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August 16, 2021

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Los Angeles County Board of Education
c/o Betty Forrester, President
9300 Imperial Highway
Downey, CA 90242

Re: ITEM V.A. Report on Future is Now Preparatory, Grades 6 -12 Failure to Fulfill Conditions of Authorization

Dear Members of the Los Angeles County Board of Education:

This letter is a response to the staff report (“Staff Report”) posted by Los Angeles County Office of Education (“LACOE”) on *Future Is Now Preparatory, Grades 6 -12 Failure to Fulfill Conditions of Authorization* (“FIN Prep”).

County staff concerns and findings while appreciated do not substitute for the facts. The facts are in each instance FIN Prep has responded to all concerns and findings and has submitted requested information at each interim, Fiscal Stabilization Plan, the Notice to Cure, the Material Revision and the item before you today as a board.

A key factual reminder is that the school has not opened. The curriculum and educational plan will be in compliance with every state and federal law.

To revoke the charter of Future Is Now Preparatory, the school by law should receive a minimum of thirty days cure the concerns. On July 21st FIN Prep responded to the July 7th Notice to Cure. To date, there has not been communication to the adequacy of the response.

Moving to receive a report and action to revoke our charter petition on August 17, 2021 does not meet the intent of the law. We hereby request you vote no on the revocation based on the facts provided here in this letter as well as the previous responses provided, and delay if you need additional factual evidence. Please provide FIN Prep with the requisite reasonable opportunity to cure the concerns.

The recommendation of the superintendent and staff to revoke charter was submitted prior to thirty days after our response to the *Notice to Cure*, and disregards steps we are taking to correct the deficit and recruit students.

During these uncommon times, FIN Prep could not follow standard student recruitment practices. We chose to delay school opening until fall 2021 as we made good faith attempts to stay safe and recruit our first-year cohort.

FIN Prep's charter petition more than meets the legal standard for approval. There are limited grounds for charter denial under Education Code § 47605.6(b), and the Staff Report fails to set forth findings sufficient to support any of these. The Staff Report's findings focus on minor issues that can either be cured by collaborative technical amendments to the charter petition or are not issues at all under the law. We urge the County Board to approve FIN Prep's charter petition for the benefit of homeless, foster, and other resilience youth throughout Los Angeles County.

We very much appreciate the Los Angeles County Board of Education's ("County Board") approval at its July 21, 2020 Board meeting where the Board took action indicating FIN Prep meets the Education Code § 47605.6(a) "Countywide Status" requirements because FIN Prep will offer services to students who cannot be served as well by a local district charter.

We request that the County Board refrain from voting on this item at this time as we are making progress in opening the school, including enrolling students.

Staff Report Failure to Comply with Conditions of Authorization (4b) and (6b):

LACOE CONCERN (4b) Evidence of prospective enrollment of 180 students. The petition states the school expects to enroll 225 students in its first year of operation. Per the MOU, any variance in enrollment greater than 20% requires a material revision to the charter.

The facts are on July 21, 2021 FIN Prep responded to the *Notice to Cure* by submitting a material revision which reflected a 30% decrease in projected student enrollment, a revised

budget and cash flow statement, and evidence of committed grants. Additionally, we highlighted staff's acknowledgement of the May 24, 2021 FIN Prep communication that Staff's July letter stated was missing. On July 30, 2021 we provided evidence of twelve students who indicated intent to enroll. The response to the submission was there was not enough time for LACOE's staff to verify to certify FIN Prep's PENSEC.

As the Staff Report acknowledges, "On September 30, 2020 FIN, submitted notification, indicating they were delaying opening for the 2020-2021 school year, SB 98 authorized a charter school that is scheduled to open, or pursuant to its petition will add grade levels, in the 2020-2021 school year to delay opening or adding grade levels for one year without requesting a material revision to its charter petition , as provided." Upon acceptance of the notification, FIN Prep understood that student recruitment would be for the 2021-2022 school year. Throughout 2020-2021 staff at FIN Prep met agencies, promoted the school on its website and social media pages, mailed marketing materials to faith-based organizations and community groups in the Antelope Valley.

