



Mountain View  
Whisman  
School District

# Bullis Charter Petition review

December 20, 2018





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# Petition

# Official receipt of petition: Education Code section 47605 subd. (a)

No later than 30 days after receiving a petition, in accordance with subdivision (a), the governing board of the school district shall hold a public hearing on the provisions of the charter, at which time the governing board of the school district shall consider the level of support for the petition by teachers employed by the district, other employees of the district, and parents. Following review of the petition and the public hearing, the governing board of the school district shall either grant or deny the charter within 60 days of receipt of the petition, provided, however, that the date may be extended by an additional 30 days if both parties agree to the extension.

# Official Receipt

- As outlined in Education Code Section 47605 subd. (a)
  - Held a public hearing - completed 12/6/18
  - Grant or deny the charter within 60 days of receipt
    - A second official request sent to representatives of Bullis Charter School (email and US mail) requesting an extension to January 10
      - This request was denied by Bullis Mountain View Representatives

# Proposition 39

- **Proposition 39** (“**Prop. 39**”) is a state law passed by California voters in 2000, which requires **school districts** to make facilities (including both classroom and non-classroom spaces) available to public **charter schools** serving students who reside in the district
  - A Prop. 39 request for facilities was made - November 1
    - There is a specific timeline to which the District must adhere
    - This process runs parallel to the charter petition
  - A charter school must demonstrate that at least 80 students, who live within the District’s boundary plan on attending



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# Reviewing the Charter Petition and Prop. 39 Request

# Communications to Date

Prior to the submission of the petition, Bullis representatives had met with MVWSD staff three times

- 2/24/16 - Tour of Bullis Los Altos
- 11/28/17 - Meeting with Grace Yang to discuss Bullis Booster Camp
- 2/26/18 - Meeting with Bullis in which they expressed interest in the possibility of partnering with a yet to be identified district. District staff indicated no interest.

# Communications....

MVWSD staff members were informed of Bullis' intent to submit a charter in a 8/31/18 article in the *Mountain View Voice*.

Since then MVWSD staff have met with Bullis on the following dates

- October 3 and 14
- November 14



# Review of the Charter

A team of District staff, with the assistance of the District's legal counsel, conducted a comprehensive review of the Petition.

Education Code section 47605, subdivision (b), sets forth the following guidelines for governing boards to consider in reviewing charter petitions:

# Review of Charter, con't...

- The chartering authority shall be guided by the intent of the Legislature that charter schools are and should become an integral part of the California educational system and that establishment of charter schools should be encouraged.
- A school district governing board shall grant a charter for the operation of a school under this part if it is satisfied that granting the charter is consistent with sound educational practice.
- The governing board of the school district 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 findings:

# Review of Charter... reasons for denial

- *The charter school presents an unsound educational program for the pupils to be enrolled in the charter school.*
- *The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition.*
- *The petition does not contain the number of signatures required by statute.*
- *The petition does not contain an affirmation of each of the conditions required by statute.*
- *The petition does not contain reasonably comprehensive descriptions of the required elements of a charter petition.*
- *The petition does not contain a declaration of whether or not the charter school shall be deemed the exclusive public employer of the employees of the charter school.*

# Public Hearing

On December 6, MVWSD held a public hearing in which Trustees and community members voiced the following concerns:

- Track record with Socio-Economically Disadvantaged students
- Outreach to the larger community including district ELACs, PTAs and parents
- Ability to reach their targeted demographic

# Proposition 39

- Bullis Charter must provide us with the projected number of in-district students and support their projection with documentation.
- Penalty for being 25 students below (or 10%), for each student after that is approximately \$2,000 per student
- The district may make efforts to verify residency - November 14th



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# Findings

# Proposition 39

- MVWSD conducted a public verification process session on November 14.
  - MVWSD determined that BMV does meet the minimal requirement for Proposition 39.
  - MVWSD is currently undergoing a facility analysis in preparation for MVWSD initial offering (February 1, 2019).

# Findings

The following recommendations are based upon and address issues and/or deficiencies identified in the Petition and/or its supporting documents that may support a finding(s) that the Charter School presents an unsound educational program for the pupils to be enrolled in the Charter School; Petitioners are demonstrably unlikely to successfully implement the program set forth in the Petition; and/or the Petition does not contain reasonably comprehensive descriptions of the required elements of a charter petition. (Ed. Code, § 47605, subd. (b).)



# Finding #1 - Governance

The Charter School's structure raises concerns regarding the adequacy of representation and participation of members of the Mountain View community.

