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BEFORE THE BOARD OF TRUSTEES  
FOR THE MOUNTAIN VIEW WHISMAN SCHOOL DISTRICT

In re:  
Bullis Mountain View Charter School

**NOTICE OF INTENT TO REVOKE AND  
NOTICE OF FACTS IN SUPPORT OF  
REVOCATION [EDUCATION CODE  
SECTION 47607(e)]**

**Public Hearing: May 30, 2019  
Time: 7:00 p.m.  
Address: Stevenson School MUR  
750 San Pierre Way  
Mountain View, CA**

1 **I. NOTICE OF INTENT TO REVOKE**

2 In accordance with Education Code section 47607(d) and Title 5, section 11968.5.2 of  
3 the California Code of Regulations, on or about March 29, 2019, the Mountain View  
4 Whisman School District (“District”) provided Bullis Mountain View (“BMV” or “Charter  
5 School”) with notice that the District’s Board of Trustees (“Board”) will consider issuing a  
6 Notice of Violation (“NOV”) to the Charter School at its regular meeting on April 4, 2019.  
7 On or about March 29, 2019, the District also provided BMV with all relevant documents  
8 related to the proposed action, including the proposed NOV and all referenced exhibits.

9 On or about April 4, 2019, the Board approved and authorized the issuance of the  
10 NOV, which informed BMV of the District’s intent to revoke its Charter if BMV failed to  
11 remedy the violations outlined in the NOV by or before May 5, 2019. That same day, on or  
12 about April 4, 2019, BMV responded to the violations set forth in the NOV by letter  
13 (“Response”). Thereafter, on or about April 5, 2019, the District the final NOV to BMV, in  
14 accordance with the Board’s authorization.

15 Aside from the Response, the District has not received any other correspondence or  
16 communication from BMV addressing its violations.

17 Upon evaluation of BMV’s one (1) page Response, the District has determined that,  
18 based upon substantial evidence, BMV has failed to refute to the District's satisfaction, or to  
19 remedy, the violations identified in the NOV. Therefore, the District provides this Notice of  
20 Intent to Revoke (“NIR”) the Charter on the grounds that BMV has: (1) committed a material  
21 violation of the conditions, standards, or procedures set forth in the charter (Ed. Code, §  
22 47607(c)(1)(A)); and (2) violated provisions of law (Ed. Code, § 47607(c)(1)(D)).

23 Accordingly, this serves as the District’s Notice of Intent to Revoke and Notice of  
24 Facts in Support of Revocation of the BMV Charter pursuant to Education Code section  
25 47607(e). The Board shall hold a public hearing on **May 30, 2019**, in the normal course of  
26 business, on the issue of whether substantial evidence exists to revoke the Charter. The  
27 public hearing will be held at **7:00 p.m. at Graham Middle School MUR, 1175 Castro**  
28 **Street in Mountain View, California.** During the public hearing, the Board will receive

1 information and comment from District staff, legal counsel, BMV, and the public on the  
2 issue of whether substantial evidence exists to revoke the Charter. At the public hearing,  
3 District staff will be afforded 15 minutes to present to the Board regarding this issue; BMV  
4 will then be afforded 15 minutes to present to the Board; and District staff will have 5  
5 minutes to respond. The Board is scheduled to take action on the proposed revocation within  
6 30 days of the public hearing.

7 **II. NOTICE OF FACTS IN SUPPORT OF REVOCATION**

8 The factual bases for the issuance of this NIR are set forth below. The documentation  
9 and evidence upon which the District relies are as follows: BMV’s Charter; the District’s  
10 Staff Report, dated December 20, 2018; the District’s Board Meeting Minutes, dated  
11 December 20, 2018; the District’s NOV, dated April 5, 2019, and all documents attached  
12 thereto; and BMV’s Response, dated April 4, 2019. To the extent the District relies upon the  
13 documents attached to the NOV, such documents are referenced herein by the exhibit letter  
14 under which they were submitted.