FIN Prep's student recruitment strategy has targeted programs that serve our targeted student populations. In the past year, we have outreached to youth program providers, community and faith-based leaders to introduce our program to potential families and neighbors. Our student recruitment efforts are picking up now and through summer. We have Numerous discussions with the Antelope Valley Boys and Girls Club including planning a recruitment event, local churches, and Valley Oasis to host recruitment efforts.

Given the pandemic restrictions, prior to June 2021 direct outreach to parents and students was limited. Students are now enrolling as we are making direct contact with youth and their parents/guardians. We will continue to keep LACOE updated with weekly status reports until the start of school, when they will then be provided with enrollment and attendance reports.

LACOE CONCERN (6b) By September 1, 2020 the school shall submit to LACOE a revised 2020-2021 budget.

The facts are budget revisions and monthly financial reports have been submitted to LACOE on a consistent basis, a Fiscal Stabilization Plan and a response to the Notice to Cure have all been submitted. Budget revisions for 2020-2021 were submitted via email to the Business Service Office with the interim reports and on the following dates:

- September 1, 2020
- November 1, 2020
- December 18, 2020
- February 16, 2021
- March 5, 2021

Staff of Future Is Now Preparatory took a conservative approach to the revised budget and cash flow projection. We did not account for supplemental support, which will increase our per-pupil revenue in the 2021-2022 school year. Annual revenues are forecasted to come from LCFF, categorical funding. We are analyzing recent materials for additional federal and state revenue related to foster, homeless, and juvenile justice youth, broadband, CTE, wraparound services, educational equity, professional development and teacher residencies.

Additionally, FINSLA is looking into revenue streams based on program offerings, services, student populations and parent profiles as we increase our enrollment and expand our service offerings. We will be eligible for a variety of federal funding, including federal entitlement funds and funds through various discretionary grant programs. Staff and the Board of Directors are aware of a need to raise an additional \$500,000 in funding to ensure fiscal solvency including maintaining financial reserve. Evidence of committed grants including the Public Charter School Grant Program Planning Grant, and the strong prospect of receiving the Implementation grant were provided to LACOE staff via email.

The 2021-2022 budget and first revision were submitted via email to the Business Service Office on June 9, 2021 and July 21, 2021 respectively :

Additional Concerns

Staff have noted additional concerns for the Board's Consideration

- **Ongoing Brown Act violations**
- **Failure to provide evidence for negotiated contracts**
- **Failure to provide evidence of credentialed employees**
- **Conflict of Interest concerns with CEO as board member**
- **County Board may be liable for paying for the school's audit**

The Facts

Staff and board members of FIN Prep continue to receive Brown Act training, including annual training. Areas of concern raised by LACOE staff have been addressed. Corrective actions include posting meeting dates on several sections of our website, curating board documents on one page for easier access, agendaizing public comment at meetings, and recording meetings using a cloud service. No member of the public has been denied the right to attend or speak at a Future Is Now Schools – Los Angeles board meeting. Board meetings have been publicized on the website site in accordance with the Brown Act timelines. We recognize this is an area of continuous improvement and training.

Staff of both the Charter School Office and the Business Service Office were provided negotiated contracts via Dropbox and email. We appreciate the guidance and support the staff of the Business Service Office provided during our selection of an auditor.

In September 2020 we provided LACOE staff with evidenced of credentialed employees that had been hired. Upon delaying the start of school to September 2021 we

furloughed our staff. We will resubmit credentials of returning staff and newly hired staff prior to the start of the school year.

The Staff Report raises concerns because the Chief Executive Officer has served on FIN Prep’s Board. SB 126 made clear Government Code § 1090 does not prohibit an employee of a charter school from serving as a member of the governing body of the charter school. (Education Code § 47604.1. In an abundance of caution, on August 13, 2021, the CEO resigned as a board member.

