



MEMORANDUM

May 5, 2023

To: Dr. Jill Baker, Superintendent

From: James Suarez, Assistant to the Superintendent

Subject: **STAFF ANALYSIS AND PROPOSED FINDINGS OF FACT REGARDING REQUEST FOR RENEWAL OF CHARTER PETITION FOR INTELLECTUAL VIRTUES ACADEMY CHARTER SCHOOL**

PROCEDURAL STATUS

The Long Beach Unified School District (“District”) received a renewal charter petition and signed certification from Intellectual Virtues Academy (IVA) Charter School on March 31, 2023. IVA is operated by Intellectual Virtues Academy of Long Beach (IVALB), a California nonprofit public benefit corporation, and the school and the corporation are referred to collectively and interchangeably herein as “IVA” or “Charter School.” The term of IVA’s current charter runs through and including June 30, 2024. IVA currently serves approximately 234 students in grades six through eight.

Pursuant to the Charter Schools Act of 1992 (“CSA”), the District Governing Board is to hold a public hearing on the provisions of the renewal charter within 60 days of receipt, which hearing was held on May 3, 2023. During the public hearing, the Petitioners provided a short summary of operations and the schools’ academic track record, and requested that the Board approve a seven year renewal. No one spoke in opposition to the Charter’s renewal. The District Board is to approve or deny the renewal request within 90 days of receipt, which time can be extended for an additional 30 days upon mutual agreement of the parties.

Prior to and after the submittal of the request for renewal, IVA’s staff made efforts to collaborate and seek input and advice from the District Staff relative to IVA’s operations and its renewal charter petition. During the District Staff’s review and analysis of the renewal charter petition, District Staff and legal counsel noted a variety of issues and concerns and determined that certain changes, additions, clarifications, corrections, amendments, and revisions to the originally submitted charter petition were necessary in order to support renewal. The District administration and legal counsel worked with IVA and IVA’s legal counsel on resolution of these issues and concerns and implementation of the necessary changes, additions, clarifications, corrections, amendments, and revisions noted by the District. IVA has agreed to incorporate these changes, additions, clarifications, corrections, amendments, and revisions into the charter petition and will submit a revised version of its renewal charter (“Charter”) prior to May 17, 2023. The revised Charter will also include language that was previously set forth in the Memorandum of

Understanding between IVA and the District. It is that revised version of the Charter that the District Board will consider and act upon.

CRITERIA FOR RENEWAL OF A CHARTER PETITION

A petition submitted for renewal pursuant to Education Code Sections 47607 and 47607.2 shall be considered by the chartering authority's governing board in accordance with the following standards:

(1) Standards and Criteria in Education Code Section 47605

A renewal charter shall be governed by the standards and criteria described in Education Code Section 47605. Education Code Section 47605(c) establishes that governing boards are to be aware of "the intent of the Legislature that charter schools are and should become an integral part of the California educational system and that the establishment of charter schools should be encouraged. The [District Board] shall grant a [renewal] charter for the operation of a school under this part if it is satisfied that granting the charter is consistent with sound educational practice and with the interests of the community in which the school is proposed to locate," though, as described below, the renewal process does include additional considerations and standards.

Education Code Section 47605 specifies that the District Board may deny a renewal petition if it makes written factual findings to support one or more of the following findings:

1. The charter school presents an unsound educational program for the pupils to be enrolled 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 an affirmation of each of the conditions required by statute.
4. The petition does not contain a reasonably comprehensive description of all of the required elements.
5. The petition does not contain a declaration of whether or not the charter school shall be deemed the exclusive public employer of the employees of the charter school for purposes of the Educational Employment Relations Act (EERA).

