

**BIG SUR UNIFIED SCHOOL DISTRICT
STAFF REPORT AND FINDINGS OF FACT
REGARDING THE CHARTER RENEWAL PETITION
OF BIG SUR CHARTER SCHOOL**

November 3, 2025

Pursuant to Education Code section 47605, subdivision (b), this staff report provides recommended findings to the Big Sur Unified School District (“District”) Board of Education (“Board”) regarding the renewal petition (“Renewal Petition”) of Big Sur Charter School (“BSCS”).

I. BACKGROUND

On September 5, 2025, BSCS submitted its Renewal Petition to the District. BSCS was originally authorized by the District to begin operations in 2008. BSCS had most recently been authorized for a 5-year term from July 1, 2018, to June 30, 2023, which was extended through June 30, 2026, pursuant to AB 130 and SB 114.¹

BSCS is a nonclassroom-based charter school operating as a 501(c)(3) California nonprofit public benefit corporation. It serves students residing in nine school districts, in transitional kindergarten (“TK”) through eighth grades. During the 2024-25 school year, BSCS served 107 students. Its population includes students with disabilities (11%) and socio-economically disadvantaged students (21%).

BSCS’s learning center and administrative office has been and is currently located at 304 Foam Street in Monterey, within Monterey County and, specifically, within the boundaries of the Monterey Peninsula Unified School District. Under Education Code section 47605.1, subdivision (a)(5), a charter school operating at a site outside of its authorizing district, but within the county, before January 1, 2020, “may continue to operate the [site] until the charter school submits a request for the renewal of its charter petition.” Continued operation at that site requires the charter school to, prior to submitting its petition for renewal to its authorizer, receive written approval from the school district within which the site operates. (Ed. Code, § 47605.1, subd. (a)(5).) BSCS has provided written permission from Monterey Peninsula Unified School District (“MPUSD”), dated August 28, 2024, for its continued operation at 304 Foam Street upon a renewal by the District.

II. RENEWAL CRITERIA

Renewal petitions are governed by the standards and criteria described in Education Code section 47605, subdivision (c), applicable to new petitions, as well as the criteria for a renewal petition set forth in Education Code section 47607 and 47607.2. (Ed. Code, § 47605, subd. (c); Ed. Code, §§ 47607, 47607.2.)

¹ Following the COVID-19 pandemic, the California Legislature lengthened most terms of school charters by 3 years.

A. General Renewal Criteria

Renewal petitions must include a reasonably comprehensive description of any new requirements for charter schools enacted into law after the charter was originally granted or last renewed. (*Id.*) The Board may not deny a renewal petition unless it makes written factual findings, specific to the particular petition, setting forth specific facts to support one or more of the following:

1. The charter school presents an unsound educational program for the students to be enrolled in the charter school. (Ed. Code, §§ 47605, subd. (c)(1); 47607, subds. (a)(3), (b).)

Here, as discussed below, the District has considered the educational program and methods of verified data as described in the Renewal Petition, and BSCS's California School Dashboard ("Dashboard") data. The District does not find BSCS's educational program to be unsound.

2. The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition. (Ed. Code, §§ 47605, subd. (c)(2); 47607, subds. (a)(3), (b).)

As discussed below, BSCS has not demonstrated that it is likely to successfully implement the program set forth in the Renewal Petition due to substantial governance factors.

3. The petition does not contain reasonably comprehensive descriptions of certain elements in its program and operations as set forth in Education Code section 47605, subdivision (c)(5)(A)-(O), including any new requirements for charter schools enacted into law after the charter was originally granted or last renewed. (Ed. Code, §§ 47605, subd. (c)(5); 47607, subds. (a)(3), (b).)

As discussed below, the District finds that the Renewal Petition does not contain reasonably comprehensive description of all elements as required by the Charter School Act.