FIN Prep does not expect LACOE to pay for its audit. As the school makes progress and opens in September 2021, we expect our funding to cover to the cost of the audit and have budgeted for the initial audit from inception through June 2022.

Required Notice to the County Board

In the case of a countywide charter, the County Board may impose additional conditions of authorization per Education Code (EC) 47605.6(b). The Conditions state, “If any part or sub-part of conditions two (2) through eight (8) is not met by the date specified, the Superintendent will notify the County Board at a regularly scheduled meeting. Failure to meet any of the conditions by the specified timeline is grounds for termination, subject to County Board Approval.” Additionally, “Terminating authorization of the charter is considered a denial.”

Written Findings in Support of Denial Education Code section 47605(b) limits the reasons for denying a charter petition to the following:

- (1) The charter school presents an unsound educational program.**
- (2) The petitioners are demonstrably unlikely to successfully implement the program.**
- (3) The petition does not contain the required number of signatures.**
- (4) The petition does not contain an affirmation of specified assurances.**
- (5) The petition does not contain reasonably comprehensive descriptions of the 15 required elements of a charter.**

The Facts

On July 21, 2020 FIN Prep submitted the following response to staff’s recommendation for denial of the Future Is Now Preparatory charter petition.

Staff Report Finding #1: The Staff Report provides no justification for finding that the FIN Prep charter petition presents an unsound educational program.

The Staff Report baselessly claims FIN Prep’s charter petition is not consistent with sound educational practices and not likely to be of educational benefit to pupils who attend. This is refuted by the charter, which details how FIN Prep’s educational model and support services are tailored to benefit homeless, foster, and other resilience youth.

Boarding schools are not group homes. Many of the top schools in the country are private boarding schools attended by children of families of affluence. A residential campus environment ensures that students are immersed in an educational world where learning is central to all activities. It's a unique setting that promotes common experience, camaraderie, friendship, trust and honesty between children and adults. For homeless youth, their parents are guardians have the legal right to place them in our residential setting. Our proposed residential 5/ 2 model is in the spirit of AB 403 with facilitating family reunification. In 2019, Life Learning Academy, a public charter school, on San Francisco's Treasure Island opened a dormitory.

The Staff Report also claims the charter petition does not present a sound educational program because FIN Prep does not address the McKinney-Vento Act. Yet, the charter petition expressly references this law. (Charter, pgs. 13, 153). The Staff Report then claims FIN Prep's team did not accurately describe all aspects of "Education Code § 51225" in the capacity interview. First, this statute does not exist. We believe the Staff Report meant to reference AB 216 and Education Code § 51225.1, which the charter petition addresses in detail on pages 117-118. These errors and other issues raised by the Staff Report do not justify denying an education program that will help reach an underserved student population.

Overall, criticism from the capacity interview as unfair and overreaching. The law and regulations require that the leaders of charter schools be familiar with the laws not that they be able to recite each statute verbatim from memory. This is another example of an opinion. If LACOE has a standard for adequacy of knowledge, it should state that standard and describe the facts that establish the standard was not met.

In the charter petition we put LACOE on notice about the plan to request a material revision in year four. Judgment against the revision should be withheld until that amendment is submitted.

Staff Report Finding #2: The Staff Report improperly found the petitioners are demonstrably unlikely to successfully implement the program described in the charter petition. This like many of staff points are opinions.

As described in the charter petition, FIN Prep's experienced and dedicated team is poised to successfully implement this program.

There is no credible basis for the finding that FIN Prep is unlikely to succeed in implementing the charter petition. For example, the Staff Report again relies on its inaccurate claim that the FIN Prep team is not aware of the requirements of the nonexistent "Education Code § 51225" to support this finding. The FIN Prep charter petition addresses

the appropriate laws regarding reducing graduation requirements for foster and other at-risk youth. (Charter, pgs. 117-118.)