(2) Determination Based on High, Middle, or Low Performing School Status

Education Code Sections 47607 and 47607.2 require a determination of whether a charter school seeking renewal is in the High, Middle, or Low Performance category based on academic performance results:

- a. *High Performing – Renewal term 5-7 years based on authorizer's discretion*
 - (A) *Had all students in the two highest performance bands for all indicators on the California Dashboard for the preceding two years prior to renewal,*
OR

(B) *Had all students out-perform the State in all academic indicators on the California Dashboard (or a majority of the student groups out-perform the State) for the preceding two years prior to renewal.*

b. *Middle Performing – Any school that is not deemed high or low performing will be considered for a 5-year renewal term. In determining renewal, the authorizer is to consider:*

(A) *Performance on the state and local indicators on the Dashboard, giving greater weight to measurements of academic performance*

(B) *Clear and convincing evidence based on verified data (as defined and designated by SBE) showing either:*

(i) *The school achieved measurable increases in academic achievement, defined by at least one year of growth for each year of school, OR*

(ii) *Strong post-secondary outcomes, as defined by college enrollment, persistence, and completion rates equal to similar peers*

The authorizer may deny a middle-performing charter school only upon making written findings, setting forth specific facts to support the findings, that the charter school has failed to meet or make sufficient progress toward meeting standards that provide a benefit to the pupils of the school, that closure of the charter school is in the best interest of pupils and, if applicable, that its decision provided greater weight to performance on measurements of academic performance. (Ed. Code § 47607.2(b)(3).)

c. *Low Performing – Presumptive non-renewal, except when authorizer renews for two years based on “second review opportunity”*

(A) *Had all students in the two lowest performance bands for all indicators on the California Dashboard for the preceding two years prior to renewal, OR*

(B) *Had all students not out-perform the State in all academic indicators on the California Dashboard (or a majority of the student groups not out-perform the State) for the preceding two years prior to renewal.*

(3) A Renewal Charter Petition

The renewal petition shall include a reasonably comprehensive description of any new requirements of charter schools enacted into law after the charter was originally granted or last renewed. (Ed. Code § 47607(b)) The charter should also be updated as necessary to reflect the current program offered by the charter school.

(4) Additional Criteria for Denying a Charter Renewal

A chartering authority may deny renewal of a charter school (EC Section 47607(e)), in any of the three performance categories if it finds that the school is unlikely to successfully implement the program due to:

- a. Substantial fiscal factors
- b. Substantial governance factors, or
- c. The charter school is **not serving all pupils** who wish to attend

STATE LEVEL DATA AVAILABILITY AND PERFORMANCE CRITERIA FOR RENEWAL OF IVA

In accordance with the recent standards established by AB 1505 in Education Code Sections 47607 and 47607.2, the California Department of Education (“CDE”) created a list of all charter schools and ranked their academic performance indicators from the California School Dashboard, specifying whether each school is in the high, middle, or low performance levels, or is a Dashboard Alternative School Status program. This list was intended to relieve the burden on authorizers in determining the performance category of a specific charter school, and provide a starting place for the renewal process. Due to the COVID-19 pandemic, all statewide testing for the 2019-20 school year was cancelled and the 2020 California School Dashboard based on that data was also cancelled. Thus, the data used to create CDE’s list is from the 2018 and 2019 California School Dashboard, as provided for in Education Code Sections 47607 and 47607.2.

As specified in CDE’s Performance Category Data File, and confirmed in the IVA Charter, IVA fits into the high performance category. Therefore, any renewal of IVA’s Charter would be for a five to seven year renewal term pursuant to Education Code Section 47607.2(b)(4). If the District Board renews the Charter, the new Charter term would begin on July 1, 2023, and run through and including June 30, 2030 (if granted for seven years as requested by IVA). CDE’s latest Performance Category Data File is found here: <https://www.cde.ca.gov/sp/ch/documents/ab1505results2020.xlsx>, and was released on July 1, 2020. CDE will annually update the list of charter school performance categories, and it can also be accessed on the CDE Charter School Performance Category Data File web page at <https://www.cde.ca.gov/sp/ch/cspperformcategory.asp>.

In its Charter, IVA states that it is eligible for and meets the criteria for renewal pursuant to the standards applicable to a high-performance charter school. According to IVA’s Charter, IVA attained performance levels schoolwide that are higher than the state average. Further, in 2019 and 2022 IVA had two numerically significant subgroups that completed testing (n>30). Each of these IVA subgroups received performance levels that are higher than the state average.

IVA submitted the available California School Dashboard information in support of its renewal request. District Staff has not reproduced all of the information provided by IVA in this Staff Analysis and Proposed Findings of Fact, but it can be found in the Charter.

CONCLUSION

The CDE has specifically designated IVA as a high performing charter school based on the available statewide data and performance indicators.

