the teacher's skills checklist. The groups rotate before noting their homework assignment and leaving for recess" (page 13). Relegating instruction to aides shortchanges students most in need of highly skilled instruction.
 - v. The petition fails to address the needs of English Learners with disabilities. There is no identified process for ensuring linguistically appropriate Individualized Education Plan (IEP) goals or description of the manner in which instruction would be delivered.
 - b. Additional concerns regarding the plan for addressing the needs of academically low achieving students is addressed in #3 and #4 above and under Finding 1: Unsound Educational Program (page 4 of this report).
6. The petition fails to specify *the charter school's special education plan, including, the means by which it will comply with the provisions of EC § 47641, the process to be used to identify students who qualify for special education programs and services, how the school will provide or access special education programs and services, the school's understanding of its responsibilities under law for special education pupils, and how the school intends to meet those responsibilities.*

The Review Team considered both the petition submitted to Saugus USD and proposed changes provided to reflect the County Board as the authorizer. This is important because the petition to Saugus USD states, for special education purposes, Einstein will be an "arm of the district, but reserve the right" to become a LEA. In the petition submitted on appeal, the petitioner made changes that reflect the school as a LEA.

- a. Review of the original petition submitted to Saugus USD indicates the school believes students with disabilities must accommodate to the school rather than the school must provide the appropriate placement and accommodations for the student, which may violate state and federal law (page 45). The petition states, "Given differences in Einstein Academy's educational program ... [the school] anticipates that adjustments may need to be made to the IEPs of students entering from other academic settings, so that the actions to be taken to meet the student's needs align with the new setting." The practice of Einstein – Hart, to provide special education services after the conclusion of the regular school day, provides further evidence of the petitioner's lack of understanding of the requirements of state and federal law with regard to special education.
- b. The review of the petition submitted to Saugus USD indicates the petitioners lack an understanding of the difference between a LEA and a Special Education Local Plan Area (SELPA).
- c. Review of the revised special education submitted to the County Board to reflect the school as a LEA indicates the petitioners fail to demonstrate sufficient understanding of Special Education or its processes. The language in the document implies that the school has ultimate authority in IEP processes and decisions. There is no reference of parent involvement or student involvement in the IEP process. There is no reference to administration of the California Modified Assessment

(CMA) or California Alternate Performance Assessment (CAPA) which are required components of state mandated testing for specific subgroups of students with disabilities. The petition states, all staff will be given access to a student's IEP, which is neither appropriate nor provides for confidentiality safeguards required under law.

Element 2: Measurable Pupil Outcomes.¹ *Not reasonably comprehensive*

The petition fails to meet the requirements of *CCR, Title 5, § 11967.5.1(f)(2)* as follows:

1. It does not *specify skills, knowledge, and attitudes that reflect the school's educational objectives and can be assessed, at a minimum, by objective means that are frequent and sufficiently detailed enough to determine whether pupils are making satisfactory progress. It is intended that the frequency of objective means of measuring pupil outcomes vary according to such factors as grade level, subject matter, the outcome of previous objective measurements, and information that may be collected from anecdotal sources. To be sufficiently detailed, objective means of measuring pupil outcomes must be capable of being used readily to evaluate the effectiveness of and to modify instruction for individual students and for groups of students.*
 - a. Student outcomes (page 50) are not measurable; they consist of vague statements that are not quantifiable and lack the timeframe in which they will be reached. Examples include “Students will achieve proficiency in English-Language Arts,” “Students have critical thinking skills,” “ELL students will make progress toward fluency.” They fail to meet the criteria that they can *be assessed by objective means that are frequent and sufficiently detailed enough to determine whether pupils are making satisfactory progress* or the criteria of being *capable of being used readily to evaluate the effectiveness of and to modify instruction for individual students and for groups of students.*
 - b. There is no indication of how data obtained through state mandated assessments will be used to inform practice or guide instruction. The California Standards Tests (CST) and California English Language Development Test (CELDT) are identified as annual measures to determine pupil outcomes, however, there is no mention of other state mandated assessments, such as the California Modified Assessment (CMA) or California Alternate Performance Assessment (CAPA) indicating lack of understanding of the requirements for assessing students with disabilities or lack of intent to serve students with disabilities. There is also no mention of modified benchmark or alternate assessments that would take into account the language proficiency level of English Learners.
 - c. The petition indicates the school will administer tests that are required by grade level including the CST and CELDT; however, the CELDT is not required for all students.
 - d. There are no performance outcomes associated with any identified assessments, and there is no discussion of normative assessments, classroom assessments, or grading procedures/policies.
 - e. There is no measurable outcome related to Hebrew language or culture, which is the distinguishing characteristic of the petition's educational program.
2. *Include the school's Academic Performance Index growth target, if applicable.*

¹ The petition combined Element 2 (Measurable Student Outcomes) and Element 3 (Method for Measuring Student Progress). Therefore, the findings regarding these elements overlap. Both elements are determined not reasonably comprehensive.

