Monterey County Office of Education
Staff Report and Findings of Fact
Regarding Big Sur Charter School
Petition to Establish a Countywide Benefit Charter School
May 26, 2026

I. BACKGROUND

On April 14, 2026, Big Sur Charter School ("Petitioners") submitted a charter petition ("Petition") to the Monterey County Office of Education ("MCOE"), proposing to establish Big Sur Charter School ("BSCS" or "Charter School") as a countywide benefit charter school. Petitioners are a California nonprofit organization currently operating a nonclassroom-based charter school in Monterey County. BSCS was originally authorized by Big Sur Unified School District ("BSUSD") and has operated one site (a learning center) at 304 Foam Street in Monterey, California. BSCS's facility is located outside the boundaries of BSUSD, and within the boundaries of Monterey Peninsula Unified School District ("MPUSD").

On September 5, 2025, BSCS submitted its charter renewal petition to the BSUSD Board of Trustees. On November 3, 2025, BSUSD's Board voted to deny BSCS's renewal petition based on, among other things, BSCS's intent to relocate to a new site outside BSUSD's boundaries, in violation of the geographic limitations concerning charter schools under the Charter Schools Act. On December 5, 2025, BSCS timely submitted an appeal of the denial of BSCS's renewal petition to the Monterey County Board of Education ("County Board"). Upon review of BSCS's petition, MCOE staff determined that the County Board could not approve BSCS's petition on appeal, given BSCS's failure to comply with the geographical limitations cited by BSUSD. MCOE staff recommended BSCS submit its renewal petition to MPUSD, where it intended to locate.

On or around March 18, 2026, Petitioners submitted its charter renewal petition to MPUSD, to be operated as a district-authorized charter. MPUSD's Board has not yet convened a public hearing to decide whether to approve or deny BSCS's renewal petition, but MCOE staff understand that such hearing is set to take place in mid-June. Pending MPUSD's decision, Petitioners submitted the current Petition to MCOE to establish a countywide benefit charter prior to the expiration of their current charter term in effort to continue operations during the upcoming school year. If approved, BSCS would be operated as a countywide TK-8 non-classroom-based charter school authorized by the County Board under Education Code section 47605.6.

Pursuant to Education Code section 47605.6, subdivision (b), the County Board held an initial public hearing on April 28, 2026, to gauge the level of support for the proposed charter school by teachers, parents or guardians, and the school district where Petitioners propose to locate BSCS's facility.

MCOE staff have reviewed the Petition and developed proposed findings of fact for consideration by the County Board. This report shall be published at least 15 days before the second public hearing at which the Board will either grant or deny the charter; and the County

Board is required to take action to either grant or deny the Petition within 90 days of its receipt. (Ed. Code § 47605.6(b).) The County Board is scheduled to take action on the Petition at its regular meeting on June 10, 2026. However, MCOE staff anticipates that, ***on June 9, 2026, MPUSD's Board will take action on BSCS's renewal petition and that MPUSD staff have recommended approval of the renewal petition.***

II. REVIEW OF A COUNTYWIDE BENEFIT CHARTER SCHOOL PETITION

California's Charter Schools Act ("Act") governs the creation of charter schools within the state, and provides standards and criteria for reviewing a charter petition. Countywide benefit charter schools are charter schools that operate at one or more sites within the geographic boundaries of the county in which it is approved, and provide instructional services that are not typically provided by a county office of education. (Ed. Code § 47605.6(a)(1).)

While the Act signifies legislative intent to encourage the approval of charter schools, the difference between the criteria for a petition submitted to a school district as an authorizer, and a petition submitted to a county board as a countywide benefit charter, reflects a preference for district-authorized charter schools. The legal standards and criteria for a countywide charter petition are stricter than the standards and criteria for other types of charter school petitions. For example, a petition submitted to a school district under Education Code section 47605, may not be denied unless the district makes certain, limited, written factual findings. (Ed. Code § 47605(c).) In contrast, for a petition submitted under Education Code section 47605.6, a county board of education "may approve a countywide charter only" upon making requisite findings, and, "shall deny" a petition if all essential elements of the petition are not included. (Ed. Code § 47605.6(a)(1) and (b).)