15 Please note that the references herein are not intended to be exhaustive nor exclusive  
16 support for the fact(s) to which they are cited.

17 As further detailed below, through a showing of substantial evidence, BMV has  
18 violated material terms of its Charter and violated provisions of law. Substantial evidence  
19 has been defined as “relevant evidence that a reasonable mind might accept as adequate to  
20 support a conclusion.” (*Hosford v. State Personnel Bd.* (1977) 74 Cal.App.3d 302, 307,  
21 quoting *Gubser v. Department of Employment* (1969) 271 Cal.App.2d 240, 245.)

22 **A. BMV Violated Conditions, Standards, or Procedures of Its Charter**

23 BMV has violated conditions, standards, or procedures of its Charter within the  
24 meaning of Education Code section 47607(c)(1)(A), in the following, numerous respects:

25 **1. Background**

26 On or about December 20, 2018, the Board voted to approve the charter petition to  
27 establish BMV for a three (3) year charter term beginning July 1, 2019, through June 30,  
28 2022, and also to approve the recommendations set forth in the District’s December 20, 2018

1 Staff Report. The recommendations addressed several deficiencies in the petition that were  
2 identified during the petition review process and ensured that BMV would be held  
3 accountable to its promise to serve Mountain View’s underserved and diverse student  
4 population. (Petition, p. 6 [BMV “will serve an intentionally diverse student demographic  
5 that mirrors the demographics of the Mountain View community both ethnically and  
6 socioeconomically”].) Upon approval, the District became the authorizing and oversight  
7 agency for BMV, and the recommendations became requirements, or “conditions, standards,  
8 or procedures,” of the Charter. (NOV, Ex. A, B.)

9 Accordingly, the following requirements/standards were made part of the Charter:

10 a. Governance: To address potential conflicts of interest,  
11 governance concerns, and ensure local participation in BMV’s governance, the  
12 Charter requires at least the majority of BMV’s Board members reside within  
13 the boundaries of Mountain View and/or the Mountain View Whisman School  
14 District.

15 b. Assessments: To address the lack of defined measures to enable  
16 the District to compare performance with the Charter School, the Charter  
17 requires BMV to utilize the same benchmark and reading assessments used by  
18 the District each school year, conduct such assessments on a trimester basis,  
19 and meet assessment reporting deadlines as designated by the District. The  
20 Charter requires that the Charter School exceed Districtwide assessment  
21 results for all pupil subgroups by not less than five (5) percent.

22 c. Budget Estimates: To address the potential fiscal impacts of the  
23 inaccurate estimates, the Charter must revise its budget assumptions by  
24 utilizing the revised assumptions reflecting a Free and Reduced-Price Lunch  
25 (“FRPL”) rate of 42%; English Language Learner (“ELL”) rate of 24%; and  
26 Socioeconomically Disadvantaged (“SED”) rate of 35%. Furthermore, the  
27 Charter must indicate that BMV’s enrollment rates of FRPL, ELL, and SED  
28 students shall be at least equal to those of the District. Title I estimates must

1 be revised and the Charter School must submit a revised budget containing the  
2 corrected assumptions to the District no later than July 1, 2019.

3 d. Admissions Preferences: To effectuate BMV’s enrollment goals  
4 and purpose of serving the families residing within the attendance boundaries  
5 of Castro, Theuerkauf, and Monta Loma Elementary Schools: (1) students who  
6 are eligible for Free and Reduced-Price Meals (“FRPM”) and who reside  
7 within the attendance boundaries of Castro, Theuerkauf, and Monta Loma  
8 Elementary Schools shall be afforded first enrollment preference; and (2)  
9 students who are eligible for FRPM and who reside within the Mountain View  
10 Whisman School District shall be afforded second enrollment preference.

11 e. MOU: To outline their specific obligations, operational  
12 responsibilities, and legal relationship, BMV must enter into a memorandum  
13 of understanding (“MOU”) with the District.

