



Jim A. Yovino
Superintendent

fresno county superintendent of schools

To: Fresno County Board of Education

From: Fresno County Superintendent of Schools Charter School Petition Review Committee

Subject: Committee Report Regarding the Crescent View West Public Charter School Material Revision

Date: September 30, 2020

The Fresno County Superintendent of School's (FCSS) Charter School Petition Review Committee (Charter Committee) has reviewed Crescent View West Public Charter, Inc.'s (CVW) request for a Material Revision to their current charter petition. The purpose of this Committee Report is to provide a detailed discussion of the Charter Committee's review, concerns, and findings related to the Material Revision.

I. BACKGROUND

Lead petitioner Shellie Hanes, Area Superintendent, is applying to the Fresno County Board of Education (FCBE) on behalf of CVW for a Material Revision of its current charter petition (2016-2021). The Material Revision, submitted to the FCBE on August 5, 2020, covers the period from October 15, 2020 through June 30, 2021. The Material Revision proposes to change the location of services in Mendota from the Mendota Branch of the Fresno County Public Library located at 1246 Belmont Ave, Mendota, CA to the AMOR (Alliance for Medical Outreach & Relief) Wellness Center located at 115 Belmont Ave, Mendota, CA, approximately one half mile from the current library location.

Each member of the FCBE has received a copy of the proposed petition reflecting the Material Revision, and a public hearing was conducted on September 17, 2020. A site visit was conducted August 19, 2020 by Senior Director of Facilities and Operations Jeff Becker and Director of Charter Schools Dr. Jeffrey Hunt as a part of the Charter Committee review.

II. MATERIAL REVISION CRITERIA

The Charter Committee reviewed the CVW Material Revision In accordance with Education Code (EC) sections 47605, 47607, and the Memorandum of Understanding (MOU) between FCBE and CVW for the charter term of July 1, 2016-June 30, 2021.

Education Code section 47607(a) through (b) states:

- (a) (1) A charter may be granted pursuant to Sections 47605, 47605.5, 47605.6, and 47606 for a period not to exceed five years.
- (2) A chartering authority may grant one or more subsequent renewals pursuant to subdivisions (b) and (c) and Section 47607.2. Notwithstanding subdivisions (b) and (c) and Section 47607.2, a chartering authority may deny renewal pursuant to subdivision (e).
- (3) A charter school that, concurrently with its renewal, proposes to expand operations to one or more additional sites or grade levels shall request a material revision to its charter. A material revision of the provisions of a charter petition may be made only with the approval of the chartering authority. A material revision of a charter is governed by the standards and criteria described in Section 47605.
- (4) The findings of paragraphs (7) and (8) of subdivision (c) of Section 47605 shall not be used to deny a renewal of an existing charter school, but may be used to deny a proposed expansion constituting a material revision. For a material revision, analysis under paragraphs (7) and (8) of subdivision (c) of Section 47605 shall be limited to consideration only of the impact of the proposed material revision.
- (5) The chartering authority may inspect or observe any part of the charter school at any time.
- (b) Renewals and material revisions of charters are governed by the standards and criteria described in Section 47605, and shall include, but not be limited to, a reasonably comprehensive description of any new requirement of charter schools enacted into law after the charter was originally granted or last renewed.

Education Code section 47605 establishes the criteria for reviewing a charter petition. According to EC section 47605(a)(4):

After receiving approval of its petition, a charter school that proposes to expand operations to one or more additional sites or grade levels shall request a material revision to its charter and shall notify the chartering authority of those additional locations or grade levels. The chartering authority shall consider whether to approve those additional locations or grade levels at an open, public meeting. If the additional locations or grade levels are approved pursuant to the standards and criteria described in subdivision (c), they shall be a material revision to the charter school's charter.

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Article 5 of the MOU between FCBE and CVW describes the process for considering Material Revisions.