More specifically, a county board of education may only approve a countywide charter school if it is satisfied that the charter presents a sound educational practice, and contains reasonable justification as to why it could not be established by a school district. (Ed. Code § 47605.6(b).) The county board of education must also affirmatively find that the charter school's proposed educational services will be offered to a pupil population who will benefit from those services, and who cannot be served as well by a charter school operating in only one district in the county. (Ed. Code § 47605.6(a)(1).) Additionally, a county board "shall deny" a petition establishing a countywide charter school if it finds one or more of the following, pursuant to Education Code section 47605.6, subdivision (b):

(1) The charter school presents an unsound educational program for the pupils to be enrolled in the charter school;

(2) The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition;

(3) The petition does not contain the number of signatures required by Education Code section 47605.6, subdivision (a);

(4) The petition does not contain an affirmation of each of the conditions described in Education Code section 47605.6, subdivision (e);

(5) The petition does not contain reasonably comprehensive descriptions of all the following:

(A) The educational program of the charter school; the annual goals and specific actions for all pupils and each subgroup identified pursuant to Education Code section 52052 to achieve state priorities described in Education Code section 52060; if enrolling high school students, the manner in which the charter school will inform parents regarding transferability of courses to other public high schools; the manner in which the charter school will inform parents as to whether individual high school courses offered meet college entrance requirements,

(B) The measurable pupil outcomes identified for use by the charter school,

(C) The method by which pupil progress in meeting those outcomes is to be measured,

(D) The location of each charter school facility that the petitioner proposes to operate,

(E) The governance structure of the charter school, including, but not limited to, the process to be followed by the charter school to ensure parental involvement,

(F) The qualifications to be met by individuals to be employed by the charter school,

(G) The procedures that the charter school will follow to ensure the health and safety of pupils and staff, including that each employee of the charter school shall furnish the charter school with a criminal record summary, and the development of a school safety plan to be reviewed and updated by the charter school, by March 1 of every year,

(H) The means by which the charter school will achieve a balance of racial and ethnic pupils, special education pupils, and English learner pupils, that is reflective of the general population residing within the territorial jurisdiction of the county board of education to which the charter petition is submitted,

(I) The manner in which annual, independent financial audits shall be conducted, in accordance with regulations established by the state board, and the manner in which audit exceptions and deficiencies shall be resolved,

(J) The procedures by which pupils can be suspended or expelled from the charter school for disciplinary reasons or otherwise involuntarily removed from the charter school for any reason; an explanation of how the charter school will comply with federal and state constitutional procedural and substantive due process requirements; a clear statement that no pupil shall be involuntarily removed by the charter school for any reason unless the parent or guardian has been provided with written notice no less than five school days before the effective date,

(K) The manner by which staff members of the charter school will be covered by the State Teachers' Retirement System, the Public Employees' Retirement System, or federal social security,

(L) The procedures to be followed by the charter school and the county board of education to resolve disputes relating to provisions of the charter,

(M) Admission policy and procedures, consistent with Education Code section 47605.6, subdivision (e),

(N) The public school attendance alternatives for pupils residing within the county who choose not to attend the charter school,

(O) The rights of an employee of the county office of education, upon leaving the employment of the county office of education, to be employed by the charter school, and any rights of return to the county office of education that an employee may have upon leaving the employment of the charter school,

(P) The procedures to be used if the charter school closes;

(6) A declaration of whether or not the charter school shall be deemed the exclusive public school employer of the employees of the charter school for purposes of the Educational Employment Relations Act.

In addition to the above six findings, a county board of education may deny a countywide charter petition on "[a]ny other basis that the county board of education finds justifies the denial of the petition." (Ed. Code § 47605.6(b)(7).) County boards of education are, therefore, granted very broad discretion to deny a countywide benefit charter petition, and may consider community impact, fiscal impact, or any other factor that may affect approval or denial.

MCOE staff have evaluated the Petition in accordance with the above-referenced criteria found in Education Code section 47605.6, as set forth in this report.