Considering the available data and information relative to performance in light of IVA’s high tier designation by CDE, standards and requirements and standards for approval and denial of a charter renewal request, District Staff does not find sufficient facts to support a finding that IVA has failed to meet or make sufficient progress toward meeting standards that provide a benefit to the pupils of the Charter School nor that the closure of the Charter School is in the best interest of pupils on

the basis of the available performance data. Rather, District Staff finds that IVA provides a high-quality alternative choice for parents.

FINANCES

IVA reported an Average Daily Attendance (ADA) of 223.46 for Fiscal Year (FY) 2022-2023. In reviewing IVA's enrollment projections in light of the Charter School's historical enrollment trends, District Staff determined that the enrollment projections and corresponding revenues remain consistent throughout the term of the charter.

IVA also provided an outline of all major assumptions in building the budget and projected budgets. The budget documents present a balanced budget for FY 2023-24 and out years, with detailed reasonable revenue and expenditure projections addressing major anticipated sources of revenue including state, federal, and local, as well as expenses including staffing, benefits, professional development, facility costs, materials, equipment, and other operating expenses. IVA's budget is conservative in its revenue and expense projections, and its spending plans align with projected revenues.

The areas of enrollment projections, audit, budget, financial reporting and insurance all appear to be reasonable and within District Staff's expectation. Staffing financial projections appear to be reasonable. The projected expenditure costs seem to be accurately stated and demonstrate satisfactory ability to meet IVA's financial obligations. District Staff is not aware of any significant financial concerns for IVA.

REVIEW OF THE CHARTER PETITION

District Staff reviewed the renewal Charter using the criteria established in California Education Code Sections 47605, 47607, and 47607.2 and found:

1. Sound Education Program

The IVA renewal Charter presents an educational program that provides middle school students with a highly structured classroom-based educational program.

English Learners (EL):

Students who are English Learners comprise less than 1% of IVA's student population of 234 students. Although IVA was required by the terms of the 2017 Memorandum of Understanding ("MOU") between the District and IVA to expand and refine its recruitment efforts to increase its EL population, as acknowledged by IVA, its EL student population is far from reflective of that of the District. Thus, IVA has recommitted to increasing recruitment efforts and will continue to offer a preference for a student if they are free/reduced lunch eligible, or if they live in an elementary school attendance area where there is a 55% or greater free/reduced lunch rate. IVA also affirmed that it will meet all applicable legal requirements for English Learners.

Special Education:

IVA affirmed that it will continue to comply with all applicable state and federal laws in serving students with disabilities, including, but not limited to, Section 504 of the Rehabilitation Act of 1973 ("Section 504"), the Americans with Disabilities Act of 1992 ("ADA"), and the Individuals with Disabilities Education Act ("IDEIA"). IVA is

considered a school of the District for the purposes of compliance with the IDEIA. The District and IVA will again enter into an MOU setting forth the respective duties and responsibilities of each entity. IVA also understands and commits to its sole responsibility, at its own expense, for compliance with Section 504 Section 504 and the ADA.

IVA has policies in place to assemble a Section 504 team to fulfill its legal responsibilities under Section 504. IVA also has policies in place to provide special education instruction and related services in accordance with the IDEIA, California Education Code, and applicable policies and practices of the SELPA. The specific manner in which special education and related services are provided and funded is set forth in an MOU between IVA and the District.

Other Student Subgroups:

IVA has described strategies to engage other special populations, including students who are academically high achieving and students who are academically low achieving.

District Staff concluded that the IVA renewal Charter, as amended and revised provides sufficient information to substantiate the required elements for a sound educational program.

2. Ability to successfully implement the program set forth in the Petition

District Staff found facts that demonstrate that Petitioners are likely to successfully implement the program set forth in the revised Charter.

3. Affirmation & Declaration of each of the conditions required by statute

District Staff found that the Charter contains all of the required affirmations, including references to the required notice of the requirements of Education Code Section 47605(e)(4)(D).

