

# Anaheim Elementary School District

## STAFF ANALYSIS VIBRANT MINDS CHARTER SCHOOL MATERIAL REVISION

August 26, 2024  
for Board of Education Meeting of September 11, 2024

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The Anaheim Elementary School District's Staff reviewed a request for material revision to the charter of Vibrant Minds Charter School (Vibrant Minds) submitted to the Anaheim Elementary School District Board of Education (Board) on June 5, 2024. Vibrant Minds is seeking approval to relocate from its current site at 412 W. Carl Karcher Way, Anaheim, CA to a new location at 320 W. Broadway, Anaheim, CA beginning in the 2025-2026 school year. The proposed changes constitute a material revision to the Vibrant Minds charter.

Material revisions to charters approved by the Board are governed by the standards and criteria in *EC* sections 47605 and 47607 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.

### **PROCEDURAL STATUS**

Vibrant Minds submitted the complete material revision charter petition, including appendices and a signed certification of completeness on June 5, 2024, in print form and digitally. Vibrant Minds is seeking Board approval of the material revisions to its charter and has specified that it has updated the charter to conform with any new laws enacted since the charter was last renewed.

The Charter Schools Act provides that, "No later than 60 days after receiving a petition," the Board must hold a public hearing on the charter provisions, at which it "shall consider the level of support for the petition," and within 90 days, the Board shall either grant or deny the requested material revision. Additionally, the District Staff's recommendations, including recommended findings, is to be published at least 15 days prior to the Board rendering a decision. On June 26, 2024, in compliance with *EC* section 47605, the Board held a public hearing, and on August 26, 2024, this Staff Analysis of the material revision petition setting forth District staff's recommendations, including recommended findings, were published by posting to the District website and sent to the lead charter petitioner. On August 20, 2024, Vibrant Minds submitted a revised charter petition and it is that version of the petition that the District Board will take action to approve/ deny the material revisions.

### **BACKGROUND**

Vibrant Minds was initially approved by the Board as a TK-6 school in 2014 for a five-year term. At that time, the charter was known as GOALS Academy. Thereafter, the District Board approved a material revision to allow for a change in the governance structure and a change of name. The charter has been renewed several times, for five years in each instance. Vibrant Minds' charter term was set to end on June

30, 2025, but was extended by two years to June 30, 2027, by operation of law as provided by EC section 47607.4.

Vibrant Minds is a single charter school currently operating at 412 W. Carl Karcher Way and serving approximately 240 students with approximately 350 students on a wait list.

On June 5, 2024, District received the material revision request to allow the school to move a new facility at 320 W. Broadway, Anaheim, CA beginning in the 2024/ 2025 school year. As a part of the revision, the charter school will increase its student population to 480 students.

### **EDUCATION CODE REQUIREMENTS FOR REVIEW OF A REQUEST FOR MATERIAL REVISIONS TO A CHARTER**

EC section 47607(b) states, “*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.*” As such, the standards for approval/denial of a material revision request are generally the same as those for a new charter petition EC 47605 specifies the Board “*shall consider the academic needs of the pupils the school proposes to serve*” and shall grant the requested material revisions if it is satisfied that the grant “*is consistent with sound educational practice and with the interests of the community in which the school is proposing to locate.*” The Board shall not deny the request for material revisions unless it makes written factual findings, specific to the materially revised charter petition, setting forth specific facts 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 described in Education Code Section 47605 (e).*
- (4) The petition does not contain reasonably comprehensive descriptions of all of the charter elements.*
- (5) The petition does not contain 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 (Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code).*
- (6) The material revision is demonstrably unlikely to serve the interests of the entire community in which the school is proposing to locate. Analysis of this finding shall include consideration of the fiscal impact of the proposed material revision. A written factual finding under this paragraph shall detail specific facts and circumstances that analyze and consider the following factors:*
  - a. The extent to which the proposed material revisions would substantially undermine existing services, academic offerings, or programmatic offerings.*

## *Vibrant Minds Charter School Material Revision*

- b. Whether the proposed material revisions would duplicate a program currently offered within the school district and the existing program has sufficient capacity for the pupils proposed to be served within reasonable proximity to where the charter school intends to locate.*
- (7) The school district is not positioned to absorb the fiscal impact of the proposed material revision. A school district satisfies this paragraph if it has a qualified interim certification pursuant to Section 42131 and the county superintendent of schools, in consultation with the County Office Fiscal Crisis and Management Assistance Team, certifies that approving the material revision would result in the school district having a negative interim certification pursuant to Education Code Section 42131, has a negative interim certification pursuant to 42131, or is under state receivership. Charter schools proposed in a school district satisfying one of these conditions shall be subject to a rebuttable presumption of denial.*

### **REVIEW OF THE PETITION**

District Staff reviewed the petition pursuant to California *EC* sections 47605 and 47607, and consistent with the Board. The initial requires for a material revision was submitted on June 5, 2024. Some essential information was not submitted with the petition and thus Vibrant Minds submitted additional materials and documentation on August 19, 2024. A further revised petition was submitted on August 20, 2024. It is the fully revised petition and the materials submitted on August 20<sup>th</sup> that form the basis for the Staff Analysis and Recommendations. Based on the results of the District Staff's review and analysis, and the District Staff's recommendations and recommended findings, are presented below and in the draft resolution.

