

STAFF REPORT, FINDINGS OF FACT, AND RECOMMENDATIONS REGARDING CHARTER PETITION RENEWAL

On March 12, 2025, Northcoast Preparatory and Performing Arts Academy (“NPA”), a site-based charter school serving grades 6-12 with a current enrollment of roughly 130 students, submitted a renewal petition to the Humboldt County Office of Education (“HCOE”). If approved, the request would renew the charter term for the period from July 1, 2025 through June 30, 2030 and allow NPA to continue to operate a site-based charter school.

In compliance with Education Code (“EC”) § 47605(b), HCOE held a public hearing on April 16, 2025 to gauge support for the renewal petition and to hear from the petitioners. HCOE will conduct a second public hearing and render its decision on the request for renewal on May 14, 2025. This staff report was published on April 29, 2025, 15 days before that hearing.

The findings of fact and recommendations below represent HCOE’s recommendation to the Board to conditionally renew the charter under the conditions outlined below and in Exhibit A. HCOE also recommends that the Board require HCOE and NPA to enter into a Memorandum of Understanding (“MOU”) prior to June 1, 2025.

BACKGROUND

NPA was founded to continue the high school program that was originally named Big Lagoon Charter and later became Northcoast Charter High School, and subsequently added middle school. NPA was authorized by HCOE in 2007, and the charter was renewed in 2012 and 2017. State accountability systems were interrupted during the pandemic. As a result, Assembly Bill (AB) 130 provided charter schools with automatic extensions because of the interruption in publicly reported data.

LEGAL STANDARD

Pursuant to EC § 47607, charter renewals are governed by the same standards and criteria that govern initial charter petitions, as well as the standards and criteria that are unique to the renewal process, where a track record of the charter school exists for review¹.

Specifically, a charter authorizer must review the renewal petition for compliance with EC § 47605, including whether the petition contains 15 required petition elements. In addition, the charter authorizer must review the school performance record of the charter school using the criteria set out in EC § 47607 and EC § 47607.2. We discuss each set of legal criteria in more detail below.

¹ <https://sarconline.org/public/summary/12101240134163/2023-2024>

1. Legal Criteria for Renewal under Education Code § 47605

Pursuant to EC § 47607, a charter renewal petition must meet the requirements of EC § 47605. Thus, a charter authorizer must review a renewal petition to determine the following:

- Whether the charter school presents a sound educational program;
- Whether the charter school is likely to successfully implement the program set forth in the petition;
- Whether the petition contains a “clear, unequivocal” affirmation of each of the conditions described in EC § 47605(e)²;
- Whether the petition contains “reasonably comprehensive descriptions” of all of the 15 elements required in a petition pursuant to EC § 47605(c).

Charter renewal petitions must also contain a reasonably comprehensive description of any new requirement of charter schools enacted into law after the charter was originally granted or last renewed. See 5 CCR 11967.5.1 (providing the criteria to be used by the State Board of Education (“SBE”) in reviewing charter petitions).

Pursuant to EC § 47605, 47607, and 47607.2, a board that denies a charter renewal petition must make written findings to support any of the grounds listed under EC § 47605.

2. Legal Criteria for Renewal of NPA as a “Middle-Performing” Charter School under Education Code 47607.2.

Pursuant to legislation passed in 2020 (AB 1505), the California Department of Education (“CDE”) began to classify all charter schools into three renewal “tiers” – high, middle, and low – based upon the charter school’s results on the California School Dashboard. See EC §§ 47607 and 47607.2. The law creates a presumption that the renewal of a high-performing charter school will be granted; that the renewal of a low-performing charter school will be denied; and, as to a middle-performing charter school, a charter authorizer “may” grant renewal after considering certain renewal criteria.

Because NPA has been classified by CDE as a “middle tier” charter school³, we turn our attention specifically to the renewal criteria that applies to “middle tier” charter schools pursuant to EC § 47607.2.

² See 5 CCR 11967.5.1 (providing the criteria to be used by the State Board of Education (“SBE”) in reviewing charter petitions).

³ The list of charter schools and their corresponding performance categories is published by CDE and is available at: <https://www.cde.ca.gov/sp/ch/performcategory.asp>

As to a “middle tier” charter school, the charter authorizer must (1) consider the schoolwide performance and performance of all student groups served by the charter school on both the state and local indicators on the California School Dashboard; and (2) give “greater weight” to performance on measurements of academic performance in determining whether to grant a charter renewal. Further, a charter authorizer must consider “clear and convincing evidence” showing either of the following: (1) the school achieved measurable increases in academic achievement, as defined by at least one year's progress for each year in school; or (2) strong postsecondary outcomes, as defined by college enrollment, persistence, and completion rates equal to similar peers⁴. Education Code 47607.2.