- Many, if not most, of the individuals speaking in support of BMV were not residents of Mountain View but were instead from Los Altos or associated with Bullis Los Altos.
- Furthermore, BMV did not have support from any organization representing Mountain View students and families, or its target populations.

# Recommendation - Governance

To address potential conflicts of interest, governance concerns, and ensure local participation in BMV's governance, District staff recommends the Petition require at least the majority of BMV's Board members reside within the boundaries of Mountain View and/or the Mountain View Whisman School District.

# Finding #2 - Measurable Pupil Outcomes

Under “Measurable Pupil Outcomes and Methods to Assess Pupil Progress,” of the Petition, the Petition does not appear to indicate any defined measures that will allow the District to compare the Charter School’s academic performance with that of the District.

- Comparable defined measures are necessary since the Petition states that students of the Charter School, including students within each subgroup will exceed the average performance level of comparable student subgroups of the District’s schools.
- The incorporation of defined measures to allow the District to compare BMV’s academic performance with its own is important to the District’s oversight efforts, especially in light of the Charter School’s purpose to serve historically underserved student communities.

# Recommendation - Measurable Pupil Outcomes

To address the lack of defined measures to enable the District to compare performance with the Charter School, District staff recommends:

- The Petition require BMV to utilize the same benchmark and reading assessments used by the District each school year, conduct such assessments on a trimester basis, and meet assessment reporting deadlines as designated by the District.
- The Petition require that the Charter School exceed Districtwide assessment results for all pupil subgroups by not less than five (5) percent.

# Finding #3 - Finances

The Budget Narrative appears to utilize inaccurate estimations of Free and Reduced Price Lunch (“FRPL”) and English Language Learner (“ELL”) students in its budget assumptions.

- The budget assumes a FRPL rate of 40% and an ELL rate of 32%. (Appendix 20, Budget Narrative, p. 2.)
  - The District’s FRPL rate is 42% and its ELL rate is 24%. Furthermore, the District’s rate of socio-economically disadvantaged (“SED”) students is 35%.

# Recommendation - Finances

To address the potential fiscal impacts of the inaccurate estimates, District staff recommends

- The Charter School revise its budget assumptions by utilizing the revised assumptions reflecting a FRPL rate of 42%; ELL rate of 24%; and SED rate of 35%.
- The Petition indicate that BMV's enrollment rates of FRPL, ELL, and SED students shall be at least equal to those of the District.
- The Petition's Title I estimates be revised to reflect the District's per pupil allocation for Title 1
- The Charter School to submit a revised budget containing the corrected assumptions to the District no later than July 1, 2019.

# Finding #4 - Demographics

Upon review, most of the parents/guardians who have signed the Petition expressing their meaningful interest in enrolling their children in BMV reside in areas outside of the Castro, Theuerkauf and Monta Loma attendance areas.

- District staff estimates that 59% of the students whose families signed the Petition reside outside of these identified zones.
- The Petition does not contain an enrollment preference for families residing within the attendance boundaries of Castro, Theuerkauf, and Monta Loma Elementary Schools in the event of a public random drawing.

# Recommendation - Demographics

To effectuate BMV's enrollment goals and purpose of serving the families residing within the attendance boundaries of Castro, Theuerkauf, and Monta Loma Elementary Schools, District staff recommends that:

1. Students who are eligible for Free and Reduced-Price Meals ("FRPM") and who reside within the attendance boundaries of Castro, Theuerkauf, and Monta Loma Elementary Schools be afforded first enrollment preference
2. Students who are eligible for FRPM and who reside within the Mountain View Whisman School District be afforded second enrollment preference.



# Finding #5 - MOU

The Petition indicates BMV is amenable to entering into a Memorandum of Understanding (“MOU”) with the District to outline specific obligations, operational responsibilities, and legal relationship with respect to one another.

- District staff understands and finds that MOUs detailing such obligations and relationships are commonly entered into between charter authorizers and the charter schools that they oversee.

# Recommendation - MOU

To outline their specific obligations, operational responsibilities, and legal relationship, District staff recommends the Board require BMV to enter into the MOU.



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# Staff Recommendation

# Things to consider

The Board of Trustees should take into account:

- a. Whether or not the charter would get approved by the Santa Clara County or the State?
- b. Whether local oversight of a charter provides a benefit to the district and community?
- c. Does being the authorizer allow MVWSD to hold BMV accountable for meeting the outlined goals of their charter?

# Staff Recommendation

Considering the aforementioned questions, coupled with the comments made by the public at the hearing, District staff recommends that the Petition, and the recommendations set forth herein, be approved by the Board for a three (3) year term beginning July 1, 2019, through June 30, 2022.