



Mountain View
Whisman
School District

Issuance of Notice of Intent to Revoke - Bullis Mountain View (BMV) charter

May 16, 2019



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BMV approval

Charter petition approval

At the December 20, 2018 meeting, the Mountain View Whisman Board of Trustees approved the petition from Bullis Mountain View for a three (3) year term beginning July 1, 2019 through June 30, 2022.

Requirements

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

Requirements con't ...

Assessments: To address the lack of defined measures to enable the District to compare performance with the Charter School, the Charter requires 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 Charter requires that the Charter School exceed District Wide assessment results for all pupil subgroups by not less than five (5) percent.

Requirements con't ...

Budget Estimates: To address the potential fiscal impacts of the inaccurate estimates, the Charter must revise its budget assumptions by utilizing the revised assumptions reflecting a Free and Reduced-Price Lunch (“FRPL”) rate of 42%; English Language Learner (“ELL”) rate of 24%; and Socioeconomically Disadvantaged (“SED”) rate of 35%. Furthermore, the Charter must indicate that BMV’s enrollment rates of FRPL, ELL, and SED students shall be at least equal to those of the District. Title I estimates must be revised and the Charter School must submit a revised budget containing the corrected assumptions to the District no later than July 1, 2019.

Requirements con't ...

Admissions Preferences: 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:

- (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 shall be afforded first enrollment preference; and
- (2) students who are eligible for FRPM and who reside within the Mountain View Whisman School District shall be afforded second enrollment preference.

Requirements con't...

MOU: To outline their specific obligations, operational responsibilities, and legal relationship, BMV must enter into the memorandum of understanding (“MOU”).



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Non-compliance with Charter School Act

Oversight granted to Authorizer

- Under Education Code 47607 a charter may be revoked under the following conditions:
 - (A) Committed a material violation of any of the conditions, standards, or procedures set forth in the charter.
 - (B) Failed to meet or pursue any of the pupil outcomes identified in the charter.
 - (C) Failed to meet generally accepted accounting principles, or engaged in fiscal mismanagement.
 - (D) Violated any provision of law.

Questions that an Authorizer should look at to determine a violation

- Does the issue {that you are investigating} hinder, disrupt or infringe on a student's ability to access his/her education?
- Does the issue impact the ability of Charter School to fulfill its obligations to various stakeholders (including other schools in the portfolio and CDE)?
- Does the issue represent a pattern of noncompliance or indicate larger systemic issues within the school?

Questions that an Authorizer should look at to determine a violation, con't ...

- Did the school fail to remedy identified issues of noncompliance from a previous Corrective Action Notice?
- Does the issue jeopardize student and/or staff safety or represent a serious threat to the school or community?



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Analysis

BMV acted as if it was going to open

- On March 21st, 2019 BMV notified the public that it did not intend to open in 2019-20
 - This reversal is contrary to its previous actions
 - Letter thanking MVWSD staff, application for CDS code, planned acceptance of Prop 39, application to El Dorado SELPA for 2019-20 school year, started negotiating language in MOU (Jan), student registration events, advertisement for positions in Jan and Feb (Community Engagement Associate and Teachers).

MVWSD staff concerns

- Obfuscation of enrollment priorities
 - Outlined in letter as violations 1,3,4,5,6,7,8
- Failure to comply with information requests
 - violations 2,3,6
- BMV clandestine approach to circumvent the approved charter
 - violations 9,10



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Staff finding and recommendation

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Questions that an Authorizer should look at to determine a violation, con't ...

- Did the school fail to remedy identified issues of noncompliance from a previous Corrective Action Notice?
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If the answer is yes to any of the questions then the corrective action process must be initiated.



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Response to cure violations

Timeline

- April 1, 2019
 - MVWSD staff provided representatives from BMV with advance notice of the intent to revoke charter
- April 4, 2019
 - BMV representatives send a one-page response to MVWSD
 - “We have no intention of engaging in your ill-conceived “revocation” exercise.”
- May 5, 2019
 - No further response, remedy or cure presented to MVWSD from BMV

Justification for Revocation

- Attempt to disavow oversight
 - Admission requirements
 - Seeking a new authorizer
- Violation of appropriate governance requirements
 - Failure to provide information to facilitate oversight
 - Attempt to change the narrative of approval after acting in good faith to open

Justification for Revocation (cont...)

- Failure to open in 2019
 - Wholesale failure to implement the entirety of its operational program
- Failure to provide a remedy
 - BMV's letter (April 4, 2019) does not dispute any of the violations
 - As of May 6, 2019, BMV has failed to cure or demonstrate an intent to remedy the aforementioned violations



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Issuance of Notice of Intent to Revoke

BMV violation - Approval of Intent to Revoke

On April 4th, 2019 staff determined that representatives of BMV are in violation of the Education Code 47607(c)

- Comply and fulfill all requests around enrollment and opening procedures
- Work in good faith to finalize the MOU with authorizer (MVWSD) and adhere to Ed Code 47607(c)
- Demonstrate progress toward all requirements outlined in the approval
- Provide all requested information on Board members and meeting dates

Staff is requesting approval of the issuance of the Notice of Intent to Revoke.

Next steps - Revocation Process

- Staff is requesting approval to revoke Charter
 - May 30, 2019 - Public Hearing (30 minutes)
 - Fifteen (15) minutes will be afforded for staff to present their case
 - Fifteen (15) minutes will be provided to representatives from Bullis Mountain View
 - Staff will have 5 minutes to respond to points made by BMV representatives
 - If approved, MVWSD Board of Trustees will need to take action within 30 days (June 14, 2019).