In addition, a charter authorizer may only deny renewal of a charter school upon making the following written findings setting forth specific facts to support the findings (Education Code 47607.2(b)(3)):

- 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
- That its decision provided greater weight to performance on measurements of academic performance.

Findings of Fact

Our attention turns now to the application of the legal criteria set out above to the specific renewal petition of NPA and its track record of serving students. As explained in detail below, HCOE has concerns regarding whether NPA is likely to implement the program set out in their Petition. However, HCOE believes that those concerns can be resolved through the conditions attached as Exhibit A and through an MOU executed between HCOE and NPA. Thus, as explained in more detail below, staff recommends that the Board grant the request to renew NPA’s charter petition for a term of five years from July 1, 2025 through June 30, 2030 conditioned upon NPA signing and agreeing to the conditions attached as Exhibit A, and executing a Memorandum of Understanding by June 1, 2025.

School Performance

NPA has been identified by CDE as a middle-performing charter school. Thus, HCOE “may” grant renewal after considering the schoolwide performance and performance of all student groups served by the charter school on the state and local indicators. If NPA has submitted “clear and convincing evidence” of measurable increases in academic achievement or strong

⁴ Note that the foregoing reflects the law through the end of 2025 but that portions of Education Code 47607 become inoperative on January 1, 2026.

postsecondary outcomes, then HCOE must also consider such evidence. Education Code 47607.2.

Turning to the school's performance on the schoolwide performance on the state and local indicators, NPA students score above the state standards as reflected in the chart below. In 2024, the school's performance in both English Language Arts (ELA) is in the "Blue" category and Mathematics is in the "Green" category.

2024 Dashboard	NPA		Arcata High		Sunny Brae		State	
	ELA DFS	Math DFS	ELA DFS	Math DFS	ELA DFS	Math DFS	ELA DFS	Math DFS
All Students	48.5	8.8	28.1	-52.1	-65.5	-85.1	-13.2	-47.6
EL	n/a	n/a	n/a	n/a	n/a	n/a	-67.6	-93.4
African American	n/a	n/a	n/a	n/a	n/a	n/a	-58.9	-102.2
Hispanic/Latino	n/a	n/a	4.2	-108	-71.4	-91.1	-39.3	-79.2
Two or More Races	n/a	n/a	43.1	-52.9	-69.4	-92.1	24.3	-5.3
White	61.2	3.9	22.8	-44.8	-59.1	-75.7	19.2	-10.3
SED	n/a	n/a	-3.9	-104.6	-99.9	-114.1	-40.9	-78.2
SWD	n/a	n/a	-107	-184.9	-157.1	-191.2	-95.6	-124.3
Homeless	n/a	n/a	-54.7	-124.8	n/a	n/a	-70.4	-106.0

*No performance color is assigned for this result.

Thus, HCOE may grant renewal of NPA under Education Code 47607.2 since CDE has classified it as a "middle performing" charter school. While the HCOE is concerned about a couple of areas related to NPA's operations, the HCOE believes that those concerns can be resolved through the conditions attached as Exhibit A regarding measurable student outcomes. HCOE staff recommend that the Board condition renewal on agreement with the conditions regarding improving measurable student outcomes as outlined in Exhibit A.

Petition – Legal Requirements

HCOE has identified the following areas that are required by law and absent from NPA's petition, and Staff recommends that NPA be required to provide these items prior to the start of the new charter term on July 1, 2025.

- Inclusion of an academic calendar, number of school days, and instructional minutes
- Reporting of enrollment projections.