While including the API growth target is not applicable for a school that is not in operation, the petition states a school-wide goal of an API of 850, which is lower than the Saugus USD 2011 growth API of 876. The API goal stated in the petition demonstrates the petitioner's lack of familiarity with the needs of the community in which it proposes to locate, and is not in keeping with the mission of the charter to provide a high-achieving charter school.

At the Capacity Interview, the petitioner stated the goal API is lower than that of Saugus USD because the petition was written in 2009. Saugus USD's Growth API was 852 in 2008 and 861 in 2009, indicating the petitioner's rationale was inaccurate.

Element 3: Method for Measuring Pupil Progress. *Not reasonably comprehensive*

The petition fails to meet the requirements of *CCR, Title 5, § 11967.5.1(f)(3)* as follows:

1. It does not utilize *a variety of assessment tools that are appropriate to the skills, knowledge, or attitudes being assessed, including, at minimum, tools that employ objective means of assessment consistent with the measurable pupil outcomes.*
 - a. The petition refers to “authentic assessment” in several places, but does not list tools for objective assessment as required in *Education Code* section 47605(b)(5)(C). The petition refers to “pre- and post- diagnostics” but does not specify what assessments will be used.
 - b. Because stated outcomes are not measurable, it is difficult to ascertain whether the method of measuring student outcomes will lead to the stated outcomes.
 - c. The process for measuring student progress for English Learners is vague. The petition states (page 48), “Each student's goals will be continually assessed and modified as needed to determine the correct type of intervention needed for students below grade level and our English Language (EL) population.”
2. It does not include all *annual assessment results from the Statewide Testing and Reporting (STAR) program.*

The CST is referenced as an assessment tool; the CMA and CAPA are not identified as part of the STAR program.

3. There is insufficient description of the *plan for collecting, analyzing, and reporting data on pupil achievement to school staff and to pupils' parents and guardians, and for utilizing the data continuously to monitor and improve the charter school's educational program.*
 - a. The petition provides a description of the plan for collecting, analyzing, and reporting data, but it is unclear when, where, and how teachers will collaborate as a professional learning community to analyze data to guide instructional practices and gain professional development as needed.
 - b. There is no information that parents will be provided notification in writing of their child's English proficiency assessment results.
 - c. The plan for collection with respect to students with disabilities is deficient.

Element 4: Governance Structure. *Not reasonably comprehensive*

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The petition fails to meet the requirements of *CCR, Title 5, § 11967.5.1(f)(4)* because the *organizational and technical designs of the governance structure do not ensure that the educational program will be successful based on the following facts:*

1. The organizational structure provided in the petition is inaccurate based on statements by the school's leadership team at the Capacity Interview.
 - a. Rabbi Blazer identified himself as the unpaid Executive Director, responsible for fundraising and serving as a buffer between the board and school staff, including the principal. Since the petition states the school must fundraise at least \$75,000 a year, and the Einstein middle/high school relied on \$360,000 in loans from parents in its first year of operation to cover cash flow, it is unclear why the position of Executive Director is absent from the petition. Rabbi Blazer also stated his responsibility includes serving as a buffer between the board and school staff, including the principal. This structure is not reflected in the petition.
 - b. The petitioner, who is also the principal of Einstein – Hart, stated he will serve as a resource to the elementary school principal, but will not be compensated for this work. This is not reflected in the organizational chart or the petition narrative, except to say the petitioner is a member of the "Management Team."
 - c. Notwithstanding the concerns regarding the affiliations of the Executive Director and the lack of elementary school expertise of the Einstein – Hart principal, the organizational structure which has been stated to be in place is not guaranteed by the petition, yet the leadership team clearly identified a need for the function of these positions.