14 **2. Violations**

15 As stated in the NOV, since the Board’s December 20th approval of the Charter,  
16 BMV has violated and/or taken actions demonstrating its intent to disavow the above  
17 requirements/standards and also the entirety of its Charter. Such actions include but are not  
18 limited to the following:

19 a. On or about January 23, 2019, upon learning BMV started its  
20 student registration process and planned to hold informational meetings for  
21 interested parents, the District asked BMV to provide information regarding its  
22 application, enrollment and lottery procedures, registration and informational  
23 meeting materials, and documents demonstrating compliance with the Board-  
24 approved admissions preference requirements of the Charter. (NOV, Ex. C.)

25 b. On or about January 23, 2019, to ensure BMV satisfies the  
26 requirement that at least the majority of BMV’s board members reside within  
27 the boundaries of Mountain View and/or the District, the District asked BMV  
28 to provide information “regarding the composition of the BPCS Board of

1 Directors, including but not limited to member names and cities of residence.”  
2 Although BMV responded to the letter, BMV did not provide the requested  
3 information and has not provided said information to date. (NOV, Ex. D, E.)

4 c. On or about January 30, 2019, BMV responded that it is still in  
5 the process of developing enrollment materials. While BMV provided a copy  
6 of a “Lottery Interest Form,” contrary to its Charter, the form states that first  
7 enrollment preference shall be given to “siblings of admitted students who are  
8 eligible for [FRPM] and reside in the attendance areas of Castro, Theuerkauf,  
9 or Monta Loma schools.” (NOV, Ex. F, G.)

10 d. In February 2019, the District learned that BMV held a parent  
11 enrollment meeting on January 24, 2019, during which time information was  
12 presented regarding BMV’s lottery that was inconsistent with the admissions  
13 preference requirements. Specifically, BMV represented that admissions  
14 preference, “once finalized,” would be provided to prospective pupils in the  
15 following order: Students qualifying for FRPM who reside in MVWSD;  
16 Siblings; Founding board members; Staff up to 10%; Residents within  
17 boundaries of MVWSD; Siblings outside of MVWSD boundaries; Students  
18 qualifying for FRPM who reside outside of MVWSD; and all others who  
19 reside outside of MVWSD boundaries.” Not only does this information  
20 violate the preference requirements but they also reflect that the preferences  
21 have not been “finalized,” despite the fact that such requirements were  
22 approved by the Board one (1) month earlier. Accordingly, by letter dated  
23 February 15, 2019, the District informed BMV that it expected all information  
24 presented to the public moving forward to be consistent with the approved  
25 admissions preference requirements. (NOV, Ex. H.)

26 e. BMV did not respond to the District or otherwise confirm its  
27 understanding of the District’s expectation for it to comply with the approved  
28 admissions preference requirement. Accordingly, on or about March 1, 2019,

1 the District asked BMV to confirm its intent to comply with the preference  
2 requirements. (NOV, Ex. I.)

3 f. BMV was asked to present to the Board, on or about March 7,  
4 2018, at a regular Board meeting, information regarding, among other things,  
5 its admissions and enrollment procedures. BMV did not make a meaningful  
6 presentation and failed to confirm its intent to effectuate the admissions  
7 preference requirements.

8 g. The following day, BMV stated its intent to not comply with the  
9 Board-approved admissions preference requirements. On or about March 8,  
10 2019, BMV asked the District to “confirm that the district agrees that BMV’s  
11 enrollment preferences at this time are those as explicitly listed in our charter  
12 petition, and not those that the district attempted to impose in its December 20,  
13 2018 action on the charter petition.” (NOV, Ex. J.)

14 h. On or about March 11, 2019, the District responded by again  
15 reiterating BMV’s obligation to comply with its Charter to provide enrollment  
16 preferences for pupils eligible for FRPM who reside within the attendance  
17 boundaries of Castro, Theuerkauf, and Monta Loma Elementary Schools, and  
18 who reside within the boundaries of the District. The District informed BMV  
19 that its Charter “requires the above stated preferences and the expectation is  
20 that BMV will comply.” (NOV, Ex. K.)