III. PROPOSED FINDINGS FOR THE COUNTY BOARD'S CONSIDERATION

A. Threshold Requirements for the Establishment of a Countywide Charter School

As stated above, the County Board may approve a petition to establish a countywide charter school only if it makes the following threshold findings: (1) that granting the charter is consistent with sound educational practice; (2) that the charter school will offer educational services to a pupil population that will benefit from those services, and that such pupils cannot be served as well by a charter school operating in only one district; and (3) that the charter school has reasonable justification for why it could not be established by petition to a school district. (Ed. Code § 47605.6(a)(1) and (b).) MCOE staff have analyzed the Petition to determine whether Petitioners present sound and reasonable justification to establish a countywide charter school to meet these threshold requirements.

In sum, MCOE staff recommend that the County Board find that Petitioners have ***not*** presented sufficient justification to establish a countywide charter school because, among other things, MCOE staff are informed and believe that MPUSD is likely to approve BSCS as a district charter school at its regular board meeting on June 9, 2026. If MPUSD's Board approves the BSCS charter, as anticipated, the County Board may not approve BSCS as a countywide charter school.

1. **<u>Recommended Finding 1</u>: Granting the Charter is consistent with sound educational practice.**

The Petition describes the Charter School's educational program as a non-classroom-based "hybrid instructional model," which provides learning opportunities in multiple settings that combine in-person instruction (at the Learning Center), home-based learning, and community-based instruction. (Petition, pp. 12, 18, 32-33.) Petitioners explain that the amount of time spent in any one learning environment is determined by grade level, with students in transitional kindergarten ("TK") through fifth grade spending more time learning at home, and students in eighth grade spending more time at the Learning Center and in the community. (Petition, p. 33.)

The Petition describes the learning environments offered by BSCS. In the Learning Center, students receive direct instruction from a credentialed teacher in a small class setting (with an approximate 15:1 student-to-teacher ratio). (Petition, pp. 31-32.) Petitioners state that BSCS provides tutoring, enrichment classes and opportunities, and social events to students on a regular basis. (Petition, p. 32.) In the home setting, students receive a Home Study Guide ("HSG"), which provides detailed assignments to be completed at home and an overview of the content to be taught in the Learning Center classes. (Petition, p. 31.) In the community setting, BSCS solicits businesses and nonprofit organizations to connect students with the greater community through classes, activities, and events. (Petition, p. 33.)

The Petition states that BSCS implements research-based frameworks and strategies, including the *Universal Design for Learning* and *Building Blocks for Learning* frameworks, to construct lessons and guide curriculum and program development. (Petition, p. 31.) Using these educational frameworks, BSCS uses direct instruction with project-oriented learning opportunities in the three educational environments noted above. (*Id.*) Petitioners state that all students have access to grade level, standards-based curriculum, and that instructional materials are aligned with California content standards, including Common Core State Standards ("CCSS"), Next Generation Science Standards ("NGSS"), and the 2012 California English Language Development Standards ("ELD"). (Petition, p. 33.) Petitioners explain that core academic instruction in English Language Arts ("ELA") and Mathematics ("Math") is delivered by credentialed teachers during in-person instruction. (Petition, p. 12.)

BSCS also offers sustainability education through the Coastal Stewardship Program, which is designed and implemented by BSCS staff, as well as an arts program. (Petition, p. 12-13.) The Coastal Stewardship Program provides students weekly outdoor learning experiences aligned with NGSS and the National Oceanic and Atmospheric Administration's Ocean Literacy and Sustainability standards. Petitioners explain that, as part of the program, students investigate

local ecosystems, study flora and fauna, and apply systems-thinking principles to real-world sustainability issues such as biodiversity, climate change, and marine debris. In addition, Petitioners state that BSCS often partners with local organizations, such as the Pacific Grove Art Center, to offer weekly art classes to students.

MCOE staff reviewed BSCS's past performance on the California School Dashboard ("Dashboard"), as presented in the Petition. The California Department of Education ("CDE") has designated the Charter School as a "high performing charter school pursuant to Education Code section 47607, subdivision (c)(2)(A). MCOE staff have confirmed that BSCS meets the qualifications of a high-performing charter school based on its performance on the Dashboard in the 2024-2025 school year.