Adding these positions to the organizational structure would require Element 4 (Governance) and Element 5 (Employee Qualifications) to be rewritten and the petition resubmitted to the local district.
 - d. The petition presents no information regarding the role of the "Advisory Board" (pages 5-6) or the "Management Team" (pages 6-7). The petitioner stated the role of these groups was to provide guidance during petition development; it is unknown whether these groups will continue in the future. Only one member of the Management Team and Advisory Board is identified as having elementary school experience.
2. Concerns regarding compliance with the Public Records Act, Conflict of Interest, Political Reform Act, Brown Act.
 - a. The petition states the corporation operating the charter school will comply with the Public Records Act, including the filing of Form 700 and its Conflict of Interest policy. Yet, a Conflict of Interest policy was not submitted with the petition. Moreover, it is the Political Reform Act (Government Code section 87100 et seq.) that requires a filing of the Form 700.
 - b. The petition fails to state that the governing board of the proposed charter school would comply with either the Political Reform Act or Government Code section 1090. Instead, the bylaws specifically permit the Directors to receive salaries: "No Officer shall be prevented from receiving this salary because the Officer is also a Director of AEALAS." Art.V, section 5.13, Salaries. Also, the corporation's bylaws allows for up to 49% of the Directors to receive compensation for service to the charter school. Art.III, section 4.17, Fees and Compensation.
 - c. The body of the petition states meetings will comply with the Brown Act (page 53); however, sections of the petition and the bylaws fail to address how meetings would be conducted in a

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manner to comply with the Brown Act. In fact, certain provisions of the petition and the bylaws appear to be in direct conflict with the Brown Act as follows:

- i. The petition (page 55) states that “other confidential governance matters” would be held in closed session. The Brown Act provides for only limited exceptions for matters to be held in closed session. The petition states that agendas will be posted only 24 hours prior to a board meeting, not the required 72 hours.
- ii. Art.III, section 4.7, Place of Meetings, allows for meetings outside Los Angeles County. The Brown Act requires that the Board’s meetings be held within the boundaries of the territory within which it has jurisdiction.
- iii. Art.III, section 4.8, Regular Meetings, authorizes meetings “without call or notice” in violation of the Brown Act. The Brown Act requires that at least 72 hours before a regular meeting an agenda containing a brief general description of each item of business to be transacted or discussed at the meeting shall be posted.
- iv. Art.III, section 4.10, Notice of Special Meetings, requires that only Board members be given notice. The Brown Act requires that notice be provided within one day of the meeting to all who request it, including the media.
- v. Art.III, section 4.12, Participation in Meetings by Conference Telephone, authorizes teleconferencing and video teleconferencing to constitute presence but fails to state the necessary safeguards that would render it compliant with the Brown Act such as posting agendas at the teleconferencing location and ensuring those locations are fully accessible to members of the public. Also, this section fails to require that a quorum must participate within the body’s jurisdiction for other members to participate by teleconference, which is required by the Brown Act.
- vi. Art.IV, Section 6.2, Proxies, present additional concern. This section allows members to authorize agents to vote on the board member’s behalf.
- vii. On page 58, under Ongoing Improvement, there is a mention of a Director. Neither the organization chart nor any other part of the charter references such a position. This section causes confusion.

Element 5: Employee Qualifications. *Reasonably comprehensive with specific deficiencies*

The petition fails to meet the requirements of *CCR, Title 5, § 11967.5.1(f)(5)* as follows:

1. *Identify those positions that the charter school regards as key in each category and specify the additional qualifications expected of individuals assigned to those positions.*

The petition does not provide for the position of Executive Director. There is no job description or minimum qualifications for the position.

2. *Specify that all requirements for employment set forth in applicable provisions of law will be met, including, but not limited to credentials as necessary.*
 - a. The petition does not include an affirmation that teachers’ credentials will be maintained at the school site and will be available for inspection by the authorizer, as required by *Education Code* section 47605(1).

- b. There is no mention of the requirement to be CLAD certified.
- c. There is no reference to credentialing requirements for Special Education teachers and other support staff.

Element 6: Health and Safety Procedures. *Reasonably comprehensive with specific deficiencies*

The petition fails to meet the requirements of *CCR, Title 5, § 11967.5.1(f)(6)* as follows:

- 1. *Provide for the screening of pupils' vision and hearing and the screening of pupils for scoliosis to the same extent as would be required if the pupils attended a non-charter public school.*

The petition fails to provide "the screening of pupils for scoliosis to the same extent as would be required if the pupils attended a non-charter school.