21 i. On or about March 19, 2019, the District learned from the Santa  
22 Clara County Office of Education (“SCCOE”) that BMV representatives met  
23 directly with SCCOE officials and/or staff – without District knowledge or  
24 advance notification – to request that SCCOE “approve” BMV’s already-  
25 existing Charter and to operate under SCCOE’s oversight.

26 The District informed BMV that its actions reflect BMV’s intention to  
27 disavow its obligations under its Charter and raised questions whether BMV  
28 intends to serve District students, to serve a diverse population, or to engage

1 the Mountain View Whisman community, as promised in its Charter. The  
2 District informed BMV that its attempt to “swap” authorizers, or otherwise  
3 seek the “approval” of an already-existing district-approved charter from the  
4 county office of education, or any other agency for that matter, absent the  
5 exhaustion of statutory procedures for petition denial or nonrenewal, violates  
6 the law.

7 Concerned about BMV’s attempt to bypass its obligations under the  
8 Charter, the District asked BMV to provide a written response to the District to  
9 explain its actions. Furthermore, the District asked that, if BMV does not have  
10 any intention of operating in compliance with its Charter, BMV must  
11 immediately communicate such intention. (NOV, Ex. L.)

12 j. In response, on or about March 21, 2019, BMV asserted to the  
13 District – for the first time – that the Board never approved its petition in the  
14 first place. BMV asserts that, by not approving the charter petition “as  
15 presented,” the District “denied” the petition and that, “we consider our  
16 petition denied, and will proceed accordingly.” (NOV, Ex. M.)

17 k. That same day, on or about March 21, 2019, BMV informed  
18 interested families that “we will not be opening this Fall as we’d hoped. For  
19 the 218 families that were eager to participate in the lottery, we are sorry to  
20 inform you that we will not be holding a lottery and we thank you for your  
21 trust and support through the entire process.” (NOV, Ex. N.)

22 l. The full-day meeting that was scheduled between the District  
23 and BMV for March 22, 2019, for the purpose of communicating regarding the  
24 status of the school’s planned opening, was canceled by BMV at the last  
25 minute.

26 BMV’s actions as described above reflect the Charter School’s violation of its Charter  
27 and intent to disavow its entire program.



1 The presentation of information to parents of admissions preferences inconsistent  
2 with the Board-approved requirements of its Charter, BMV’s repeated failure and/or  
3 unwillingness to confirm its understanding of and otherwise assure the District that it will  
4 comply with the requirements, BMV’s attempt to illegally seek “authorization” of its  
5 already-existing Charter from the SCCOE, and also its representation that its Charter was  
6 never approved by the District in the first place constitutes a violation of, and an intent to  
7 disavow, not only the admissions preference requirements of its Charter but also all of its  
8 Charter requirements.

9 Furthermore, BMV’s failure to provide information regarding its board member  
10 composition, including their cities of reference, combined with the fact that BMV represents  
11 that its Charter was never approved, further violates, and constitutes an intent to continue  
12 violating, the governance requirement of its Charter.

13 Additionally, BMV’s stated intent not to open in fall 2019 also violates its Charter,  
14 which was not only approved for a term beginning July 1, 2019, but which also anticipated  
15 commencing the first day of instruction on August 14, 2019. (Petition, p. 23; Petition  
16 Appendix 1, “School Calendar 2019-20.”) Indeed, BMV’s failure to open in fall 2019  
17 constitutes a wholesale failure to implement the entirety of its educational program and  
18 operations set forth in its Charter.

