



**ORANGE COUNTY DEPARTMENT OF EDUCATION**  
**Staff Report Findings of Fact and Recommendations**  
**Tustin International Charter School**  
**March 18, 2025**

**I. INTRODUCTION**

The following is a summary of the review conducted by Orange County Department of Education staff of the Tustin International Charter School petition to establish a charter school presented on appeal following a denial by the governing board of the Tustin Unified School District. The information in this report has been condensed to the most significant issues and does not include all areas of concern. In addition, commendations or suggestions for improvement are not included, as the review process is intended to target deficits.

Based on information gathered throughout the review process, which included a clarification meeting held with petitioners on February 11, 2025, the staff recommends approval with conditions of the Tustin International Charter School petition. This action would result in the approval of the charter and require the execution of an Agreement to address the issues outlined in this Staff Report and establish appropriate timelines for the petitioners to meet the conditions as specified.

**II. BACKGROUND**

On January 8, 2025, Mandarin Immersion Schools, Inc., a California nonprofit public benefit corporation (Petitioner), submitted a charter petition to the Orange County Board of Education (the Board), appealing the Tustin Unified School District Board's December 19, 2024, denial of its request to operate Tustin International Charter School within the district's boundaries. Tustin International Charter School (Charter School) proposes to utilize year one of its charter term for planning purposes and to begin serving students in transitional kindergarten through grade five in the 2026-27 academic year.

On March 5, 2025, the Board held a public hearing 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.

The Board must take action to either grant or deny the charter within ninety (90) days of receipt of the petition unless this date is extended by up to an additional 30 days by agreement. Board action is scheduled to occur at the regular meeting of the Board on April 2, 2025.

**III. LEGAL STANDARD**

Education Code section 47605(k)(1)(A)(i) states: "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 according to Education Code sections 47605(b) & (c).

Should the Board approve the petition, the Board would become the charter authorizer for the Charter School. Should the Board deny the petition, the petitioner may appeal that denial to the state board within 30 days of the denial.

Under Education Code section 47605(c), the Board shall not deny a petition for the establishment of a charter school unless it makes written factual findings specific to the particular petition, setting forth specific facts to support one or more of the following:

- 1) 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 the number of signatures required by subdivision (e).
- 4) The petition does not contain an affirmation of each of the conditions described in subdivision (e).
- 5) The petition does not contain reasonably comprehensive descriptions of the required elements under Education Code section 47605.
- 6) The petition does not contain a declaration of whether or not the school shall be deemed the exclusive 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.
- 7) The charter school is demonstrably unlikely to serve the interests of the entire community in which the school is proposing to locate.
- 8) The school district is not positioned to absorb the fiscal impact of the proposed charter school.

If a school district's denial of the petition was made pursuant to Education Code section 47605(c)(8), the Board shall also review the school district's related findings.

#### **IV. SUMMARY OF FINDINGS**

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 adopted as a basis for denial should the Board deny the appeal.

##### **A. Charter school fails to provide a reasonably comprehensive description of the educational program of the school required by Education Code section 47605(c)(5)(A)**

According to the charter petition, the proposed school will provide 50% of its instruction to students in English and the remaining 50% in Mandarin. With an educational program that includes second language immersion as a core component of the charter, in which some core subjects are taught entirely in Mandarin, OCDE determined that the most

significant areas of concern are (1) Support for English Language Learners, (2) Special Education Compliance, (3) How to meet the needs of students achieving below grade level expectations, and (4) Curriculum for core subject mastery and language acquisition.

1. Charter School lacks a comprehensive plan that includes clear metrics for reclassifying English language learners, support for reclassified learners for the required four years, strategies to address the needs of long-term English language learners and provisions for students learning Mandarin and English concurrently. The petition states that the school will deliver integrated and designated English Language Development (ELD) in the school's educational program. However, it is unclear when and how this will be done and what additional support will be provided to long-term English learners, reclassified students, and those attempting to master two languages.