2. Additional Concerns:

- a. The petition fails to assure that the school's employees and officers will comply with the Family Educational Rights and Privacy Act (FERPA) at all times.
- b. The petition (page 70) states the school "has developed a comprehensive set of initial health and safety, and risk management school policies (see attachments). Additional detail is provided in the student handbook (see attachment)." The petitioner did not include the attachments as stated in the petition.

Element 7: Means to Achieve a Reflective Racial and Ethnic Balance. *Not reasonably comprehensive*

The petition fails to meet the requirements of *CCR, Title 5, § 11967.5.1(f)(7)* as follows:

Recognizing the limitations on admissions to charter schools imposed by EC § 47605(d), the means by which the school(s) will achieve a racial and ethnic balance among its pupils that is reflective of the general population residing within the territorial jurisdiction of the school district..., as required by EC § 47605(b)(5)(G), shall be presumed to have been met, absent specific information to the contrary.

The evidence that the school has not sufficiently specified the means by which the school will reflect the racial and ethnic balance of the school is as follows:

- 1. There is no detailed plan for achieving a racial and ethnic balance in this petition. The petition states, the school "expects" that its student body will look similar to that of surrounding schools. The petition (page 74) lists "steps designed to attract a diverse applicant pool" but they are very general.
- 2. While the petition states recruitment materials will be in Spanish, the school's website is not accessible in Spanish and there is no evidence of recruitment efforts conducted in Spanish (for example, a list of Spanish language newspapers, venues, etc. documenting outreach efforts). Additionally, the petition does not provide evidence that it has considered whether materials are needed in Korean or the other languages spoken by students and families residing within the district.

Element 8: Admission Requirements. *Not reasonably comprehensive*

The petition fails to meet the requirements of *CCR, Title 5, § 11967.5.1(f)(8)* which requires that admission requirements must be *in compliance with the requirements of EC § 47605(d)* (the nondiscrimination requirement) *and any other applicable provision of law.*

In addition to not meeting the requirement of *EC § 47605(d)*, the petition fails to meet specific criteria established by LACOE as follows:

1. *Preferences are not clearly defined.* It is unclear who qualifies for the preference under “faculty and founders” as these terms are not defined.
2. *The process for conducting the lottery is not clearly defined and observable.* The process described in the petition does not include information as to who will conduct it, how parents will be informed of results, and how long parents have to respond before they forfeit their space.
3. *The admissions process is discriminatory with regard to protected classes and groups.* The content of the Family School Agreement (Agreement) while not clearly defined, contain two (2) distinct components: an academic and behavioral component, and a Voluntary Participation Plan. The petition does not reference a donation component, which is part of the Enrollment Package provided on the school’s website. The Family School Agreement was not included with the petition; the contents of the Voluntary Participation Plan are unknown.

The petition (pages 74, 75, and 76) fails to distinguish whether parents must sign one (1) Agreement document or if there are separate agreements for the academic/behavioral component and the Voluntary Participation Plan. The language on these pages varies from “being asked” or “encouraged” to sign and “agree[ing] to sign a binding contract” which are contradictory statements.

Similarly, the petition states that orientation meetings are both mandatory (page 76) and alternatively that no one will be “turned away” for refusing to attend an orientation (page 74).

It is not possible to monitor whether the admissions process is discriminatory based on the inconsistencies provided in the petition.

See also page 7 of this report regarding the components of the Agreement.

Element 9: Annual Independent Financial Audits. *Reasonably comprehensive*

Element 10: Suspension and Expulsion Procedures. *Not reasonably comprehensive*

The petition fails to meet the requirements of *CCR, Title 5, § 11967.5.1(f)(10)* as follows:

1. It does not *identify a preliminary list of the offenses for which students in the charter school must and may be suspended and, separately, the offenses for which students in the charter school must or may be expelled, providing evidence that the petitioner reviewed the offenses for which students must or may be suspended or expelled in non-charter public schools.*

The list of expellable offenses does not differentiate between offenses for which a student may and must be expelled. For example, items 1, 3, 4, 6, and 8 (pages 78-79) include several offenses made mandatory by the charter school which are not mandatory for students in a non-charter public school. This is problematic as the petition contains contradictory statements regarding mandatory expellable offenses under *EC § 48915(c)* and indicates that in preparing the lists of offenses, the petitioners did not review the lists of offenses that apply to students attending non-charter public schools.