19 In its Response, rather than demonstrating and/or providing information, documents,  
20 or assurances to remedy the above violations, BMV stated its position that the Board  
21 “denied” its petition on December 20, 2018, and therefore “[t]here is no approved charter  
22 here.” BMV further asserted that the District “cannot ‘revoke’ a nonexistent charter.” BMV  
23 did not otherwise dispute any of the violations stated in the NOV. BMV’s position is clear –  
24 its refusal to open in fall 2019 constitutes a wholesale failure not only to implement the  
25 above-referenced Charter requirements but also the entirety of its educational program.  
26 Having failed to cure and/or demonstrate any intent to remedy the above violations and/or  
27 implement its program, BMV is in violation of the conditions, standards, or procedures of its  
28 Charter.

1           **B.     BMV Violated Provisions of Law**

2           BMV has violated the law within the meaning of Education Code section  
3 47607(c)(1)(D), in the following, numerous respects:

4                   **1.     Charter Schools Act – Petition Approval**

5           The Charter Schools Act (“CSA”) does not permit a charter school with an already-  
6 existing charter approved by a local school district to seek “authorization” of its charter from  
7 the county office of education, or any other agency for that matter. Approval of a petition by  
8 a local school district precludes the charter school from seeking oversight elsewhere from  
9 another agency as a matter of law. The only way in which a charter school petitioner may  
10 seek authorization of its charter from the county office of education is if its charter petition is  
11 denied by the local school district and the charter school seeks approval on appeal.

12           Specifically, Education Code section 47605(j)(1) states:

13                   If the governing board of a school district denies a petition, the petitioner  
14 may elect to submit the petition for the establishment of a charter school  
15 to the county board of education. The county board of education shall  
16 review the petition pursuant to subdivision (b). If the petitioner elects to  
17 submit a petition for establishment of a charter school to the county  
18 board of education and the county board of education denies the petition,  
19 the petitioner may file a petition for establishment of a charter school  
20 with the state board, and the state board may approve the petition, in  
21 accordance with subdivision (b). A charter school that receives approval  
22 of its petition from a county board of education or from the state board  
23 on appeal shall be subject to the same requirements concerning  
geographic location to which it would otherwise be subject if it received  
approval from the entity to which it originally submitted its petition. A  
charter petition that is submitted to either a county board of education or  
to the state board shall meet all otherwise applicable petition  
requirements, including the identification of the proposed site or sites  
where the charter school will operate. (Emphasis added.)

24           These appeal procedures underpin the Constitutional principle embedded within the  
25 CSA that provides preference for local control of charter schools. (Cal. Const., art. IX, §§ 5,  
26 14; Ed. Code, § 47605(b) [“the governing board of the school district shall hold a public  
27 hearing on the provisions of the charter” and “[f]ollowing review of the petition and the  
28 public hearing, the governing board of the school district shall either grant or deny the

1 charter”]; *Wilson v. State Bd. of Educ.* (1999) 75 Cal.App.4th 1125, 1136, 1139 [“it bears  
2 underscoring that charter schools are strictly creatures of statute” and “under the control of  
3 officers of the public schools”]; *Mendoza v. State* (2007) 149 Cal.App.4th 1034, 1041  
4 [“under the Constitution, the public schools themselves exist at the district level and are  
5 governed by school districts”]; *Cal. Sch. Bds. Assn v. State Bd. of Educ.* (2010) 186  
6 Cal.App.4th 1298, 1320 [“the statutory scheme reflects an intent to promote district chartered  
7 schools and local oversight while allowing for limited exceptions”].)