Staff Report Finding #3: The Staff Report confirms FIN Prep’s charter petition satisfied the signature requirements for a countywide charter petition.

Staff Report Finding #4: The Staff Report confirms FIN Prep’s charter petition contains an affirmation of each of the conditions required by law.

Staff Report Finding #5: The Staff Report improperly found that FIN Prep’s charter does not contain a reasonably comprehensive description of all required elements.

The Staff Report’s finding that the FIN Prep charter petition is not “reasonably comprehensive” is unsupported by the charter itself. FIN Prep’s approximately 215- pages charter petition contains substantive information that is specific to FIN Prep and addresses all aspects of the elements required under the Charter Schools Act.

The Staff Report features numerous errors about the content of the charter petition. For example, the Staff Report claims there is no information about the English Language Development curriculum, but the charter contains a robust discussion about this very topic. (Charter, pgs. 62-64.)

Edges as the curriculum FIN Prep will be using for ELD level 1-4 courses. We also discussed at the capacity interview that we would use *Kate Kinsella's Academic Vocabulary Toolkit* and *English 3D* for our EL students who are still waiting to redesignate. Additionally, on pages 104-105 of our petition we identify instructional strategies that will be used both in ELD courses and content courses to support our English Learners.

The Staff Report also suggests the discussion of the Local Control and Accountability Plan does not adequately address how homeless and foster youth will be supported. The LCAP is a living document and the charter includes significant detail about FIN Prep’s annual goals, with specific annual actions to achieve these goals, for homeless and foster youth aligned with the eight state priorities identified in Education Code § 52060(d). (Charter, pgs. 48-60.) The key fact the school has not opened.

Our goal is to change the life outcomes of vulnerable, traumatized youth populations by creating roadmaps for students to achieve their educational goals and gain the support they need to master literacy, numeracy, skills, and more. Our charter petition sets our first year of operation as a baseline year as a starting point to gain a deeper understanding of our student population and their needs. Once we have mapped our baseline data, we propose to improve annually from 1 to 3 percent with all subgroups of our student populations including high-risk students, Black/ African American students, LatinX students, English language learners, and students with disabilities.

FIN Prep's staffing model includes a Director of Counseling, Counselors and Social Workers to meet the needs of our high-risk student population. Additionally, each student will receive a Personal Learning and Development Plan (PLDP) that is monitored by our counseling staff. This process will facilitate the identification of students needing additional intervention and support, and any necessary changes will be made.

The remaining issues raised in the Staff Report do not support denying nor revoking this charter petition. FIN Prep's charter exceeds legal standards and any questions the LACOE staff may have had about the details of our education program could have been easily addressed at the capacity interview and through technical amendments. If the County Board or LACOE staff wants to see more detail in specific areas, we are amenable to discussing technical amendments to the charter to cure any identified concerns.

The leadership and staff of FIN Prep share concerns over the delayed funding and slow student recruitment and have acted to remedy, and to comply with the vision of the school and the laws. In some cases, the concerns of LACOE staff are based on incomplete information or nonfactual evidence which FIN Prep hopes has been provided here again today. Our aim continues to be transparent, honest and dedicated to the learning of students at all times including these difficult circumstances.

We applaud the county in your efforts to remedy the poor education that has existed for far too long for far too many youth. FIN Prep is aware of those county efforts, and remain committed to distinguishing its program as a high-quality solution that integrates wrap-around services and academics.

We urge you to vote no on the revocation of FIN Prep's charter, your countywide benefit charter. If you need additional facts not provided here and in previously submitted timely responses, please provide us the requisite reasonable opportunity to cure the concerns, and 30 days' notice. We remain ready and willing to work with the County Board and LACOE staff to resolve any concerns they may have for the benefit of youth throughout the County.

Sincerely,



Steve Barr
Lead Petitioner
Future is Now Preparatory