4. Reasonably comprehensive description of the required elements

In order for the description of each element to be considered “reasonably comprehensive,” it is not enough that the Charter includes a description, but rather the description should be acceptable to the District and be consistent with and not contrary to the District’s standards and expectations for charter schools under its oversight. District Staff notes that, as explained above, while reviewing the initial version of the renewal charter petition submitted by IVA, Staff and legal counsel noted some issues and concerns and determined that certain changes, additions, clarifications, corrections, amendments, and revisions to the charter petition. IVA acknowledged that revisions were necessary in order to support renewal, including in order for the description of each of the required charter elements to be reasonably comprehensive. The District administration and legal counsel worked with IVA and IVA’s legal counsel on these points, and IVA made a variety of revisions, corrections, additions, and clarifications to the charter petition, both adopting provisions specifically requested by the District and enhancing, clarifying, and correcting terms and descriptions in the charter petition, in order to provide the revised version of the Charter to present a reasonably comprehensive description consistent with the District’s standards and expectations for charter schools under its oversight. Thus, the analysis of whether each element of the Charter includes a reasonably comprehensive description is based on this revised version of the Charter, which is under consideration for renewal.

District Staff found that the Charter provides a sufficiently comprehensive description of the required elements for approval.

A. **Element One: Description of the Educational Program/Plan for Student Academic Achievement**

District Staff concluded that IVA provided sufficient information in the Charter to substantiate the required elements for a sound educational program.

IVA stated that its student population reflects the racial, ethnic, cultural and economic diversity of the District and surrounding communities, while acknowledging the work that it needs to do to increase enrollment of EL students, and affirmed its commitment to continue to enroll students who are classified as low-achieving, economically disadvantaged, at-risk, and/or English Learners, who require special program and assistance to succeed.

District Staff believes that this section includes a reasonably comprehensive description.

B. **Element Two: Measurable Student Outcomes & Element Three: Method by Which Pupil Progress in Meeting Outcomes will be Measured**

IVA's Charter includes an LCAP that addresses state requirements and provides both quantitative and qualitative indicators for determining performance and progress. The LCAP also sets forth outcomes for student academic growth.

District Staff also notes that the law regulating charter school adoption of an LCAP for future years has been revised and IVA is now required to comply with all requirements for adoption and revision of an LCAP, including the holding of at least one public hearing to solicit public input on the LCAP in accordance with Education Code Section 47606.5.

IVA's assessment plan utilizes multiple measures that include mandated state assessments submitted through CalPADS and as measured by CAASPP. Other measures described in the Charter supplement and improve on this plan and assists in more effective assessments and data-informed improvements in the IVA educational program. IVA will use diverse assessments aligned with the curriculum and instructional program and with state expectations and requirements.

District Staff believes that these two sections, as updated in the revised Charter include reasonably comprehensive descriptions.

C. **Element Four: Governance**

Intellectual Virtues Academy is operated by Intellectual Virtues Academy, Long Beach ("IVALB"), a California nonprofit public benefit corporation. The same corporation also governs Intellectual Virtues Academy: a Long Beach Public High School. IVALB is governed by a Board of Directors pursuant to the corporate Bylaws and Articles of Incorporation. Intellectual Virtues Academy's Board of Directors represents various stakeholders and consists of 5-13 voting members. At the present time, there are nine voting Board members. The District is entitled to have an LBUSD representative sit on the Board. Board members serve one to three-

year terms. No employees of IVA serve on the Board. IVALB attempts to recruit Board members that will ensure sound oversight of the fiscal, operational, and instructional practices of the school, including business management, law, finance, governance, administration, curriculum, instruction, assessment, and community relations.

The Charter School will operate as a separate legal entity and operate autonomously from the District, with the exception of the supervisory oversight as required by statute and other contracted services as may be negotiated between the District and the Charter School.

IVA Board meetings are generally held monthly in accordance with the Brown Act. IVA also holds special meetings as necessary in order for the IVA Board to carry out its functions. The Charter specifies that IVA shall comply with the Brown Act, the Public Records Act, the Political Reform Act of 1974, Government Code Section 1090 *et seq.*, and that no interested person is permitted to serve on IVA's Board of Directors.

Discussion of changes to bylaws and need for Brown Act training

The District staff notes that while the Charter has been updated to reflect the current legal requirements applicable to charter schools (i.e. compliance with Government Code 1090 and Education Code Section 47604.1), the IVA bylaws are outdated and must be revised to be consistent with the terms of the Charter and applicable laws.