- Students will receive information on how to complete and submit FAFSA or CA Dream Act Application before entering grade 12
- Names and relevant qualifications of all persons currently serving on the governing body.
- Description of the process by which charter will resolve internal complaints and disputes
- Uniform Complaint procedures and description of how this process is communicated to parents, staff, and the community.
- Assurance that an audit will be conducted within six months of closure.
- Assurance that NPA will transfer and maintain personnel records in accordance with applicable law following closure.
- Assurances that the charter school will adopt procedures to prevent acts of bullying and cyberbullying, and make the CDE online training module available to all employees who interact with students.
- Specific practices/policies the charter school will design and implement to attract a diverse applicant pool/enrollment that is reflective of the general population, including special populations residing within the territorial jurisdiction of the district.
- Practices and policies that appear likely to achieve racial and ethnic balance.
- A clear description of how students in the community will be informed and given an equal opportunity to attend the charter school. All promotional material must clearly state the charter school will serve ALL students.
- A description of the opportunity that will be provided for the pupil to present his/her rebuttal to the charges for suspensions of fewer than 10 days.
- Acknowledgment that the charter is responsible for providing special education, instruction, and related services to the students enrolled in the school, regardless of students' district of residence.
- A description of the process for notifying the district of residence and authorizing LEA when a special education student enrolls, becomes eligible, ineligible, and/or leaves the charter.
- A description of how NPA will assist with transition to and from a district when a student with an IEP enrolls in or transfers out of the charter.
- Assurance that a Student Study Team process has been implemented.
- Clarification concerning NPA and HCOE's responsibilities for special education service delivery, including Referral, Assessment, Instruction, Due Process, and Agreements describing allocation of actual excess costs.

Accounting for Revenue Sources

EC § 47605.6(h) requires that petitioners provide information regarding the operation of the charter school, including its financial statements and operational budget.

HCOE has concerns regarding NPA's accounting practices related to funds obtained from the NPA Parent Foundation. The Authorizer does not have a clear understanding whether funds

being received by the NPA Parent Foundation are loans or donations, which impacts NPA's ability to accurately account for the revenue and potential liability expenses. As described in greater detail in Exhibit A, the MOU between HCOE and NPA will require that NPA properly identify the revenue it receives from the NPA Parent Foundation and provide notification to HCOE if NPA receives a loan from the NPA Parent Foundation. As part of this notification, NPA will be required to provide the repayment plan, including the schedule of payments.

Admission and Enrollment Procedures

HCOE is also concerned about NPA's admissions and enrollment requirements, process and timeline. NPA demographics are far less diverse than neighboring school district middle and high schools based on the 2024 Dashboard (See Table 1).

Table 1 - Comparison of NPA demographics to nearest district middle and high schools (2024 Dashboard)

	NPA		Sunny Brae Middle		Arcata High	
	Total	Percentage	Total	Percentage	Total	Percentage
English Learners	0	0.0%	10	4.2%	37	3.7%
Foster Youth	0	0.0%	3	1.3%	5	0.5%
Homeless	0	0.0%	6	2.5%	28	2.8%
SED	29	22.3%	145	60.4%	399	39.5%
SwD	9	6.9%	44	18.3%	132	13.1%
African American	2	1.5%	4	1.7%	16	1.6%
American Indian	3	2.3%	9	3.8%	34	3.4%
Asian	3	2.3%	4	1.7%	25	2.5%
Filipino	0	0.0%	0	0.0%	5	0.5%
Hispanic	7	5.4%	56	23.3%	171	16.9%
Two or More Races	21	16.2%	36	15.0%	94	9.3%
Pacific Islander	1	0.8%	0	0.0%	2	0.2%
White	92	70.8%	131	54.6%	661	65.4%
Total	130	Below Districts	240		1011	

Charter schools are required to articulate the means by which they will achieve a balance of racial and ethnic pupils, special education pupils, and English learner pupils, including redesignated fluent English proficient pupils as defined by the evaluation rubrics in EC § 52064.5, that is reflective of the general population residing within the territorial jurisdiction of the school districts in which the charter is located⁵. In addition, upon renewal, for a charter school not deemed to be a local educational agency for purposes of special education pursuant to EC § 47641, the chartering authority may consider the effect of school placements made by the chartering authority in providing a free and appropriate public education as required by the

⁵ EC § 47605.6 (H)

federal Individuals with Disabilities Education Act (Public Law 101-476), on the balance of pupils with disabilities at the charter school.

Charter schools must be nonsectarian in its programs, admission policies, employment practices, and all other operations, shall not charge tuition, and shall not discriminate against any pupil on the basis of ethnicity, national origin, gender, gender identity, gender expression, or disability. A charter school shall admit all pupils who wish to attend the charter school. If the number of pupils who wish to attend the charter school exceeds the charter school's capacity, attendance, except for existing pupils of the charter school, shall be determined by a public random drawing⁶.

Another aspect of this concern relates to the information that NPA collects through its interest form, application form, and/or enrollment form. While charter schools are permitted to establish certain preferences within the charter, preferences shall not result in limiting enrollment access for pupils with disabilities, academically low-achieving pupils, English learners, neglected or delinquent pupils, homeless pupils, or pupils who are economically disadvantaged, as determined by eligibility for any free or reduced-price meal program, foster youth, or pupils based on nationality, race, ethnicity, or sexual orientation. In accordance with EC § 49011, preferences shall not require mandatory parental volunteer hours as a criterion for admission or continued enrollment.