- 5.1.1 **MATERIAL REVISION DEFINED.** A **“Material Revision”** is any change to the Charter and/or MOU that is any of the following:
- 5.1.1.1 Any change to any terms and conditions set forth on the Cover (MOU Document A), General Terms and Conditions (MOU Document C), and/or the Charter Petition (MOU Document D).
 - 5.1.1.2 Any change to Charter School’s legal status, for example and not as a limitation, merger into another nonprofit public benefit corporation; change from a nonprofit public benefit corporation to a for-profit corporation or non-incorporated entity; or becoming an affiliate, division, or parent corporation of another corporation or entity.
 - 5.1.1.3 Material change in Charter School’s articles of incorporation (for example and not as a limitation, increase or decrease in the number of members on, or change of compensation for members of the Charter School Board) if Charter School, as marked on the Cover, is a nonprofit public benefit corporation.
 - 5.1.1.4 Material change to Charter School’s mission statement (see Section 6.1 below).
 - 5.1.1.5 Elimination of any grade level that Charter School is required to serve pursuant to the Charter or expansion to serve any grade level that is not in the Charter.
 - 5.1.1.6 Addition of any new Charter School Site, or elimination of any Charter School Site listed on the Cover or in an amendment.
 - 5.1.1.7 Change in Charter School’s admissions requirements or enrollment preferences or procedures from those set forth in the Charter.
 - 5.1.1.8 Material change that is substantive in nature to Charter School’s educational program in terms of content or methodology (for example and not as a limitation, change from a non-classroom to a classroom-based methodology), including where such change is required by Applicable Law.
 - 5.1.1.9 Change to Charter School’s instructional status that results in more than 20 percent of the California-required instructional minutes being designated as nonclassroom-based from classroom-based or vice versa.
 - 5.1.1.10 Change of the Operator if Charter School, as stated on the Cover, is operated by Operator.
 - 5.1.1.11 Change to Operator’s legal status (if Charter School, as marked on the Cover, is operated by Operator), for example and not as a limitation, merger into another nonprofit public benefit corporation; change from a nonprofit public benefit corporation to a for-profit corporation or non-incorporated entity; or becoming an affiliate, division, or parent corporation of another corporation or entity.

5.1.2 REQUEST FOR MATERIAL REVISION.

5.1.2.1 *GENERALLY.* Charter School may submit to Authorizer, and Authorizer will consider, any proposed Material Revision to the Charter and/or MOU in accordance with Authorizer's policies and procedures, if any, that are in effect at the time that Charter School submits the proposed Material Revision. Unless stated otherwise in Authorizer's policies and procedures, Charter School shall submit any proposed Material Revision at least 90 days before the date on which Charter School intends the Material Revision to take effect. The proposed Material Revision shall be in writing and state, at a minimum, the following: (A) a description of the proposed Material Revision; (B) the date on which Charter School anticipates the proposed Material Revision to take effect; and (C) the name and contact information of the person at Charter School with whom Authorizer is to communicate regarding the proposed Material Revision.

5.1.2.2 *ADDITION OF CHARTER SCHOOL SITE.* In addition to the requirements in Section 5.1.2.1 above, in any request for a Material Revision to add a new Charter School Site, Charter School shall allow Authorizer to inspect the new facility as part of Authorizer's consideration of such request.

5.1.3 AMENDMENT REFLECTING MATERIAL REVISION.

5.1.3.1 *GENERALLY.* Except as provided otherwise in this Article 5 in which case such provision shall apply, any Material Revision shall be set forth in an amendment, which must be approved and executed by the Parties. Any amendment to the Charter that requires County Superintendent to perform any services or assume any obligations must be signed by County Superintendent to be binding on County Superintendent.

5.1.3.2 *ADDITION OF CHARTER SCHOOL SITE.* In addition to the requirements in Section 5.1.3.1 above, the following shall apply to any amendment for a Material Revision to add a new Charter School Site:

5.1.3.2(A) The amendment shall state the full street address of the new Charter School Site.

5.1.3.2(B) At least 30 days before Charter School's first day of occupancy of the new Charter School Site, Charter School shall submit to Authorizer a certificate of occupancy or other documentation issued by the appropriate governmental agency(ies) authorizing Charter School to use the new Charter School Site for the purposes intended by Charter School.

5.1.3.2(C) Charter School shall submit evidence to Authorizer that the new Charter School Site complies with the provisions of Sections 7.2.1 and 7.2.2.