1. California Department of Education's ("CDE") Determination

Pursuant to Education Code section 47607, subdivision (c), an authorizer must additionally consider the charter school's performance on the Dashboard, where student performance is measured based on data from the current year, and, any improvement in results from the prior year.² The CDE designates charter schools as "low-performing," "middle-performing," or "high-performing," based on these two years of Dashboard performance. The CDE has designated BSCS as a "middle-performing" charter school pursuant to Education Code section 47607.2, subdivision (b).

² See <https://www.caschooldashboard.org/about/accountability>.

For middle-performing schools, a chartering authority must consider the following in its renewal petition review process, while providing “greater weight to performance on measurements of academic performance in determining whether to grant a charter renewal”:

1. The schoolwide performance and performance of all subgroups on the Dashboard, providing; and,
2. Clear and convincing evidence, demonstrated by verified data, showing either: (a) the school achieved measurable increases in academic achievement, as defined by at least one year’s progress for each year in school, or (b) strong postsecondary outcomes equal to similar peers, as defined by college enrollment, persistence, and completion rates.

(Ed. Code, § 47607.2, subd. (b).)

2. Renewal Criteria for BSCS

Pursuant to Education Code section 47607.2(b)(6), a chartering authority may deny the renewal of a middle-performing charter school only upon making written findings, setting forth specific facts to support the finding, that:

1. The charter school has failed to meet or make sufficient progress toward meeting standards that provide a benefit to the pupils of the school; and
2. Closure of the charter school is in the best interest of pupils; and
3. The decision not to renew gave “greater weight” to the charter school’s performance on measurements of academic performance.

Pursuant to Education Code section 47607(e), irrespective of the performance tier, a chartering authority may deny renewal of any charter school if:

1. The charter school is demonstrably unlikely to successfully implement the program set forth in the petition due to substantial fiscal or governance factors; or,
2. The charter school is not serving the pupils who wish to attend, as documented by aggregate data reflecting pupil enrollment patterns at the charter school.

The District has evaluated the Renewal Petition in accordance with the applicable “middle-performing” renewal criteria, including considering the above-referenced factors, as set forth in this report. As discussed below, the District issued a letter of concern pursuant to Education Code section 47607(e), on September 25, 2025, regarding substantial governance factors that affect BSCS’s ability to successfully implement the program set forth in the Renewal Petition. The District received a response from BSCS on October 13, 2025. The District’s concerns remain, which are discussed further below.

III. ANALYSIS AND PROPOSED FINDINGS

Finding 1: The Renewal Petition presents a sufficiently sound educational program for the pupils to be enrolled in the charter school.

A. BSCS's Academic Program

BSCS is a nonclassroom-based charter school that offers a hybrid learning program, including a schedule of on-site instructional days at the school's learning center, and outdoor learning experiences. Students additionally complete assignments and projects through home study.

On-site BSCS teachers provide instruction in English Language Arts and Mathematics in alignment with California Common Core Standards. BSCS teachers hold the proper Commission on Teacher Credentialing document required for their certificated assignment. The outdoor learning program is conducted through the school's Coastal Stewardship Program, which is aligned with Next Generation Science Standards, and the National Ocean and Atmospheric Administration's Ocean Literacy and Sustainability standards. BSCS also offers an arts program with weekly classes that may partner with community organizations.

For the purposes of special education, BSCS is a member of the Sonoma County Charter Special Education Local Plan Area ("SELPA").

B. BSCS's Verified Data

As stated above, the District must consider BSCS's increases in academic achievement, as defined by at least one year's progress for each year in school and demonstrated through "verified data." (Ed. Code, § 47607.2, subd. (b).) The State Board of Education's approved verified data list includes the California Assessment of Student Performance and Progress ("CAASPP") and the Northwest Evaluation Association's Measures of Academic Progress ("NWEA") MAP Growth assessments, both of which assessment metrics have been adopted by BSCS as internal benchmarks.³

BSCS's CAASPP data demonstrates the percentage of students who met or exceeded CAASPP standards throughout the 2021-22, 2022-23, and 2023-24 school years. The data provided in the Renewal Petition demonstrates that, in English Language Arts, 54.55% of all BSCS students met standards in the 2021-22 school year, 56% in the 2022-23 school year, and 52.77% in the 2023-24 school year. In Mathematics, 38.19% of all students met standards in the 2021-22 school year, 51.07% in the 2022-23 school year, and 47.22% in the 2023-24 school year.