The Charter Staff has been notified that IVA must adopt updated and revised Bylaws that are consistent with the updated and revised provisions of the Charter. IVA responded to the District's directive by stating that they acknowledge the District's concerns and will update the bylaws by May 10, 2023 or by no later than June 7, 2023.

District Staff believes that this section, as updated in the Charter, includes a reasonably comprehensive description, provided that IVA adopts updated Bylaws that are consistent with the terms of the Charter and applicable laws.

D. Element Five: *Employee Qualifications*

The Charter specifies that IVA is an equal opportunity employer that recruits and hires professional, effective, and skilled personnel. The Charter further specifies that IVA hires its employees on the basis of their qualifications. In accordance with Education Code Section 47605(c)(5)(E), IVA shall be nonsectarian in its employment practices and all other operations. The Charter prohibits unlawful discrimination or harassment.

IVA will ensure all teachers hold the certificate, permit, or other document required for the teacher's certificated assignment. In accordance with the CSA, all IVA teachers are required to obtain a certificate of clearance and satisfy the requirements for professional fitness pursuant to Sections 44339, 44340, and 44341 prior to commencing or continuing work at IVA. These documents shall be maintained on file at IVA and are subject to periodic inspection by the District.

The Charter includes a list of positions with the minimum as well as general qualifications. Specific qualification requirements, duties, and expectations for IVA's various employment positions are specified in job descriptions, which may be updated from time to time and are available for District inspection upon request.

District Staff believes that this section, as updated in the revised Charter, includes a reasonably comprehensive description.

E. Element Six: Health and Safety

IVA's health and safety section includes a description of IVA's school safety plan, procedures for criminal background checks, immunization requirements, and other policies as required by law and as appropriate. IVA has committed to reviewing and updating its health and safety policies and procedures with its insurance carriers and risk management experts as necessary.

District Staff believes that this section, as updated in the revised Charter, includes a reasonably comprehensive description.

F. Element Seven: Racial, Ethnic, English Learner, and Special Education Balance

On July 1, 2020, most requirements of AB 1505 took effect. This element was thus updated to require that charter schools provide a reasonably comprehensive description of how the school will achieve a balance of racial and ethnic pupils, special education pupils, and English learner pupils, including redesignated fluent English proficient pupils, that is reflective of the general population residing within the territorial jurisdiction of the District. IVA acknowledged this change in the Charter.

IVA's student demographics currently largely reflect those of the general population residing within the District's jurisdiction, except for English Learners, which constitute a very small percentage of IVA's student population. More specifically, IVA's EL population is less than 1% of its total enrollment. In contrast, as noted in the Charter, the District's school's EL population at its middle schools ranges from 3.7% to 23.9%.

As part of the last renewal, the District and IVA entered into an MOU setting forth certain tasks and efforts that IVA was to make to ensure that its student population is reflective of the District. While IVA made great strides with its racial/ ethnic and Special education students, its efforts were not successful for EL students. Thus, IVA has committed to strive, through recruitment and admissions practices, to achieve and maintain a racial and ethnic balance, balance of special education students, and balance of English Learner students that is reflective of the general population residing within the territorial jurisdiction of the District.

IVA's strategy for such recruitment and admissions practices includes, but is not necessarily limited to: (1) partnering with community-based organizations to meet recruitment goals, (2) advertising in the local newspaper, local radio, and social media, (3) providing translated informative materials, and (4) providing an open enrollment period of at least 90 days. The Charter also includes the following information for its IVA's recruitment program for EL students:

1. Make intentional connections to local elementary schools that serve high percentages of such students
2. Beyond marketing and recruiting efforts aimed at these target elementary schools, IVA may also implement any of the below strategies aimed at attracting EL students to the school:
 - Specifically ask our current Spanish speaking staff and families to spread the word, equipping them with recruiting resources in Spanish
 - Connect with local non-English speaking church leaders, including the two churches in immediate proximity to IVA: Iglesia ni Cristo (Spanish speaking) and Southbay Early Christian (Korean), as well as churches within reasonable driving distance from the school: St Luke’s Episcopal Church, Long Beach First Church of Nazarene, Iglesia Luz y Vida.
 - Connect with neighborhood associations
 - Continue to engage in targeted marketing efforts, such as advertisements in local English and Spanish newspapers, Spanish translation at information events, and flier canvassing
 - Increase our number of online ads (Google, Facebook, Instagram) that target Spanish speaking families

IVA is asked to commit to regularly reviewing, at least annually, the success and weakness of its outreach and other efforts and shall utilize the data from its admissions records and programmatic audit to make any necessary revisions to the outreach initiatives and other efforts as necessary in order to correct imbalances as they may arise. Additionally, IVA will need to budget enough resources to successfully implement its recruitment program.