2. It does not *identify the procedures by which pupils can be suspended or expelled.*
 - a. The petition lacks specificity on other procedural aspects of suspension and expulsion. For example, it does not provide timelines to avoid due process violations and does not state how a

student will provide evidence regarding an incident resulting in a suspension or expulsion. No procedure is given on how the school will determine whether to suspend or expel. No reference is made to the language found in *EC* § 48915(b) or (e) which outlines the two standards, one or both of, which need to be met in order to establish a finding to expel a student: (1) other means of correction are not feasible or failed to bring about proper conduct or (2) due to the nature of the act, the presence of the student causes a continuing danger to the physical safety of the student or others. These are the standards that need to be met when an expulsion is permissive and not mandatory. The statement referring to *EC* §48915(c) (page 80) contradicts the list of offenses given on pages 78-79 for which students must be expelled.

- b. A conflict of interest exists because the petition states the Expulsion Panel will include a member of the Einstein Academy Board of Directors (page 80) yet the authority to expel is given to the Board (page 81). The Board (or its representative) is afforded decision-making power at two (2) points of process which may lead to a due process violation.
3. It fails to *identify procedures by which parents, guardians, and pupils will be informed about reasons for suspension or expulsion and of their due process rights regarding suspension or expulsion.*

The petition states (page 77) that a complete set of student discipline policies and procedures will be included in the student handbook, but it does not illustrate how parents will be informed about their due process rights with regards to suspension and expulsion.

4. It does not *provide evidence that in preparing the lists of offenses and the procedures, the petitioners reviewed the lists of offenses and procedures that apply to students attending non-charter public schools, provide evidence the petitioners believe the proposed lists of offenses and procedures provide adequate safety for students, staff, and visitors to the school, and serve the best interests of the school's pupils and their parents (guardians).*

The list of offenses is missing a key item of *EC* § 48900(r) which addresses discipline toward any student that engages in the act of bullying, including bullying committed by means of an electronic act, also known as Cyber bullying. There is no evidence that in preparing the lists of offenses specified in subparagraph (A) and the procedures specified in subparagraphs (B) and (C) that the petitioners reviewed the lists of offenses and procedures that apply to students attending non-charter public schools. The petition is also lacking any procedures for safeguarding the victims and witnesses in cases that involve sexual assault or harassment.

5. *It does not provide for due process for all pupils and demonstrate an understanding of the rights of pupils with disabilities in... regard to suspension and expulsion.*

The petition makes reference to the Individuals with Disabilities Act (IDEA), but does not indicate any procedures to be used with regards to suspensions and expulsions for special needs students, nor is there reference to the basic process of manifestation determination. No mention is made of students with 504 plans. The petitioner fails to demonstrate an understanding of the rights of pupils with disabilities with regard to suspension and expulsion.

6. *It does not outline how detailed policies and procedures regarding suspension and expulsion will be developed and periodically reviewed, including, but not limited to, periodic review and (as necessary) modification of the lists of offenses for which students are subject to suspension or expulsion.*

The petition lacks a description or outline of how the school will review and modify the policies and procedures regarding suspensions and expulsions, it only states that it will be done.

Element 11: STRS, PERS, and Social Security. *Not reasonably comprehensive*

The petition fails to meet the requirements of *CCR, Title 5, § 11967.5.1(f)(11)* as follows:

It does not provide *the manner by which staff members of the charter school will be covered by the State Teachers' Retirement System, Public Employees' Retirement System, or federal social security, as required by EC § 47605(b)(5)(K), including specifying positions to be covered under each system and the staff responsible for ensuring that appropriate arrangements for that coverage have been made.*

The petition provides contradictory information regarding participation in the California State Teachers' Retirement System (*CalSTRS*) for certificated staff. It indicates the school will participate in *CalSTRS* but states it “retains the option for its board of directors to choose to participate in the California's State Teacher Retirement System (STRS) or Social Security.” This statement does not provide the clear language required by *CalSTRS*. Petition language must clearly reflect one of the following choices: Choice 1: Coverage will be offered to eligible employees; Choice 2: The school retains the option to elect the coverage at a future date, or Choice 3: The school will not offer the coverage. *CalSTRS retains the right to reject charter language that does not clearly specify the school's choice.*