Subgroups generally show improvement throughout all three school years, with fully comparative data primarily available for white and Hispanic students. 54.54% of white students met English Language Arts standards in 2021-22, 65.38% in 2022-23, and 72.22% in 2023-24; 44.44% of Hispanic students met standards in 2021-22, 31.25% in 2022-23, and 38.46% in 2023-24. In Mathematics, 50% of white students met standards in 2021-22, 68% in 2022-23, and

³ See <https://www.cde.ca.gov/sp/ch/verifdataacadprogress.asp>.

55.56% in 2023-24; 38.89% of Hispanic students met standards in 2021-22, 35.71% met standards in 2022-23, and 38.46% met standards in 2023-24.

The Renewal Petition provided the below graph regarding BSCS CAASPP results:

CAASPP Results: Percentage of Students Met or Exceeded Standards			
ELA	2021-22	2022-23	2023-24
All Students	54.55%	56%	52.77%
White	54.54%	65.38%	72.22%
SED	41.66%	n/a	42%
Hispanic	44.44%	31.25%	38.46%
SWD	n/a	n/a	n/a
Mathematics	2021-22	2022-23	2023-24
All Students	38.19%	51.07%	47.22%
White	50%	68%	55.56%
SED	25.00%	n/a	33%
Hispanic	38.89%	35.71%	38.46%
SWD	n/a*	n/a*	n/a*

*Fewer than 11 students tested.

NWEA MAP Growth Data is calculated through a Conditional Growth Index (“CGI”) and demonstrates one year’s growth through a “CGI range of -.02 to 0.2 (or greater).”⁴ The NWEA data provided in the renewal petition is described as demonstrating the CGI “by grade level and the average Student CGI for each significant student group at Big Sur for Fall ’23 to Winter ’24 and Fall ’24 to Winter ’25. The green highlights below indicate the groups that made “one year’s growth” each year. Blanks are left for grades that did not test, and asterisks are used to indicate redacted data, due to fewer than 10 students testing.” The District finds that the graphs included in the Renewal Petition regarding NWEA MAP data possess a general lack of clarity, where “green highlights” are not included, and, substituting this description for the orange highlights does not assist the District in determining where growth is demonstrated. Further, it appears that both supplied graphs relate solely to mathematic data.

NWEA MAP MATH CONDITIONAL GROWTH INDEX		
Student Grade / Group	Fall '23 – Winter '24	Fall '24 – Winter '25
3 rd	*	2.87
4 th	*	0.44
5 th	*	*
6 th	*	*
7 th	*	-0.72
8 th	*	*
All Students Tested	-0.1	0.2
Socioeconomically disadvantaged	-0.2	-0.2
Hispanic	-0.5	-0.2

*Fewer than 11 students

NWEA MAP MATH CONDITIONAL GROWTH INDEX		
Student Grade / Group	Fall '23 – Winter '24	Fall '24 – Winter '25
3 rd	*	1.52
4 th	*	1.43
5 th	*	*
6 th	*	*
7 th	*	1.46
8 th	*	*
All Students Tested	-0.3	0.1
Socioeconomically disadvantaged	0.0	0.2
Hispanic	-0.3	0.2

*Fewer than 11 students

⁴ See the document associated with Item #02 at <https://www.cde.ca.gov/be/ag/ag/yr23/agenda202305.asp>.

While the District does not interpret the above graphs provided in the Renewal Petition to clearly demonstrate continuous growth, the District acknowledges that students broadly demonstrate positive academic trends. Therefore, the internal benchmarks suggest that BSCS's academic program is sufficiently sound.