5.1.3.3 *ELIMINATION OF CHARTER SCHOOL SITE.* In addition to the requirements in Section 5.1.3.1 above, any amendment for a Material Revision to eliminate a Charter School Site shall state the full street address of the Charter School Site that is being eliminated.

Article 7, Section 2 of the MOU between FCBE and CVW provides general requirements of appropriate charter school sites.

SECTION 7.2 CHARTER SCHOOL SITE(S).

7.2.1 GENERAL REQUIREMENTS. Each Charter School Site that Charter School operates shall comply with the following requirements:

7.2.1.1 Health, safety and fire code requirements applicable to California charter schools.

7.2.1.2 Federal and California laws applicable to charter school facilities.

7.2.1.3 Requirements under the ADA.

7.2.1.4 California and local regulations governing the operation of charter school facilities.

7.2.1.5 One of the following unless a Charter School Site is exclusively owned or controlled by an entity (e.g., federal government) that is not subject to the California Building Standards Code; (A) the California Building Standards Code (Part 2, commencing with Section 101 of Title 24 of the CCR) as adopted and enforced by the local building enforcement agency with jurisdiction over the area in which Charter School is located; or (B) the Field Act, EC 17280 et seq. and 17365 et seq.

7.2.1.6 Location in an area properly zoned for operation of a school and has been cleared for pupil occupancy by local authorities with jurisdiction of the Charter School Site.

7.2.1.7 Local approvals, including but not limited to, applicable fire marshal clearance, certificate of occupancy or other documentation authorizing Charter School to use the facility for the purposes intended by Charter School, signed building permit inspections, and any approved zoning variances.

7.2.2 NUMBER OF CHARTER SCHOOL SITES. Charter School shall only operate at the Charter School Sites set forth on the Cover.

7.2.3 LOCATION. Charter School shall provide its primary educational services, including the delivery of instruction, only at the Charter School Sites listed on the Cover or subsequently added through an amendment. Charter School shall operate the Charter School Site(s) in compliance with the geographical boundary requirements set forth in Education Code sections 47605 and 47605.1

7.2.4 SIZE AND CONDITION. Each Charter School Site shall be of sufficient size to house the portion of Charter School's pupil enrollment for that Charter School Site and be conducive to provide educational programs for such pupils.

7.2.5 ADDITION AND ELIMINATION. **Elimination of a Charter School Site or addition of any new Charter School Site constitutes a Material Revision, and Charter School shall comply with Section 5.1 relating to a Material Revision. A relocation from an existing Charter School Site to a new Charter School Site shall be treated as an**

elimination of the existing Charter School Site and the addition of the new Charter School Site.

III. CHARTER PETITION REVIEW COMMITTEE ANALYSIS:

The Charter Committee evaluated the request for the Material Revision against EC 47607, 47605, and Articles 5 and 7 of the MOU between FCBE and CVW. The Charter Committee also considered testimony at the public hearing September 17, 2020 in which Area Superintendent Shellie Hanes and Principal Rafael Aguilar presented on CVW's behalf. Additionally, a business owner shared his experiences with CVW students in Mendota.

CVW provided a proposed updated charter petition reflecting the Material Revision, required legal updates, and program updates to reflect their current educational program, processes, and procedures. CVW also submitted supporting documents to satisfy the requirements of Article 7 of the MOU as it relates to facilities.

The proposed facility site visit on August 19, 2020 was led by Mr. Ralph Aguilar, principal of the Mendota CVW location. The guided tour included a discussion of the benefits of the new location to CVW students including but not limited to: a computer lab, child-care, physical and mental healthcare, small group instruction, and other community resources that will be located in the AMOR complex.

The Charter Committee met Monday, September 21, 2020 to discuss the review of the Material Revision.

IV. CHARTER COMMITTEE FINDINGS

CVW has submitted necessary documentation to satisfy the Charter Committee's facility requirements outlined in MOU Article 7. CVW has made the required legal updates and relevant program updates to the petition.

Upon review of the Material Revision, the Committee recommends that the FCBE **approve** the Material Revision.