Notably, according to 2025 Dashboard data, BSCS students received the highest performance level on all state indicators. Petitioners point out, and MCOE staff have confirmed, that Dashboard data shows substantial increases in student performance in both ELA and Math between 2024 and 2025 (a 27.9-point gain in ELA and a 19.5-point gain in Math). Petitioners emphasize that BSCS's Hispanic students performed at 41.8 points above the standard in ELA, outperforming its white students (40 points above the standard), and that its Hispanic students reached 14.8 points above the standard in Math, nearly reaching white students' performance (17.3 points above standard).

MCOE staff find that Petitioners present a sufficiently sound education program and that granting the charter is consistent with sound educational practice.

2. **<u>Recommended Finding 2(a)</u>: Petitioners proposed educational services will benefit the students to be served by the Charter School.**

The Petition generally proposes to serve "a diverse group" of TK through eighth-grade students residing in Monterey County and adjacent counties seeking an alternative to traditional classroom-based education, "with particular emphasis on accessibility for students residing in rural and geographically isolated areas." (Petition, pp. 27-30, 18.) More specifically, page 18 of the Petition states that Petitioners will:

> draw students with unique educational needs and interests from throughout Monterey County that are directly aligned to its non-classroom-based model, including students who require flexible pacing and structure, students with barriers to daily classroom attendance, students residing in rural or geographically dispersed areas, and students who benefit from a blended instructional approach that combines in-person instruction with home-supported learning under the guidance of credentialed teachers.

The Petition describes the Charter School's educational program as a "hybrid instructional model" that is not offered by any other charter school or traditional school in Monterey County. (Petition, p. 19.) Petitioners explain that other programs offer either traditional classroom instruction or full-time independent study, but that no other school in the county provides an integrated hybrid model, which combines in-person instruction with home-supported learning and integrated weekly field-based learning through its Coastal Stewardship Program.

MCOE staff note that, with the exception of students residing in rural and geographically isolated areas, the desired student population identified by Petitioners is relatively broad and encompasses all students throughout Monterey County who wish to attend the Charter School's non-traditional, hybrid instructional program. Nevertheless, given BSCS's unique hybrid educational program, which is not offered by any other schools in the county, the County Board can reasonably conclude that students who wish to attend the Charter School will benefit from BSCS's proposed educational services.

3. **<u>Recommended Finding 2(b)</u>: Petitioners have not demonstrated that the students to be served by BSCS cannot be served as well by a charter school operating in only one school district.**

Petitioners generally state that, because BSCS's educational program inherently serves students across school district boundaries, "restricting the program to a single district would artificially constrain access and limit the Charter School's ability to implement its model with fidelity." (Petition, p. 18.) Petitioners do not explain how a district authorization would prevent BSCS from implementing its "model with fidelity." BSCS has successfully operated its program under the authorization of Big Sur Unified School District ("BSUSD") for several years. Moreover, Petitioners do not explain how district authorization would limit students access to the program other than that, as a district-authorized charter, BSCS would be required to implement an admissions policy that would give preference to students residing within the boundaries of its district authorizer. For the reasons explained below, this rationale is unconvincing.

Petitioners state that, as a countywide charter school, all students throughout the county, regardless of their residence, would be afforded an equal opportunity to attend its program. (Petition, p. 21.) However, the Charter Schools Act requires charter schools to admit all pupils who wish to attend. (Ed. Code § 47605(e)(2)(A).) Therefore, even as a district-authorized charter school, students throughout the county would be entitled to attend BSCS regardless of residence. While it is correct that a district-authorized charter school must give preference to students residing in the district when the number of students who wish to attend exceeds the charter school's capacity, Petitioners do not explain how district authorization would actually limit educational access to the program beyond this preference requirement.