Element 12: Public School Attendance Alternatives. *Not reasonably comprehensive*

The petition fails to meet the requirements of *CCR, Title 5, § 11967.5.1(f)(12)* as follows:

It does not provide for *the public school attendance alternatives for pupils residing within the school district who choose not to attend charter schools, as required by EC § 47605(b)(5)(L), which at a minimum, must specify that the parent or guardian of each pupil enrolled in the charter school shall be informed that the pupil has no right to admission in a particular school of any local education agency (or program of any local education agency) as a consequence of enrollment in the charter school, except to the extent that such a right is extended by the local education agency.*

While the petition (page 77) informs parents that the pupil has no right to admission in a particular school of any local education agency, it does not inform the parent that they do not have a right to admission to a program of any local educational agency as a consequence of enrollment in the charter school, except to the extent that such a right is extended by the local education agency.

Element 13: Post-Employment Rights of Employees. *Reasonably comprehensive*

Element 14: Dispute Resolution Procedures. *Not reasonably comprehensive*

The petition fails to meet the minimum requirements of *CCR, Title 5, § 11967.5.1(f)(14)* as follows:

1. It fails to *state that the school recognizes that a charter authorized by the County Board operates under, EC § 47607.5 which states, “In addition to the authority granted by sections 1241.5 and 47604.3, a county superintendent of schools may, based upon written complaints by parents or other information that justifies the investigation, monitor the operations of a charter school located within that county and conduct an investigation into the operations of that charter school.”*

The petition fails to recognize the County Superintendent's authority under *EC § 47604.4(a)*, which runs contrary to the petition requirement that any complaint of a dispute be directed to the Board of Directors or Principal (page 72).

2. The Dispute Resolution Procedure fails to provide sufficient assurance that the proposed procedure does not apply to any issues that may trigger the revocation process (as provided in *EC § 47607*, which includes violations of law or charter, failure to meet pupil outcomes, or fiscal

mismanagement). The petition fails to detail at which point in the revocation process the charter petition's dispute resolution procedure does not apply.

3. The Dispute Resolution element fails to provide a timeline within which events must occur. Requiring a mediation to incorporate informal rules of evidence and procedure is overly burdensome for an informal alternative dispute resolution. Also, there is no distinction in the processes taking into consideration the severity of disputes.

Element 15: Exclusive Public Employer. *Reasonably comprehensive*

Element 16: Closure Procedures. *Reasonably comprehensive with specific deficiencies*

The petition fails to meet the requirements as defined by *CCR, Title 5, § 11962* as follows:

1. It does not provide *notification of the closure of the charter school to parents (guardians) of pupils, the authorizing entity, the county office of education (unless the county board of education is the authorization entity), the special education local plan area in which the school participates, the retirement systems in which the school's employees participate (e.g., Public Employees' Retirement System, State Teachers' Retirement System, and federal social security), and the California Department of Education, providing at least the following:*

The petition submitted to Saugus USD failed to provide for notification of the county office in the event of closure.

4. It does not provide for the *transfer and maintenance of personnel records in accordance with applicable law.*
5. It does not provide for the *disposal of any net assets remaining after all liabilities of the charter school have been paid or otherwise addressed, including the return of any grant funds and restricted categorical funds to their source in accordance with the terms of the grant or state and federal law, as appropriate, which may include submission of final expenditure reports for entitlement grants and the filing of any required Final Expenditure Reports and Final Performance Reports.*

The petition does not specify that the return of funds will include submission, if required, of final expenditure reports for entitlement grants and the filing of any required Final Expenditure Reports and Final Performance Reports.

4. It does not provide for the *return of any donated materials and property in accordance with any conditions established when the donation of such materials or property was accepted.*

The petition does not state donations will be returned in accordance with any conditions established when the donation was accepted.

Finding 6: The petition does not satisfy all of the Required Assurances of Education Code section 47605(c), (e) through (j), (l), and (m) as follows:

Standards, Assessments and Parent Consultation. *Meets the condition with specific deficiencies*

EC § 47605(c) requires charter schools to meet all statewide standards and conduct the pupil assessments required pursuant to EC § 60605 and 60851 and any other statewide standards authorized in statute or pupil assessments applicable to pupils in non-charter public schools.