8           The Board officially voted to approve the BMV petition, as reflected in the December  
9 20, 2018 Board meeting minutes, and therefore it is without question that the District is the  
10 oversight agency over the Charter School. (Ed Code, § 35163 [“Every official action taken  
11 by the governing board of every school district shall be affirmed by a formal vote of the  
12 members of the board, and the governing board of every school district shall keep minutes of  
13 its meetings”], § 47604 [“An authority that grants a charter to a charter school to be operated  
14 by, or as, a nonprofit public benefit corporation is not liable for the debts or obligations of  
15 the charter school, or for claims arising from the performance of acts, errors, or omissions by  
16 the charter school, if the authority has complied with all oversight responsibilities required  
17 by law”], § 47604.3, and § 47604.32.) The law regulates the specific circumstances for  
18 which a petition may be denied and failure to approve a petition “as presented” is not a valid  
19 basis. (Ed. Code, § 47605(b).) The law also supports an authorizing agency’s ability to  
20 modify a proposed charter when deciding whether to grant a petition, and the expectation  
21 that charter schools will comply with their charters and the conditions imposed upon them  
22 through official action taken at a public hearing.

23           There is no statutory language in Education Code section 47605 or legislative history  
24 demonstrating an intent to limit an agency in its ability to modify a proposed charter when  
25 deciding whether to grant or deny the petition. In fact, the language suggests broad authority  
26 to establish charter schools, which authority should only be limited by express statutory or  
27 regulatory language.

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1           Moreover, even to use the term “conditions” as articulated by the Charter School, the  
2 court has expressly acknowledged “[l]ocal school districts and county boards of education, as  
3 well as parents and teachers, have a right to expect that charter schools will hew not just to  
4 the law, but to their charters *and the conditions imposed upon them through official action*  
5 *taken at a public hearing.*” (*California School Boards Association v. State Board of*  
6 *Education* (2010) 186 Cal.App.4th 1298, 1326; emphasis added.)

7           Accordingly, BMV’s representation that the District “denied” its petition on  
8 December 20, 2018, and any actions taken by BMV that are consistent with that  
9 representation, constitutes an attempt to operate outside the District’s constitutionally and  
10 statutorily-mandated oversight authority in violation of Education Code sections 35163,  
11 47604, 47605, 47604.3, and 47604.32.

12           Furthermore, BMV’s ad-hoc characterization of the Board’s December 20th approval  
13 of the BMV petition as a “denial” – combined with the fact that BMV representatives met  
14 with SCCOE officials in an effort to seek SCCOE’s “approval” of its already-existing  
15 Charter – reflects BMV’s violation and/or intent to violate Education Code section  
16 47605(j)(1). Specifically, in violation of law, BMV seeks to bypass the appeal procedures  
17 set forth under Section 47605(j)(1) by seeking approval of its Charter from the SCCOE  
18 without satisfying the requisite condition precedent – denial of its petition by the District.

19           BMV’s assertion that the District “denied” its petition is also contradicted by  
20 countless actions undertaken by BMV following the Board’s approval, which reflect BMV’s  
21 clear understanding that its petition was in fact approved on December 20, 2018. For  
22 example, according to the California Department of Education (“CDE”), BMV applied for a  
23 charter school number which is necessary to operate a school, to qualify for funding, and  
24 which may only be done upon charter approval. BMV also accepted the District’s facilities  
25 offer under Proposition 39 to be housed where the District’s offices are currently housed.  
26 The District and BMV began negotiating specific provisions of the operational MOU. On or  
27 about January 4, 2019, BMV sent a letter to the District thanking staff “for the significant  
28 amount of time it dedicated to the charter petition review process [and]...extend[ing] our

1 appreciation to the District trustees,” and to “address next steps in *our mutual service of*  
2 *Mountain View students and families.*” (Emphasis added.) BMV applied for admission to the  
3 El Dorado Charter Special Education Local Plan Area (“SELPA”) and, on or about January  
4 23, 2019, BMV’s application was approved. In January 2019, BMV began holding public  
5 student registration and information meetings for parents interested in enrolling their children  
6 in the Charter School. BMV further sought to hire teachers by posting advertisements in  
7 EdJoin and on the BMV website. These advertisements were posted February 12, 2019, and  
8 offered salaries between \$60,000 and \$110,000. Hiring is only consistent with a charter  
9 school operating under an approved charter and the funds necessary for hiring are only  
10 available to a charter school with an approved charter. There is no question that BMV  
11 understood the Board’s action on December 20th to be an approval of its Charter. (NOV,  
12 Ex. O-U.)