Accordingly, Staff believes this section includes a reasonably comprehensive description only if IVA includes a commitment to audit and expand its efforts and properly budget for those efforts as necessary to achieve the requisite balances.

G. Element Eight: Admissions Policies and Procedures

IVA has articulated student admission policies and procedures, including the procedures for implementing a public random drawing should there be more applicants than spaces available for enrollment. The Charter School is nonsectarian, tuition-free, and does not discriminate against any pupil on the basis of protected characteristics.

Admission to the Charter School is not determined by place of residence of pupil or parent in California, except in the case of a public random drawing, giving preference to District residents as provided for in the CSA. IVA’s admissions drawing procedures as described in the Charter are consistent with the CSA.

In the event of a public random drawing, IVA specifies its intent to implement the following preferences in the following order:

Admission preferences in the case of a public random drawing shall be given to students in the following sequential order:

- 1) *Siblings, including foster siblings, of children admitted to or currently attending the Charter School.*
- 2) *Children of teachers and/or staff. The number of students in this preference tier is not to exceed 10% of the student population.*
- 3) *All other applicants.*

Within each grade level, students will be drawn from pools, beginning with all applicants who qualify for the first preference category (siblings), and shall continue with that preference category until all vacancies within that grade level have been filled. If there are more students in a preference category than there are spaces available, a random drawing will be held from within that preference category until all available spaces are filled. If all students from the preference category have been selected and there are remaining spaces available in that grade level, students from the second preference category (children of teachers and/or staff) will be drawn in the lottery, and the drawing shall continue until all spaces are filled and preference categories are exhausted in the order provided above. Next, the Charter School will apply a weighted lottery for all students not included in preference category 1 (siblings) or preference category 2 (children of teachers and/or staff).

Applicants who are not eligible for preference category 1 or 2 will be assigned one, two, or three lottery tokens according to these guidelines: (a) one lottery token will be issued for completing an application before the application deadline; (b) an additional lottery token will be issued if a student is an LBUSD resident; and (c) an additional lottery token will be issued for a student if they are free/reduced lunch eligible, or if they live in an elementary school attendance area where there is a 55% or greater free/reduced lunch rate. With these weightings applied, the Charter School will complete the lottery by drawing the remaining tokens.

Other than the preference for residents of the District, whether to permit the proposed preferences is within the discretion of the District Board.

District Staff believes that this section, as updated in the revised Charter, includes a reasonably comprehensive description.

H. Element Nine: Financial Audit

The Charter provides that the audit will be conducted in accordance with Education Code Sections 47605(c)(5)(I) and 47605(m), generally accepted accounting principles, and with applicable provisions within the California Code of Regulations governing audits of charter schools as published in the State Controller's K-12 Audit Guide. Additionally, to the extent required under applicable federal law, the audit scope will be expanded to include items and processes specified in applicable Office of Management and Budget circulars. Annually, on or before April 1, IVA will hire a qualified auditor as provided for in the Charter, and provide notice to the District and the Los Angeles County Superintendent of Schools of the retained auditor. The Charter describes IVA's annual audit procedure, which includes how the independent auditor will be retained, the qualifications the independent auditor needs to possess, the timing of

the audit, how any exceptions or deficiencies will be resolved to the District's satisfaction, and how the audit will be communicated to the necessary outside parties.

District Staff believes that this section, as updated in the revised Charter, includes a reasonably comprehensive description.

I. Element Ten: *Student Suspension/Expulsion Procedures*

IVA's Charter sets forth its comprehensive suspension and expulsion policies and procedures, which have been updated to reflect current law. The Charter has been asked to acknowledge that any revisions to the causes or procedures for suspension or expulsion beyond those necessary to comport with current laws as applicable to charter schools or to reflect changes in Education Code Section 48900 *et seq.* shall constitute a material revision to the Charter, and may not be made or instituted by IVA prior to District Board approval of such a material revision.

