



ORANGE COUNTY DEPARTMENT OF EDUCATION

Staff Report for the Appeal of Irvine International Academy December 22, 2020

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I. INTRODUCTION

The purpose of this report is to summarize significant findings based on a comprehensive review by Orange County Department of Education (OCDE) staff of the Irvine International Academy charter school petition presented on appeal following denial by the governing board of the Irvine Unified School District, and to provide recommendations for consideration by the Orange County Board of Education (the Board).

Based on the factual findings regarding the charter petition set forth in this Staff Report, which includes information gathered throughout the entire review process, a public hearing held on November 4, 2020, and a clarification meeting with charter school representatives on November 18, 2020, OCDE staff recommend that the Board approve with conditions the Irvine International Academy charter school petition for a charter term of five years from July 1, 2020 to June 30, 2026. This report contains findings of fact reflecting areas of concern to be addressed in an Agreement by the parties, should the Board approve the charter petition with conditions. Should the Board take action to deny the charter school petition, the Board may adopt this Staff Report as its written findings in support of the denial.

II. BACKGROUND

Irvine International Academy proposes to be a seat-based, Mandarin language immersion charter school, serving 512 students from transitional kindergarten through grade six. Irvine International Academy plans to operate within the boundaries of the Irvine Unified School district.

On October 8, 2020, Irvine International Academy submitted an appeal to the Board and a public hearing was held on November 4, 2020, on the provisions of the charter petition and to consider the level of support for the petition by teachers employed by the school district, other employees of the school district and parents.

III. LEGAL STANDARD

Education Code section 47605(k) indicates, "If the governing board of a school district denies a petition, the petitioner may elect to submit the petition for the establishment of a charter school to the county board of education." The county board of education shall review the petition pursuant to Education Code sections 47605(b) & (c).

IV. SUMMARY OF FINDINGS¹

The factual findings outlined in this report, which are condensed to the most significant areas, should be addressed either in an Agreement between the parties should the Board approve the charter petition or may be used as a basis for denial should the Board deny the appeal.

A. The petition does not contain reasonably comprehensive descriptions of the required elements under Education code section 47605.

1. The charter petition does not comply with Education Code section 47605(l). Although the petitioners clarified that they understood that all teachers must hold a Commission on Teacher Credentialing certificate, permit, or other document required for the teacher's certificated assignment, page 136 of the charter petition states that "other certificated staff" in noncore, non-college preparatory courses and activities may have flexibility in regards their certification.
2. While the charter petition includes before and after school tutoring in Mandarin by instructional assistants, and peer help from native Mandarin speaking students, the charter lacks information on what structured supports will be provide to students by credentialed teachers during the regular school day to increase language proficiency of non-native speakers.

B. The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition.

1. It remains unclear if the school leadership have a comprehensive understanding of the services required by law for English learners, how to provide designated time for English learners in public schools, and how to ensure that students are exposed to academic language in the school setting, during the regular school day.
2. The charter school has not secured a facility for its first year of operation and appears to be relying completely on a Proposition 39 offer from Irvine Unified School District. However, it is uncertain if the charter will meet the minimum enrollment requirements to be granted a district facility.
3. During the November 4, 2020 public hearing, no teachers employed by the school district, other employees of the school district, or parents provided comments in support of the charter petition. Due to current circumstances that make recruiting difficult, the

¹ The legal basis for the reviewed items includes the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. §1232g; Individuals with Disabilities Education Act (IDEA), 20 U.S.C. § 1400 *et seq.*; Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794; California Education Code §§ 47605, 47607, 52052, 49010 *et seq.*; Title V, California Code of Regulations § 11967.5.1.

uncertainty regarding the location of the school's facility, and lack of community support at the public hearing, the school's first-year enrollment may be significantly overestimated.

4. During the clarification meeting, school leaders indicated that the school may rely on the use of Mandarin speaking teachers or instructional aids from China. It is unclear whether such teachers would meet credentialing requirements under Education Code section 47605(1) or if the charter school would incur additional costs not reflected in the budget for recruiting teachers from China.

V. STAFF RECOMMENDATION

Orange County Department of Education staff recommend that the Orange County Board of Education approve with conditions the Irvine International Academy charter school petition and require the execution of an Agreement to address the issues outlined in this Staff Report.

VI. CONCLUSION

The Board has three options for action regarding a charter petition on appeal:

- Option One: Approve the charter petition as written.
- Option Two: Approve the charter petition with conditions. This action would result in the charter petition being approved and require the execution of an Agreement to address the issues outlined in the Staff Report.
- Option Three: Deny the charter petition.

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