Upon seeking further clarification of what interventions would exist for English learners (ELs) who struggle with both English and Mandarin, the lead petitioners, one of whom will serve as the principal/executive director, explained that students would have online access to a curriculum at home, may work with a reading specialist or in small groups, and may come before and after school for additional support. Working with students in small groups can assist with language acquisition, but ELs should have constant and targeted support throughout the instructional day. The English Language Arts/English Language Development (ELA/ELD) Framework for California Public Schools states, "All teachers should attend to the language learning needs of their ELs in strategic ways that promote the simultaneous development of content knowledge and advanced levels of English....Throughout the school day and across the disciplines, ELs learn to use English as they simultaneously learn content knowledge through English." This is done partly through Integrated ELD, which refers to ELD taught throughout the day across all content areas and designated ELD, a protected time during the regular school day when the teacher uses ELD standards as a focal point to build and develop English language knowledge and skills. Both of which are led by a credentialed teacher. Using an online curriculum or supporting this population before and after school only fails to comply with the English Language Arts/English Language Development (ELA/ELD) Framework for California Public Schools.

2. The petition lacks the necessary information regarding how the school will meet the needs of students with disabilities. Specifically, the petition fails to clearly explain how the school will differentiate instruction to accommodate students with special needs. During the clarification meeting on February 11, 2025, when petitioners were asked to elaborate on the school's plan for diverse learners, particularly regarding page 66 of the petition, the response indicated a misunderstanding of the special education process. The petitioners mentioned monthly IEP meetings and the process of first conducting an SST (Student Study Team) before moving to a resource specialist and scheduling an IEP meeting. This response conflates the process of supporting students with

disabilities and low-achieving students. IEP meetings are held annually, and a resource specialist only works with students receiving special education services, not automatically assigned to all low-achieving students. Furthermore, the petition fails to outline how the school will provide the necessary accommodations and support for students with special needs in accordance with legal requirements.

3. The petition lacks a clear plan for addressing the needs of low-achieving students who require additional support. While the petition outlines tier 1 interventions, including small group work and targeted skill-building activities for academically low-achieving students, it assumes these students will have IEPs (Pages 66-69 of the petition). This approach does not address the needs of all struggling students, as those who are low-achieving but do not have IEPs may not be included in these interventions. Low-achieving students may need different strategies to meet grade-level expectations, yet the petition does not present a framework to identify and support these students. Unlike students with special needs, these students do not receive automatic special education services but benefit from additional resources, such as tutoring or differentiated instruction, to improve their academic performance. There is no indication of how the school will differentiate instruction or provide targeted interventions for these students to meet grade-level expectations.
4. The petition presents inconsistencies regarding the curriculum, which raises questions about its implementation. For example, page 42 of the petition states, "Instruction in Mandarin Language Arts, Mathematics, and half of the Social Studies curriculum will be conducted in Mandarin." In contrast, pages 47 and 61 indicate that mathematics will be taught in English. When this discrepancy was raised, petitioners clarified that mathematics would be taught in Mandarin.

The review team also questioned information on page 42 of the petition: "To ensure pedagogical coherence and alignment with the Common Core State Standards, our Mandarin teaching staff will be responsible for curriculum development in the subjects instructed in Mandarin." The petition states that curriculum development will occur on Wednesdays during the minimum school day. In a multi-lingual school environment where 50% of instruction will be in Mandarin, all personnel must be prepared to support and address the diverse learning needs of its population using practical tools grounded in best practices and expertise in differentiating instruction that comes from appropriate professional development and the guidance of an instructional leader.

When asked when the Mandarin teaching staff would have time to plan, meet in professional learning communities, or participate in the professional development that the school specifies will take place on Wednesdays, the proposed principal/executive director stated that this was a mistake in the petition and the Mandarin teachers would not create the curriculum. Instead, the school would purchase the necessary curriculum.

These discrepancies suggest the need for further clarification on how the school plans to deliver its educational program.

## **V. RECOMMENDATION**

OCDE staff recommends that the Board approve with conditions the Tustin International Charter School charter petition for a term of five years from July 1, 2025, to June 30, 2030. To satisfy the conditions, the petitioner and the Board must fully execute an Agreement that addresses all of the findings in this report, establishes appropriate timelines for the petitioners to satisfy the conditions, and delineates the operational relationship between the school, the Board, and OCDE, no later than the Board's regularly scheduled meeting in June 2025.

## **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 findings outlined in the Staff Report.
- Option Three: Deny the charter petition.

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