- In light of the above, HCOE staff recommends that the Board condition its approval of the NPA renewal petition on NPA providing HCOE with a complete copy of its 2025-26 enrollment regulations and forms and that NPA be required to provide this information to HCOE annually for the 5-year certification period.
- Additionally, NPA shall develop an enrollment plan that ensures adequate engagement of prospective students from underrepresented groups compared to neighboring schools (See Table 1). This plan must be developed and shared with HCOE prior to July 1, 2025, and updated annually during the 5-year certification period.

Conclusion

As described above, HCOE has concerns regarding whether NPA is likely to implement the program set out in their Renewal Petition. However, HCOE believes that those concerns can be resolved through the conditions attached as Exhibit A and through an MOU executed between HCOE and NPA. Thus, HCOE staff recommends that the Board grant the request to renew NPA's charter petition for a term of five years from July 1, 2025 through June 30, 2030 conditioned upon NPA signing and agreeing to the conditions attached as Exhibit A, and

⁶ EC § 47605.6 (e) (1)

executing a Memorandum of Understanding by June 1, 2025. HCOE staff recommends that the Board adopt these Findings of Fact as its own.

Exhibit A

List of Conditions

Memorandum of Understanding

District and NPA shall negotiate a Memorandum of Understanding addressing the respective rights and obligations of the parties consistent with the authorizer-charter relationship, including but not limited to the conditions set forth below, which shall be executed by June 1, 2025, and approved by the respective governing boards of the parties prior to the commencement of NPA's renewal term on July 1, 2025.

Admission and Enrollment Procedures

By July 1, 2025, NPA will provide a complete copy of its 2025-26 enrollment regulations and forms to HCOE and NPA shall provide HCOE with any updates to this information by July 1 each year during the 5-year certification period.

Additionally, NPA shall develop an enrollment plan that ensures adequate engagement of prospective students from underrepresented groups compared to neighboring schools (See Table 1). This plan must be developed and shared with HCOE prior to July 1, 2025, and updated annually during the 5-year certification period.

Accounting for Revenue Sources

During the term of the charter, NPA shall identify the revenue it receives from the NPA Parent Foundation as either a donation or a loan. If NPA receives a loan from the NPA Parent Foundation, it shall provide HCOE with prior notification and it shall provide HCOE with the loan repayment plan, including the schedule of payments.

Petition Requirements

Prior to July 1, 2025, NPA shall provide the following items to HCOE:

- Inclusion of an academic calendar, number of school days, and instructional minutes
- Reporting of enrollment projections.
- Students will receive information on how to complete and submit FAFSA or CA Dream Act Application before entering grade 12
- Names and relevant qualifications of all persons currently serving on the governing body.
- Description of the process by which charter will resolve internal complaints and disputes.
- Uniform Complaint procedures and description of how this process is communicated to parents, staff, and the community.

- Assurance that an audit will be conducted within six months of closure.
- Assurance that NPA will transfer and maintain personnel records in accordance with applicable law following closure.
- Assurances that the charter school will adopt procedures to prevent acts of bullying and cyberbullying, and make the CDE online training module available to all employees who interact with students.
- Specific practices/policies the charter school will design and implement to attract a diverse applicant pool/enrollment that is reflective of the general population, including special populations residing within the territorial jurisdiction of the district.
- Practices and policies that appear likely to achieve racial and ethnic balance.
- A clear description of how students in the community will be informed and given an equal opportunity to attend the charter school. All promotional material must clearly state the charter school will serve ALL students.
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- Acknowledgment that the charter is responsible for providing special education, instruction, and related services to the students enrolled in the school, regardless of students' district of residence.
- A description of the process for notifying the district of residence and authorizing LEA when a special education student enrolls, becomes eligible, ineligible, and/or leaves the charter.
- A description of how NPA will assist with transition to and from a district when a student with an IEP enrolls in or transfers out of the charter.
- Assurance that a Student Study Team process has been implemented.
- Clarification concerning NPA and HCOE's responsibilities for special education service delivery, including Referral, Assessment, Instruction, Due Process, and Agreements describing allocation of actual excess costs.

By signing this document, NPA acknowledges and agrees to the requirements set forth herein.

Adam Hess, Director

Date