C. BSCS and Comparative Dashboard Performance

The District has analyzed BSCS's recent data as available for the 2024 and 2023 years, and compared to the performance of California students statewide for the same periods.⁵

BSCS's 2024 Dashboard Indicator provides that BSCS performed 11.8 points above the score required to meet standard⁶ in English Language Arts, and 9.1 points below standard in Mathematics. Additionally, while not academic performance measures, 0% of students were reported as chronically absent⁷ and 0% of students were suspended for at least one day in the school year. While the Education Code requires consideration of all subgroups, there is limited Dashboard information available for BSCS due to the limited number of students represented in each demographic subgroup. However, Hispanic students performed 12 points above standard and white students performed 24.6 points above standard in English Language Arts; socioeconomically disadvantaged students performed 6.9 points below standard. In Mathematics, Hispanic students performed 41.2 points below standard, socioeconomically disadvantaged students performed 51.1 points below standard, and white students performed 22.2 points above standard.

To compare these numbers statewide, California students in 2024 performed 13.2 points below standard in English Language Arts, and 47.6 points below standard in Mathematics, 18.6% of students were chronically absent, and 3.5% of students were suspended for at least one day within the school year.

BSCS's 2023 Dashboard Indicator scores provide that BSCS performed 29.5 points above standard in English Language Arts, and 31.9 points below standard in Mathematics. 1% of students were reported as chronically absent and 0% of students were suspended for at least one day in the school year. Examining available subgroup data demonstrates that Hispanic students performed 28 points below standard, and white students performed 47.2 points above standard, in English Language Arts. In Mathematics, Hispanic students performed 98.5 points below standard, and white students performed 11.4 points above standard. Hispanic students were reported as 3% chronically absent.

⁵ The District's student population does not consist of the requisite number of students to warrant representation on the Dashboard. This Staff Report therefore compares BSCS's performance to statewide metrics.

⁶ The Dashboard assesses academic performance using the metric of "Distance from Standard" to measure the average distance students are from "the lowest possible score for Standard Met," the score which demonstrates "the knowledge and skills necessary for students to be on track for college and career readiness at their grade level." See <https://www.caschooldashboard.org/about/glossary>.

⁷ The Dashboard measures chronic absenteeism as the percentage of students in Kindergarten through Eighth Grade absent for at least 10% of the instructional days they were enrolled. See <https://www.caschooldashboard.org/about/glossary>.

Statewide in 2023, California students performed 13.6 points below standard in English Language Arts, and 49.1 points below standard in Mathematics. 24.3% of students were chronically absent, 86.4% of eligible students graduated, and, 3.2% of students were suspended for at least one day.

English Language Arts

	2023	2024
BSCS	29.5 points above standard	11.8 points above standard
Statewide	13.6 points below standard	13.2 points below standard

Math

	2023	2024
BSCS	31.9 points below standard	9.1 points below standard
Statewide	49.1 points below standard	47.6 points below standard

Chronic Absenteeism

	2023	2024
BSCS	1% chronically absent	0% chronically absent
Statewide	24.3% chronically absent	18.6% chronically absent

Suspension Rate

	2023	2024
BSCS	0% suspended at least one day	0% suspended at least one day
Statewide	3.5% suspended at least one day	3.2% suspended at least one day

Overall, BSCS's Dashboard data reflects growth among its student population, and widely demonstrates stronger academic performance than statewide trends.

However, while the District finds that BSCS's academic program is sufficiently sound, the District notes that in both BSCS's verified and Dashboard data, there is a disparity between the academic progress of Hispanic groups and other groups or the school as a whole. The gap between white students and Hispanic students who meet CAASPP standards has grown with each year of provided data in both English Language Arts and Mathematics. The Dashboard for both 2023 and 2024 provides that Hispanic students perform below the standard in Mathematics, while white students perform above this standard; while the data demonstrated improvement for 2024, a similar gap was evident in the 2023 English Language Arts data as well.

Finding 2: The Renewal Petition does not contain a reasonably comprehensive description of the specific elements described in Education Code section 47605, subdivisions (c)(5)(A)-(O), as applicable, including any new requirements for charter schools enacted into law after the charter was originally granted or last renewed.