Similarly, Petitioners generally assert that intra-county mobility of families presents significant challenges and that "[a] countywide charter allows continuity of enrollment in a single charter school, rather than requiring students to exit one school and enroll in another due solely to district boundary changes." (Petition, p. 21.) However, as noted above, BSCS is required to admit all students who wish to attend regardless of residence, so no student should be required to disenroll from BSCS simply because they relocate to another district's boundaries. This is true even if desired enrollment exceeds BSCS's capacity, as Education Code section 47605(e)(2)(B) requires that preference be extended not only to students who reside in the district, but to students currently attending the charter school. Thus, in the event a student enrolled in the Charter School moves outside the boundaries of the district authorizer, the student is entitled to remain in the charter school and will receive equal preference to students residing within the district-authorizer's boundaries should enrollment exceed the Charter School's capacity.

The Petition provides further rationales in support of countywide authorization, including that BSCS's educational program would face several challenges if it were required to operate a series of district-authorized charter schools. (Petition, pp. 19, 22.) However, Petitioners do not indicate that they have any intention to seek multiple charters from various school districts throughout the county. To the contrary, Petitioners state that they intend to continue operating one facility in MPUSD, and that they do not "anticipate operating more than one facility or growing its student population in a meaningful way." (Petition, pp. 13, 20, 48.) As such, Petitioners' rationale, here, is speculative at best.

In addition, Petitioners state that countywide authorization would enable BSCS to "equitably serve students by allowing instructional support locations to be established in areas of the county where student need exists." (Petition, p. 20.) Petitioners offer vague explanations that "facility opportunities that align with student access, transportation realities, and community partnerships may arise in locations that would otherwise be unavailable or impractical under district-limited authorization," and that countywide authorization would allow BSCS to "utilize facilities strategically to reduce travel barriers, [and] improve access for rural and geographically isolated students. (Petition, p. 20-21.) In the same section, however, Petitioners admit that they "only intend to operate one facility at its establishment." (Petition, p. 20.) If Petitioners have no intention or plan to operate additional facilities, including for the purposes of "improving access for rural and geographically isolated students," this entire rationale is meaningless.

Finally, the Petition states that "county authorization will bring stability and legitimacy to BSCS." Petitioners assert that this will support the Charter School's operations by providing "access to established County-level expertise, infrastructure, and compliance supports—such as standardized reporting systems, fiscal and data oversight processes, and experienced guidance on state and federal program requirements." (Petition, p. 25.) Petitioners, however, do not explain or demonstrate how these operational benefits and County supports will provide a direct benefit to a particular student group, such as rural and geographically isolated students, how BSCS students will not be served as well without such supports, or that such supports will not be available to the Charter School if operated as a district-authorized charter school. Rather, this rationale appears to relate to Petitioner's administrative obligations as opposed to the educational needs of students.

While Petitioners provide several rationales to support countywide authorization, none of the rationales presented in the Petition demonstrate why BSCS students could not be served as well by a district-authorized charter school.

4. **<u>Recommended Finding 3</u>: Petitioners have not provided reasonable justification for why it could not be established by petition to a school district.**

The final threshold finding requires the County Board to find that the Petition provides a reasonable justification for why it cannot be established by a petition to a school district. (Ed. Code § 47605.6(b).) In support of this finding, Petitioners assert that the Charter School has been "systematically blocked" from obtaining authorization through petitions to school districts. (Petition, pp. 22-25.) Petitioners argue that its former district authorizer, BSUSD, "blocked renewal of BSCS's renewal charter" based on "an overly narrow interpretation of" the geographical limitations contained in Education Code section 47605(a)(5)(A). (Petition, p. 23.)

Petitioners further assert that MCOE also "block[ed] BSCS's renewal" by applying the same narrow interpretation of the statute. (*Id.*) Petitioners claim that as a result of the narrow statutory interpretation used by BSUSD and MCOE, they were forced to submit their charter renewal petition to MPUSD. (Petition, p. 24.)