The petition states it will administer mandated testing, but fails to specify all required assessment such as the *CAPA, CMA, and Fitnessgram.*

Employment is Voluntary. *Meets the condition*

Pupil Attendance is Voluntary. *Meets the condition*

Effect on the Authorizer and Financial Projections. *Provides the necessary evidence with specific concerns*

EC § 47605(g) requires petitioners to provide information regarding the proposed operation and potential effects of the school as follows:

1. *The facilities to be utilized by the school.* The petition fails to provide for the specific location of the school. While it states, “All facilities and sites will meet federal, state, and local building codes and requirements applicable to California charter schools prior to the site being used by the Einstein Academy” and will select a leased site in the attendance area, the petition does not indicate a location for the charter school.
2. *The manner in which administrative services of the school are to be provided.* Information provided.
3. *Financial statements that include a proposed first-year operational budget, including startup costs, and cash-flow and financial projections for the first three years of operation.*

While the petitioner provided a five-year budget, there are concerns related to enrollment and cash flow projections as follows:

- a. The proposed school relies on projected enrollment to reach 312 students in its first year.
- b. The budget relies significantly on the following sources of funding which are not guaranteed:
 - i. Public Charter School (PCS) grant of \$375,000 for planning and implementation (start-up) activities
 - ii. CDE Revolving Loan of \$250,000 in the first year
 - iii. Fundraising of \$75,000 in the first year
- c. If actual enrollment does not reach projected level and/or funding from the above sources does not materialize, the school will have to identify other sources of funding and/or borrowing to implement the proposed program.
- d. Cash receipt of the PCS grant of \$275,000 at the earlier part of the first year of operation and \$100,000 at the beginning of the second year may be unrealistic.
 - i. Based on recent disbursement schedules, expecting receipt of cash at the early part of the year is unlikely, which may result in a cash flow burden
 - ii. The petitioner acknowledged that Einstein – Hart did not receive the PCS grant until May 2011, toward the end of its first fiscal year 2010-2011
- e. The petitioner acknowledged the school will need to generate additional fundraising and/or borrowing in order to meet its cash flow needs.

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- i. The petitioner stated that Einstein – Hart borrowed from parents totaling about \$360,000 during fiscal year 2010-2011 and fully repaid it by the end of the fiscal year
 - ii. Borrowing from parents may/may not materialize
 - f. Einstein – Hart’s unaudited financial statements, for fiscal year ended June 30, 2011, highlights the following:
 - i. Negative Cash Balance of (\$64,789)
 - ii. Long-Term Debts of \$384,450
 - iii. Beginning Net (Deficits) Assets of (\$67,347)
 - iv. Net Operating Loss of (\$80,583)
 - v. Ending Net (Deficits) Assets of (\$147,930)
 - g. The proposed Einstein – Saugus elementary school will need initial cash to fund start-up and operational costs.
4. Potential civil liability effects, if any upon the school and the County Office of Education.

There are concerns that the petition could leave the County Office of Education and the County Board open to civil liability based on the school’s potential to be considered as having a religious affiliation.

Preference to Academically Low Performing Students. *Does not meet the condition*

EC § 47605(h) states charter authorizers shall give preference to petitions that demonstrate the capability to provide comprehensive learning experiences to pupils identified as academically low achieving...

The petition does not meet criteria for preference. The district in which the petition proposes to locate is not a low-performing district and there is no mention that academically low achieving students will be the target population of Einstein.

Teacher Credentialing Requirement. *Does not meet the condition*

EC § 47605(l) requires that teachers in charter schools shall be required to hold a CCTC certificate, permit, or other document equivalent to that which a teacher in other public schools would be required to hold... It is the intent of the Legislature that charter schools be given flexibility with regard to noncore, non-college preparatory courses.

1. The charter states that “foreign language, art, PE and instructional resource teachers are not considered core academic teachers.”
 - a. Since foreign language is required, and is part of the school’s mission and vision, it may be considered a core component of the educational program. At a minimum, since the study of religious cultures is part of the California core curriculum any teacher who is teaching Hebrew or Jewish culture, would be required to be credentialed.
 - b. There is no definition, job description, or requirements for “instructional resource teachers” therefore it cannot be assumed that these individuals would not require a teaching credential.

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2. There is no mention of the requirement to be CLAD certified and no reference to credentialing requirements for Special Education teachers and other support staff.

Transmission of Audit Report. *Meets the condition*