The Renewal Petition must contain a reasonably comprehensive description of the specific elements described in Education Code section 47605, subdivisions (c)(5)(A)-(O), including adherence to all applicable federal, state, and local laws and regulations, including any new requirements enacted into law after the charter was last renewed. The Renewal Petition must identify all legally required affirmations and declarations and ensure the Renewal Petition is legally compliant.

The District has identified significant flaws and legal deficiencies within the Renewal Petition and supporting documents, and for that reason, finds that the Renewal Petition does not contain a reasonably comprehensive description of the specific elements described in Education Code section 47605, subdivisions (c)(5)(A),(C), and (G).

A. Element 1: The Educational Program

Education Code section 47605, subdivision (c)(5)(A) requires a reasonably comprehensive description of annual goals “for all pupils and for each subgroup of pupils identified pursuant to Section 52052.” Education Code section 52052 identifies “numerically significant pupil subgroups” to include “ethnic subgroups,” and defines “numerically significant” subgroups to consist of at least 30 pupils. (Ed. Code, § 52052, subds. (a)(2)-(3).)

While BSCS’s student population is small at 107, the Renewal Petition provides that 34 students, or 32% of its population, identify as Hispanic. Under the Education Code, these students qualify as a subgroup for which the Renewal Petition must consider annual goals.

While the Renewal Petition broadly contemplates serving “special populations,” the Renewal Petition generally addresses aspects of the educational program applicable to all students, students with disabilities, English learners, and academically low and high achieving students. The District acknowledges BSCS’s efforts to include and consider the members of its student population, but finds the lack of identification of “ethnic subgroups” legally deficient.

The District further notes the subheading “Charter School Outcomes that Align with the State Priorities” within the Renewal Petition’s Element 2 references a “table below,” purportedly including a “reasonably comprehensive description of the Charter School’s annual goals to be achieved in the state priorities schoolwide and for all pupil subgroups, as described in Education Code Section 52060(d), and specific annual actions to achieve those goals.” Neither Element 1 nor Element 2 consist of such a table; all tables included in Element 1 address various BSCS demographics.

Furthermore, as noted above, there is a disparity across all forms of data measurement of student progress between Hispanic students and other BSCS students; particularly, white students.

Element 1 does not contemplate this disparity when discussing BSCS’s educational program. The District notes that, while BSCS does not associate the Local Control and Accountability Plan (“LCAP”) for the 2025-26 school year attached to the Renewal Petition as “Appendix E” with Element 1, it similarly does not address goals for bridging this gap between Hispanic students’ progress and overall student progress. The LCAP includes growth targets for Hispanic students, but specifies no actions to achieve this goal.

The District therefore finds that Element 1, as governed by Education Code section 47605, subdivision (c)(5)(A), is legally deficient.

B. Element 3: Methods of Measurement

Education Code section 47605, subdivision (c)(5)(C) requires a renewal petition to include reasonably comprehensive descriptions of measuring pupil outcomes, as reported on a school accountability report card. A renewal petition must also include a “reasonably comprehensive description of any new requirement of charter schools enacted into law after the charter was originally granted or last renewed. (Ed. Code, § 47607, subd. (b).)

While the Renewal Petition provides a list of assessment tools and scheduled assessment cycle in Element 3, the Renewal Petition neglects to include the requirement for an annual reading screener pursuant to Education Code section 53008. From the 2025-26 school year, all California local educational agencies, including charter schools, are required to annually administer a CDE-approved reading screener for kindergarten through second grade students, to be considered “part of a school’s comprehensive instructional strategy.” (Ed. Code, § 53008, subds. (a), (e).)

BSCS’s instructional strategy and assessment cycles described in the Renewal Petition fail to identify a CDE-approved screener, nor schedule the annual assessment.⁸ As this was a requirement enacted by statute in 2024, BSCS was required to include the reading screener in its Renewal Petition. Beyond the technical failure to include the reading screener pursuant to Education Code section 47607, subdivision (b), this oversight suggests that BSCS may not contemplate or plan to implement the requirement. Under Education Code section 53008, subdivision (d), the BSCS governing board was required to adopt a CDE-approved screener at a public meeting by or before June 30, 2025. The District has examined BSCS Board agendas for the 2024-25 school year prior to this deadline, and not identified any agenda item discussing a reading screener or requirements pursuant to Education Code section 53008. It therefore is not clear whether BSCS has implemented the requisite reading screener this school year as required, which casts doubt on BSCS’s governance and general legal compliance.