13 Despite these undisputed facts, in its Response, BMV reaffirmed its position that the  
14 Board “denied” its petition on December 20, 2018, and therefore “[t]here is no approved  
15 charter here.” Furthermore, in its one (1) page Response, BMV did not provide any  
16 information or assurances that it would refrain from bypassing the appeal procedures set  
17 forth under the law by seeking approval of its Charter from the SCCOE or otherwise address  
18 this violation at all. Having failed to cure and/or demonstrate any intent to remedy the above  
19 violations and/or implement its program, BMV is in violation of the Charter Schools Act’s  
20 petition approval procedures.

## 21 2. Charter Schools Act – Information Request

22 The District is entitled to information and documentation regarding the Charter  
23 School in order to meet its oversight obligations. The failure to timely provide such  
24 information interferes with the District’s oversight duties. Furthermore, such failure by the  
25 Charter School to comply with its statutory duty to promptly respond to requests for  
26 information subjects the Charter School to notice to remedy and potential revocation. (Ed.  
27 Code, §§ 47604.3 and 47607(c)(1).) Education Code section 47604.3 provides:  
28

1 A charter school shall promptly respond to all reasonable inquiries, including,  
2 but not limited to, inquiries regarding its financial records, from its chartering  
3 authority, the county office of education that has jurisdiction over the school's  
4 chartering authority, or from the Superintendent of Public Instruction and shall  
consult with the chartering authority, the county office of education, or the  
Superintendent of Public Instruction regarding any inquiries.

5 Education Code section 47604.32 provides:

6 Each chartering authority, in addition to any other duties imposed by this part,  
7 shall do all of the following with respect to each charter school under its  
8 authority: (a) Identify at least one staff member as a contact person for the  
9 charter school. (b) Visit each charter school at least annually. (c) Ensure that  
10 each charter school under its authority complies with all reports required of  
11 charter schools by law. (d) Monitor the fiscal condition of each charter school  
12 under its authority. (e) Provide timely notification to the department if any of  
13 the following circumstances occur or will occur with regard to a charter school  
14 for which it is the chartering authority: (1) A renewal of the charter is granted  
or denied. (2) The charter is revoked. (3) The charter school will cease  
operation for any reason. (f) The cost of performing the duties required by this  
section shall be funded with supervisorial oversight fees collected pursuant to  
Section 47613.

15 BMV's failure to provide information regarding its board member composition,  
16 including but not limited to their cities of residence, and its failure to provide information  
17 regarding the application/lottery/admission process impairs the District's oversight  
18 obligations, including its ability to determine the Charter School's compliance with the  
19 board-approved requirement that at least the majority of BMV's board members reside  
20 within the boundaries of Mountain View and/or the District and that BMV properly sought  
21 enrollment, had generated necessary enrollment interest, and was prepared to comply with  
22 the admissions requirements.

23 As stated above, in its Response, BMV reaffirmed its position that the Board "denied"  
24 its petition on December 20, 2018, and therefore "[t]here is no approved charter here." In its  
25 one (1) page Response, BMV failed to address this violation and did not provide the  
26 requested information. Having failed to cure and/or demonstrate any intent to remedy the  
27 above violations and/or implement its program, BMV is in violation of the Charter Schools  
28 Act's information request provisions.

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**III. CONCLUSION**

Substantial evidence demonstrates that BMV violated its Charter and violated state law, and failed to refute to the District’s satisfaction and remedy each of the violations identified herein. Accordingly, BMV’s Charter should be revoked on the grounds that BMV has: (1) committed a material violation of the conditions, standards, or procedures set forth in the charter (Ed. Code, § 47607(c)(1)(A)); and violated provisions of law (Ed. Code, § 47607(c)(1)(D)).

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Ayindé Rudolph, Ed.D., Superintendent