MCOE staff note that Petitioners' assertions are not supported by the facts. As described in the Background section above, BSUSD denied Petitioner's renewal petition based on, among other things, BSCS's intent to relocate its facility in violation of the geographic limitations in Education Code section 47605(a)(5)(A). Pursuant to this statute, BSCS was permitted to continue operating its current Foam Street facility, located in MPUSD's boundaries, by either: (1) obtaining written approval from the school district where the site is operating; or (2) submitting a request for renewal of the charter petition to the school district in which the charter school is located. (Ed. Code § 47605(a)(5)(A).) While BSCS obtained written approval from MPUSD to continue operating its Foam Street facility, BSCS represented to BSUSD, and then later to MCOE staff, that it intended to relocate to a different facility within MPUSD's boundaries during the upcoming charter renewal term. Petitioners confirm their plan to relocate within the boundaries of MPUSD during the 2027-2028 school year on page 48 of the Petition.

Based on BSCS's intent to relocate to a new facility outside of BSUSD's boundaries, MCOE staff believe that BSUSD properly concluded that such relocation would violate the narrow exemption to the geographical limitations in Education Code section 47605(a)(5)(A), which only allowed BSCS to "continue to operate" its current Foam Street facility with approval from MPUSD – not to relocate to a different location outside BSUSD's boundaries. MCOE staff note that, at the time BSUSD denied BSCS's charter renewal petition, BSCS could have submitted its renewal petition to MPUSD, as permitted by Education Code section 47605(a)(5)(A)(ii). However, BSCS chose to appeal BSUSD's denial of its renewal petition to MCOE. On appeal, BSCS must comply with the same geographic location requirements to which it would otherwise be subject if it received approval from BSUSD. (Ed. Code § 47605(k)(4).) Accordingly, as a courtesy, MCOE staff notified Petitioners that the County Board could not approve BSCS's petition on appeal, given BSCS's failure to comply with the geographical limitations cited by BSUSD, which continued to be at issue on appeal to MCOE. MCOE staff recommended BSCS submit its renewal petition to MPUSD, where it intended to locate.

Petitioners' assertions that they have been "systematically blocked" from school district authorization is simply not true. As stated above, Petitioners could have initially submitted their renewal petition to MPUSD instead of BSUSD, or submitted the renewal petition to MPUSD immediately upon denial of their petition by BSUSD in November 2025. Despite these two more expeditious options, Petitioners chose to submit an appeal to MCOE. Under the Act, on appeal to MCOE, Petitioners were required to comply with the same geographic location requirements that proved fatal to their renewal petition with BSUSD. Unable to overcome the geographical requirements, the appeal was effectively denied by MCOE. Despite Petitioners' assertion that MCOE staff delays "blocked" renewal of their charter petition, as soon as MCOE staff became aware of the geographical requirements, staff notified Petitioners, as a courtesy, of the issue to allow them an opportunity to submit a renewal petition to MPUSD, instead of dragging out an appeal process.

Moreover, MCOE staff highlights the fact that Petitioners have submitted a renewal petition to MPUSD and are currently waiting for a decision from MPUSD's Board to approve or deny the petition, which Petitioners anticipate will occur in mid-June. This demonstrates that Petitioners *could* be established by petition to a school district. (Petition, pp. 13, 23-24.) As stated above, MCOE staff anticipates that MPUSD's Board will take action on the renewal petition on June 9, 2026, and that MPUSD's staff is recommending that MPUSD's Board approve the petition. ***In the event MPUSD's Board approves BSCS's charter, the County Board is prohibited from doing so because this threshold requirement cannot be satisfied.***

MCOE staff also note that, based on discussions with Petitioners, as well as the reasoning put forth in the Petition, it is clear that Petitioners have a desire to continue operating its current charter program by any means possible, regardless of the charter authorizer. While it is understandable that Petitioners would pursue all potential options to continue its operations prior to the expiration of their Charter, seeking authorization simultaneously from MPUSD and MCOE significantly weakened any justification that they could not be established by petition to a school district. Further, although staff believe Petitioners have successfully implemented a sound educational program that has provided benefit to students, the Petition did not provide the necessary justifications to satisfy the threshold requirements for countywide authorization.