The District therefore finds that Element 3, as governed by Education Code section 47605, subdivision (c)(5)(C), is legally deficient.

⁸ The District recognizes that the requirement for the reading screener could have been included under a number of Elements within the Renewal Petition, but notes that the Renewal Petition fails to acknowledge it altogether.

C. Element 7: Student Population Balance

Education Code section 47605, subdivision (c)(5)(G) requires a reasonably comprehensive description of the charter school's means of achieving a demographic balance "reflective of the general population residing within the territorial jurisdiction of the school district to which the charter petition is submitted."

The Renewal Petition does not provide a "reasonably comprehensive" means to achieve demographic balance. The Renewal Petition offers merely platitudes of "ensur[ing] equitable access," and the explanation that it "relies" on "word-of-mouth referral." These vague descriptions are not comprehensive and do not analyze the balance of racial and ethnic demographics, or special education students.

Further, while the Renewal Petition explains that enrollment information is available in Spanish as well as English, no further detail is provided pertaining to English learner pupils. The Renewal Petition further neglects to contemplate how it will consider special education pupils in achieving a population balance.

Additionally, while the Education Code requires a description "reflective of the general population residing within the territorial jurisdiction of the school district to which the charter petition is submitted," Element 7 does not contemplate a connection to the District's population. Rather, the Renewal Petition states a commitment to a student population that "reflects the diversity of the general population residing in the geographic area it serves." Beyond the vagueness of this statement, Element 1 of the Renewal Petition lists 13 school districts from which students reside.⁹ Whether BSCS means to reflect the District or its entire geographic area of service is unclear.

Without a reasonably comprehensive description of the means to achieve demographic balance, the District therefore finds that Element 7, as governed by Education Code section 47605, subdivision (c)(5)(G), is legally deficient.

Finding 3: The Charter School is unlikely to successfully implement the program set forth in the Renewal Petition due to substantial governance factors.

Under the legal standard of review per Education Code section 47607, subdivision (e), a school district may deny a petition for renewal if the district makes a finding that the charter school is demonstrably unlikely to successfully implement the program in its petition due to substantial fiscal or governance factors. Denial on this basis requires the authorizer to provide "at least 30 days' notice to the charter school of the alleged violation and provide the charter school with a reasonable opportunity to cure the violation, including a corrective action plan proposed by the charter school." (Ed. Code, § 47607, subd. (e).)

⁹ However, the District also notes that, in its preface to the Element 1 table listing 13 school districts, BSCS contradictorily states that it enrolls students residing in 9 school districts.

A. The 47607(e) Letter and BSCS's Response

On September 25, 2025, the District issued BSCS a letter pursuant to Education Code section 47607, subdivision (e), addressing significant governance concerns related to BSCS's intent to relocate its school site ("47607(e) Letter"). Specifically, the District had been informed through 2024 and early 2025 that BSCS plans to relocate to a new facility within the city of Monterey and outside of the District's boundaries.

The 47607(e) Letter further memorialized communications between the District and BSCS, wherein the District and BSCS had discussed this intended move. In the 47607(e) Letter, the District expressed its concern that BSCS's intended site move subsequent to renewing its charter would not be legally permissible. Additionally, the distance between the District and BSCS, exacerbated due to highway infrastructure damage, severely hindered the District's ability to effectively oversee BSCS. The District recommended that BSCS submit its petition for renewal to the district in which it is physically located (Monterey Peninsula United School District). BSCS has refused to do so. The 47607(e) Letter concluded that BSCS's governance did not reflect an intent to comply with the law, nor an intent to effectively partner with the District in regard to providing effective oversight. The District issued the 47607(e) Letter to provide BSCS with a final opportunity to present a "corrective action plan" pursuant to the Education Code.