#### **1. Sound educational program**

In the cover communication to its request for material revision, Vibrant Minds states the requested material change is to move to a new location starting in the 2025-2026 school year and update the charter petition to conform with any new laws enacted since the charter was renewed in 2019.

District Staff finds the petition, as revised, presents a sound educational program.

#### **2. Ability to successfully implement the program set forth in the materially revised charter**

Vibrant Minds has requested the material revision to move to 320 W. Broadway, Anaheim, beginning in the 2025- 2026 school year. As part of the move, Vibrant Minds will increase the student enrollment to 384 in the first year and increase to 480 students in the fourth year following the move.

District Staff considered the fiscal documentation and projections submitted by Vibrant Minds in order to determine if Vibrant Minds is demonstrably unlikely to successfully implement the program set forth in the materially revised charter, as analyzed more fully below.

District Staff finds the petitioners are demonstrably likely to successfully implement the program set forth in the petition.

**3. Affirmation of each of the conditions required by statute 47605(c)(4)**

Affirmations in the Vibrant Minds petition were updated to conform to the new law, with some of the required affirmations in the “Affirmations and Declaration” section and some in the Admissions Policies and Procedures element of the Charter.

District Staff finds the petition, as revised, contains the required affirmations.

**4. Reasonably comprehensive description of the required elements**

A reasonably comprehensive description must describe how the material revisions to the petition affect each of the required elements, comply with all changes to the law, and are consistent with District’s standards and expectations for charter schools under its oversight. District Staff found that the materially revised charter contains a reasonably comprehensive description of all the required elements. The specific analysis of whether there is a reasonably comprehensive description of each of the 15 required elements (Elements A-O) is set forth below:

**A. Element One: *Description of the Educational Program***

As stated above, Vibrant Minds is requesting a material revision to move its operations to 320 W. Broadway, Anaheim. Vibrant Minds states in the cover letter to its request for material revision that the material change is to allow for the move and to update the charter petition to conform with any new laws enacted since the charter was renewed in 2020. Vibrant Minds will continue to serve grades TK-6.

District Staff finds this element of the petition, as revised, includes a reasonably comprehensive description.

**B. Element Two: *Measurable Pupil Outcomes***

Previous staff analysis on this element of the petition from the 2019 renewal remains unchanged.

District Staff finds this element of the petition, as revised, includes a reasonably comprehensive description.

**C. Element Three: *Method by Which Pupil Progress in Meeting Outcomes Will Be Measured***

Previous staff analysis on this element of the petition from the renewal in 2019 remains unchanged and was addressed in the revisions to the Charter Petition.

District Staff finds this element of the petition, as revised, includes a reasonably comprehensive description.

**D. Element Four: *Governance Structure***

The move to 320 W. Broadway does not materially affect this element, and no revision was required for that purpose. The Charter did contain some references to GOALS, Inc., the corporation that formerly governed the charter school. Those references were deleted and petition updated accordingly. All previous staff analysis on this element of the petition from the renewal in 2019 remains unchanged and was addressed in the revisions to the charter.

District Staff finds this element of the petition, as revised, includes a reasonably comprehensive description.

**E. Element Five: *Employee Qualifications***

The proposed move to 320 W. Broadway did not materially affect this element, and no additional revision by Vibrant Minds was required for that purpose. All previous staff analysis on this element of the petition from the renewal in 2020 remains unchanged

District Staff finds this element of the petition, as revised, includes a reasonably comprehensive description.

**F. Element Six: *Health and Safety Policies and Procedures***

The proposed move to 320 W. Broadway did not materially affect this element, and no additional revision by Vibrant Minds was required for that purpose. All previous staff analysis on this element of the petition from the renewal in 2020 remains unchanged. Vibrant Minds revised the charter to include its commitments to comply with additional health and safety requirements of law applicable to charter schools since the time the charter was last renewed.

District Staff finds this element of the petition, as revised, includes a reasonably comprehensive description.

**G. Element Seven: *Racial, Ethnic, Special Education, and English Learner Pupil Balance***

The proposed move to 320 W. Broadway did not materially affect this element, and no additional revision by Vibrant Minds was required for that purpose. All previous staff analysis on this element of the petition from the renewal in 2020 remains unchanged.

District Staff finds this element of the petition, as revised, includes a reasonably comprehensive description.

**H. Element Eight: *Admission Policies and Procedures***

The proposed move to 320 W. Broadway did not materially affect this element, and no revision was required for that purpose. All previous staff analysis on this element of the petition from the renewal in 2020 remains unchanged.

District Staff finds this element of the petition, as revised, includes a reasonably comprehensive description.