B. Proposed Findings Pursuant to Education Code section 47605.6, subdivision (b)

MCOE staff have further analyzed the Petition pursuant to Education Code section 47605.6, subdivision (b), which mandates that a County Board must deny a petition for a countywide charter school if certain findings are made. MCOE staff have identified the following possible findings for the Board's consideration.

1. The Charter School Presents a Generally Sound Educational Program for the Pupils to be Enrolled in the Charter School

As described above, Petitioners have operated the Charter School for several years, and intends to continue to offer an educational program based on the model currently implemented at its existing site. The hybrid instructional model is unique and not available at any other schools in the County, and includes standards-aligned curriculum with weekly community-based learning. As demonstrated by recent Dashboard data, BSCS has maintained a successful educational program that benefits students, and most notably, its Hispanic student population. MCOE staff note that the Petition does not discuss in any detail how this educational program will specifically meet the needs of rural and geographically isolated students, especially given that Petitioners have clearly stated that they do not intend to open any additional facilities in the County to address these specific students' needs. Therefore, questions remain whether this educational program meets the needs of rural and geographically isolated students throughout the County. Nevertheless, MCOE staff believe that Petitioners present a sufficiently sound educational program for students to be enrolled at BSCS.

2. The Petitioners are Likely to Successfully Implement the Program Set Forth in the Petition

MCOE staff have reviewed the Petition and information related to BSCS's operations during the previous charter term. Petitioners have demonstrated a steady and successful educational program for its students over the course of several years. BSCS has remained fiscally solvent,

and MCOE staff did not observe any substantial concerns related to BSCS's fiscal operations. Similarly, there were no significant governance or administrative concerns. While Petitioners state that they plan to relocate to a new facility during the upcoming charter term, MCOE staff are not aware of any significant concerns with this relocation plan, so long as it complies with any applicable geographic location requirements. MCOE staff find that Petitioners are likely to successfully implement the program set forth in the Petition.

3. The Petition Contains the Number of Signatures Required by Education Code section 47605.6, subdivision (a)

Petitioners have met the threshold of signatures required pursuant to Education Code section 47605.6, subdivision (a)(1)(B), as the Petition contains signatures of at least one-half of the Charter School's teachers that it estimates will be employed during the next year of operation. Therefore, MCOE find that the Petition contains the number of signatures required by Education Code section 47605.6 subdivision (a).

4. The Petition Contains Affirmations Described in Education Code section 47605.6, subdivision (e)

The Petition properly contains affirmations and assurances for each condition described in Education Code section 47605.6, subdivision (e).

5. The Petition Contains Reasonably Comprehensive Descriptions of All Elements Required by Education Code section 47605.6, subdivision (b)(5)

The Petition contains a reasonably comprehensive description of the specific elements described in Education Code section 47605, subdivisions (b)(5)(A)-(P).

6. The Petition Contains a Declaration of Whether or Not the Charter School Shall be Deemed the Exclusive Public School Employer of the Employees.

The Petition states that BSCS shall be deemed the exclusive public school employer of the Charter School's employees for purposes of the Educational Employment Relations Act ("EERA").

IV. CONCLUSION

Petitioners present a generally sound educational program, have gathered the requisite signatures, have included the proper affirmations and declarations, and have provided sufficient information in the Petition regarding the elements required under Education Code section 47605.6, subdivision (b)(5). However, MCOE staff is concerned that Petitioners do not provide reasonable justifications as to why the Charter School cannot be established and authorized by a district, rather than on a countywide basis, nor that the students to be served by the Charter School will not be served as well if the Charter School operates in only one district.

At the pleasure of the Board, MCOE staff propose the above findings for consideration. The County Board has the following options:

1. Adopt, as their own, the findings within this report, and deny the Petition to establish BSCS as a countywide charter school; or

2. Adopt the following findings that: (1) that granting the charter is consistent with sound educational practice; (2) the educational services to be provided by the Charter School will offer services to a pupil population that will benefit from those services and that cannot be served as well by a charter school that operates in only one school district in the county; and, (3) that the Charter School has reasonable justification for why it could not be established by petition to a school district pursuant to Education Code section 47605, and, approve the Petition to establish BSCS as a countywide charter school.