The response received by the District on October 13, 2025 ("Response") did not contain a corrective action plan addressing the governance issues raised by the District. Rather, BSCS refuted the District's 47607(e) letter. BSCS asserted that the District's noted concerns were not "substantial governance factors" that would quantify consideration of a notice or denial pursuant to Education Code section 47607, subdivision (e), and that, without such factors, there "is nothing for BSCS to 'cure'."

B. Analysis of Substantial Governance Factors

Facilities planning, in compliance with the law, and its oversight, is a school governance issue. BSCS's move to a new facility at the end of the 2025-26 school year would not comply with the law.

BSCS is not lawfully permitted to relocate its site within MPUSD's boundaries and remain authorized by the District. The Education Code permits BSCS's current location as a site opened and operated before January 1, 2020, pursuant to section 47605, subdivision (a)(5)(A). In pertinent part, the Education Code allows for a charter school to "continue to operate **that** site" subject to receiving approval from the district in which the site is located. (Ed. Code, § 47605, subd. (a)(5)(A), emphasis added.) If the charter school receives permission to continue operating that site, the Education Code does not contemplate moving locations. The statute only specifies authorization for "that site."

In its Response, BSCS relies on Education Code section 47605.1, subdivision (c)(5) to authorize a location beyond the District's boundaries, and specifically interprets the language referring to "the school district where the charter school is physically located," to mean the District as the chartering authority, as opposed to MPUSD as the district where BSCS is physically located.

BSCS does not offer legal support for this interpretation, but uses this argument to rationalize the operation of its site within MPUSD as a resource center outside of an unspecified “physical location” within the District. Had the legislature intended to state “authorizing school district,” it would have used the phrase “authorizing school district,” as it does throughout the Charter Schools Act. (Ed. Code, § 47605.1, subd. (c)(9).) Rather, BSCS makes up its argument out of whole cloth. While this would be an appropriate argument if BSCS had a location within the District’s boundaries, subdivision (c)(5) specifically refers to “physical location” as opposed to a chartering authority. BSCS’s physical location is within MPUSD’s district boundaries, and BSCS has no established auxiliary site in operation prior to January 1, 2020, which does render subdivision (c)(5) inapplicable to the instant facts.

Finally, when the charter school’s current lease ends at the end of the 2025-26 school year, BSCS will need to materially revise its charter. Locations must be specified within the charter. (Ed. Code, § 47605, subd. (a)(1).) “The description of the facilities to be used by the charter school shall specify where the charter school intends to locate.” (Ed. Code, § 47605, subd. (h).) However, for the reasons stated above, that material revision to the charter would be precluded as a matter of law. There will be no legal basis that would allow the charter school to operate a **new** site outside of its authorizing district.

IV. RECOMMENDATIONS

As a middle-performing charter, BSCS’s charter may be renewed for 5 years. (Ed. Code, § 47607.2(b)(7).)

The District conducted a thorough review of BSCS’s Renewal Petition and its appendices based on the above-described renewal criteria for a middle performing charter school in accordance with Education Code section 47607.2, subdivision (b).

The District has found that BSCS presents a sound educational program. Despite this, and giving greater weight to the academic performance as reviewed above, that performance does not outweigh the District’s concerns. The District has found that BSCS’s Renewal Petition does not contain reasonably comprehensive descriptions of all legally required elements. Further, as the District issued a letter of concern pursuant to Education Code section 47607, subdivision (e), and while the District has considered BSCS’s response, the District finds that BSCS is not likely to successfully implement the program set forth in the Renewal Petition due to substantial governance factors. Specifically, the charter school’s plan for locating a new facility within another school district is unlawful.

In careful consideration of the above data, along with the features of BSCS’s independent study program and the service of its students, the District recommends that the Board:

1. Adopts the findings within this report as its own; and,
2. Denies BSCS’s Renewal Petition for the 2026-2031 term.