**I. Element Nine: *Financial Audit***

The proposed move to 320 W. Broadway did not materially affect this element, and no revision was required for that purpose. All previous staff analysis on this element of the petition from the renewal in 2020 remains unchanged and was addressed in the revisions to the Charter Petition.

District Staff finds this element of the petition, as revised, includes a reasonably comprehensive description.

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

Vibrant Minds updated this section to comply with the due process requirements in *EC* section 47605(c)(5)(J), enacted as of January 1, 2020. Vibrant Minds further updated its student handbook to comply with the revised laws.

District Staff finds this element of the petition, as revised, provides a reasonably comprehensive description, but that Vibrant Minds must commit to a comprehensive plan to comply with all Title IX requirements, including in discipline cases involving discrimination on the basis of sex, and to update its student handbook to provide appropriate information about Title IX, including how to file a Title IX complaint. Vibrant Minds has made this commitment and is currently revising the applicable policies and procedures.

**K. Element Eleven: *Retirement System***

The proposed move to 320 W. Broadway did not materially affect this element , and no revision was required for that purpose. All previous staff analysis on this element of the petition from the renewal in 2019 remains unchanged and was addressed in revisions to the charter.

District Staff finds this element of the petition, as revised, includes a reasonably comprehensive description.

**L. Element Twelve: *Public School Attendance Alternatives***

The proposed move to 320 W. Broadway did not materially affect this element , and no revision was required for that purpose. All previous staff analysis on this element of the petition from the renewal in 2020 remains unchanged and was addressed in revisions to the charter.

District Staff finds this element of the petition, as revised, includes a reasonably comprehensive description.

**M. Element Thirteen: *Employee Return Rights***

The proposed move to 320 W. Broadway did not materially affect this element, and no revision was required for that purpose. All previous staff analysis on this element of the petition from the renewal in 2019 remains unchanged and was addressed in revisions to the charter.

District Staff finds this element of the petition, as revised, includes a reasonably comprehensive description.

**N. Element Fourteen: *Dispute Resolution***

The proposed move to 320 W. Broadway did not materially affect this element, and no revision was required for that purpose. All previous staff analysis on this element of the petition from the renewal in 2019 remains unchanged and was addressed in the revisions to the charter.

District Staff finds this element of the petition, as revised, includes a reasonably comprehensive description, but that Vibrant Minds should be required to commit to comply at all times with a comprehensive plan to comply with all Title IX requirements and include information about its policies and procedures for investigating and resolving internal disputes and complaints, including

pursuant to Title IX and the Uniform Complaint Procedures, in its Staff Handbook and its Student/Family Handbook.

**O. Element Fifteen: *Closure Procedures***

The proposed move to 320 W. Broadway did not materially affect this element, and no additional revision by Vibrant Minds for that purpose. All previous staff analysis on this element of the petition from the renewal in 2019 remains unchanged and was addressed in the revisions to the charter.

District Staff finds this element of the petition, as revised, includes a reasonably comprehensive description.

**\*Required Supplemental Information:**

**Financial Planning, Reports, and Accountability**

District Staff reviewed Vibrant Minds' materially revised charter petition, which includes the Budget Narrative and Budget for Fiscal Years (FY) 2025-26 through 2027-28. District Staff has also reviewed additional information from documents and the public hearing to provide clarification on Vibrant Minds' financial position. This included reviewing financial audits, monthly financial statements, state-required financial reports, annual visits, and the Fiscal Crisis Management Assessment Team (FCMAT) Local Control Funding Formula (LCFF) Calculator.

**Potential Civil Liability Effects on the School and County Office of Education**

The provisions of the charter related to insurance and indemnification, defense, and hold harmless requirements are supplemented and updated. There is no reason to believe that Vibrant Minds will not continue to abide by District's requirements, including the insurance and indemnification provisions thereof.

District Staff finds this section of the petition provides for appropriate insurance coverage and indemnification, defense, and hold harmless of the Board and District.

**1. Exclusive Public Employer**

The materially revised charter continues to include the declaration that Vibrant Minds will be the exclusive public employer of the employees of the charter school for purposes of the Educational Employment Relations Act.

District Staff finds the charter complies with this requirement of the Charter Schools Act.

**2. Community Impact**

As part of its analysis of the material revision, Board considered whether the requested material revision is demonstrably unlikely to serve the interests of the entire community. No school districts or community members expressed concerns.

District Staff does not find that the material revision is demonstrably unlikely to serve the interests of the entire community in which Vibrant Minds is located.

**3. Fiscal Impact on District**

As part of its analysis of the material revision, Board considered whether the District is positioned to absorb the fiscal impact of the charter school's requested material revision. District Staff does not find that the District is not positioned to absorb the fiscal impact of the proposed material revision.

**CONCLUSION**

District Staff reviewed the material revision petition utilizing the criteria for approval set forth in Education Code Section 47605 and 47607. Based upon its comprehensive review and analysis of the material revision, District Staff recommends that the Board adopt the Board Resolution of approval and approve the request for material revisions to the Vibrant Minds Charter School Petition, effective September 11, 2024.