The District staff notes that while the Charter has been updated to reflect the current legal requirements applicable to charter schools, the student handbook that was previously posted on the IVA website was very outdated and not in compliance with the Charter Schools Act.

District Staff believes that this section, as updated in the revised Charter, includes a reasonably comprehensive description if the parent/ teacher handbook is updated.

J. Element Eleven: *Employee Retirement System*

All eligible IVA employees will participate in the State Teachers' Retirement System ("STRS"), or the California Public Employees' Retirement System ("PERS"), as applicable to the position, and employees who do not qualify for STRS or PERS participate in federal social security. IVA has designated the Business Manager as the position responsible for ensuring that appropriate arrangements for coverage have been made and the accuracy of the reports. IVA will make available upon District request evidence of timely payment of payroll taxes and payments into retirement systems.

District Staff believes that this section, as updated in the revised Charter, includes a reasonably comprehensive description.

K. Element Twelve: *Public School Attendance Alternatives*

The Charter specifies that no student may be required to attend IVA. Students who reside within the District boundaries who choose not to attend IVA may attend other District schools or pursue an intra- or inter-district transfer in accordance with existing District enrollment and transfer policies. The Charter notes that alternatives to IVA for students living within the District attendance area will be the same as those offered to all other students currently residing in the District.

District Staff believes that this section of the revised Charter includes a reasonably comprehensive description.

L. **Element Thirteen: Description of the Rights of An Employee of the District, Upon Leaving the Employment of the District to be Employed by the Charter School**

IVA's Charter states that no employees of the District are required to work at the Charter School. This section provides that employees who leave the employment of the District to work at IVA shall have no automatic rights of return and only such rights as the District may choose to provide, and that employment at IVA does not provide any rights of employment at any other entity, including in the case of closure of IVA.

District Staff believes that this section of the revised Charter includes a reasonably comprehensive description.

M. **Element Fourteen: Dispute Resolution**

Charter School and the District will be encouraged to attempt to resolve any disputes amicably and reasonably without resorting to formal procedures. The Charter outlines the District-approved dispute resolution procedures the District and IVA will follow if either Charter School or District determines that a violation of the Charter or any other applicable law or agreement may have occurred or a problem has arisen related to the operation of Charter School and/or the District's oversight obligations, or a dispute otherwise arises between the District and Charter School, though the procedures do not impede the District's ability to proceed with revocation in accordance with Education Code Section 47607 and its implementing regulations.

The Charter also describes IVA's internal dispute resolution procedures and policies.

District Staff believes that this section, as updated and revised, includes a reasonably comprehensive description.

N. **Element Fifteen: Closure Protocol**

The Charter provides procedures that comport with the requirements of the CSA that will be followed in the event IVA ceases to be a charter school or otherwise closes for any reason.

District Staff believes that this section, as updated in the revised Charter, includes a reasonably comprehensive description.

5. **Exclusive Public Employer**

As required by the CSA, the Charter specifies that Intellectual Virtues Academy of Long Beach shall be deemed the exclusive public employer of the employees of the Charter School for the purposes of the EERA.

6. **Required Additional Information**

IVA currently serves approximately 234 students in grades six- eight.

IVA is located at Grace Brethren Church of Long Beach, 3601 Linden Ave, Long Beach, CA 90807.

As part of its revisions and updates to the Charter, IVA agreed to the insurance requirements and indemnification, defense, and hold harmless provisions required by the District's risk management team to protect against potential liabilities.

The Charter specifies that IVA provides and secures its own administrative services, independent of the District.

District Staff believes that the Petitioners have provided the required information about the proposed operation and potential effects of IVA.

CONCLUSION

District Staff reviewed the Intellectual Virtues Academy renewal Charter utilizing the criteria for charter renewal set forth in Education Code Sections 47605, 47607 and 47607.2. It is District Staff's recommendation that the Intellectual Virtues Academy renewal Charter be approved and that the District Board adopt Board Resolution 051723-B at the District's regularly scheduled Board of Education meeting on May 17, 2023.