

EXHIBIT “A”

MOUNTAIN VIEW WHISMAN SCHOOL DISTRICT
Mountain View, California

December 20, 2018

STAFF REPORT
Bullis Mountain View
Charter Petition

I. BACKGROUND

Petitioners currently operate Bullis Charter School ("BCS"), which is a charter program founded in 2003 serving pupils in Transitional Kindergarten ("TK") through eighth (8th) grade in the neighboring community of Los Altos, California. Petitioners seek to open a new campus in Mountain View for the purpose of serving an intentionally diverse student demographic that mirrors the demographics of the Mountain View community both ethnically and socioeconomically, and to serve historically underserved student communities. Lead Petitioner is BCS Los Altos Administrator Jennifer Anderson-Rosse.

Petitioners submitted a charter petition ("Petition") to establish Bullis Mountain View ("BMV" or "Charter School") to be operated under the oversight of the Governing Board ("Board") of the Mountain View Whisman School District ("District"), for a five (5) year term from July 1, 2019, through June 30, 2024. The Board formally received the Petition at its meeting on or about November 1, 2018.

Pursuant to Education Code section 47605, subdivision (b), within thirty (30) days after receiving a petition, the Board must "[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." BMV agreed for the Board's public hearing to be held on December 6, 2018, at which time the Board considered the level of support for the Petition from teachers employed by the District, other employees of the District, and parents.

Education Code section 47605, subdivision (b), requires the Board to "either grant or deny the charter within 60 days of receipt of the petition, however that date may be extended by an additional 30 days if both parties agree to the extension." Accordingly, the Board will act on whether to grant or deny the Petition at a special meeting on **December 20, 2018**.

The Charter Schools Act of 1992 ("Act") permits school districts to grant charter petitions, authorizing the operation of charter schools within their geographic boundaries. (Ed. Code, § 47600, et seq.) Charter schools are established through the submission of a petition by proponents of the charter school to the governing board of a public educational agency, usually a school district, and approval of the petition by the school district. The governing board must grant a charter "if it is satisfied that granting the charter is consistent with sound educational practice." (Ed. Code, § 47605, subd. (b).) Nevertheless, a governing board may deny a petition for the establishment of a charter school if it finds that the particular petition fails to meet enumerated statutory criteria and it adopts written findings in support of its decision to deny the charter. (*Ibid.*) Once authorized, charter schools "are part of the public school system," but "operate independently from the existing school district structure." (Ed. Code, §§ 47615(a)(1) and 47601.)

If the Board grants the Petition, BMV will become a separate legal entity. Under Education Code section 47605, subdivision (j)(1), if the Board denies the Petition, then Petitioners may appeal that denial to the Santa Clara County Board of Education ("County Board"). If the County Board grants the charter, the County Board becomes the supervisory agency over the Charter School. If the County Board denies the charter, then Petitioners may appeal to the State Board of Education ("SBE"). (Ed. Code, § 47605, subd. (j)(1).)

II. REVIEW OF CHARTER PETITION

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:

- 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:
 - (1) *The 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 statute.*
 - (4) *The petition does not contain an affirmation of each of the conditions required by statute.*
 - (5) *The petition does not contain reasonably comprehensive descriptions of the required elements of a charter petition.*
 - (6) *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.*

In addition to the above, District staff's review and analysis of the Petition was also guided by the regulations promulgated for the SBE's evaluation of its own charter petition submissions, which are located at Title 5, Division 1, Chapter 11, Subchapter 19 (Cal. Code Regs., tit. 5, section 11967.5.1) of the California Code of Regulations ("Regulations").

III. RECOMMENDATION

Based upon its comprehensive review and analysis of the Petition, 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.

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).)

A. Governance/Community Participation

The Education Code and Regulations provide for a charter petition to identify the governance structure including, at a minimum, evidence of the charter school's incorporation as a non-profit public benefit corporation, if applicable, the organizational and technical designs to reflect a seriousness of purposes to ensure that the school will become and remain a viable enterprise; there will be active and effective representation of interested parties; and the educational program will be successful. (Ed. Code, § 47605, subd. (b)(5)(D); Regulations, § 11967.5.1, subd. (f)(4).)

The Charter School's governance structure raises significant concerns and issues regarding whether BMV can operate independently from the Bullis-Purissima Elementary School ("TBPES")/Bullis Charter School Los Altos. According to the Petition, TBPES is the sole statutory member of Bullis Public Charter School II ("BPCS"), which will have its own board of directors and which will operate BMV. (Petition, pp. 3, 102, 166.) TBPES is headquartered out of and also operates Bullis Los Altos. As the sole statutory member, TBPES will have the right to approve/disapprove of the election of the BPCS/BMV directors; dispose of BPCS's/BMV's assets; and merge or dissolve BPCS/BMV. (Petition, pp. 101-103.) Furthermore, under "Element D: Governance Structure of the School," only one (1) out of the five (5) founding board members is identified as residing in Mountain View, and all five (5) of these members are closely associated with Bullis Los Altos, such as serving on the Bullis Los Altos governing board and/or residing in Los Altos. (Petition, p. 105-106.) BMV has also secured a commitment of \$250,000 from the Bullis-Purissima Elementary School Foundation. (Appendix 20, Budget Narrative.)

Furthermore, the Charter School's structure raises concerns regarding the adequacy of representation and participation of members of the Mountain View community. Notably, at the December 6th public hearing, the Board received extensive comments opposing the establishment of BMV from members of the 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: 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.

B. Measurable Pupil Outcomes

The Education Code and Regulations provide for a charter petition to identify the specific skills, knowledge and attitudes that reflect the school's educational objectives and that can be assessed frequently and sufficiently by objective means to determine satisfactory progress and provide for the frequency of the objective means for measuring outcomes to vary by factors such as grade level, subject matter, and previous outcomes. (Ed. Code, § 47605, subd. (b)(5)(B); Regulations, § 11967.5.1, subd. (f)(2).) Pupil outcomes must include outcomes that address increases in pupil academic achievement both schoolwide and for all groups of pupils served by the charter school. (Ed. Code, § 47605, subd. (b)(5)(B).) To be sufficiently detailed, objective means of measuring pupil outcomes must be capable of being used readily to evaluate the effectiveness of, and to modify, instruction for individual students and for groups of students during the school year. (Regulations, § 11967.5.1, subd. (f)(2)(A).)

The Education Code and Regulations also require a charter petition to identify the methods by which pupil progress in meeting pupil outcomes is to be measured. To be sufficiently described, a petition must include a variety of assessment tools appropriate to the skills, knowledge, or attitudes being assessed, and outline a plan for collecting, analyzing, and reporting data on pupil achievement to school staff and to parents and guardians, and for utilizing the data continuously to monitor and improve the charter school. (Ed. Code, § 47605, subd. (b)(5)(C); Regulations, § 11967.5.1, subd. (f)(3).)

Under Elements B and C, "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. (Petition, pp. 82-100.) 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. (E.g., Petition, p. 88.) Furthermore, in support of its Petition, the Charter School indicates that, because of Petitioners' educational program, the percentage of BCS students meeting or exceeding standards on the English Language Arts and math California Assessment of Student Performance and Progress ("CAASPP") assessments exceed those of the District by approximately thirty (30) percent. (Petition, p. 21.) 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: 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. District staff also recommends the Petition to require that the Charter School exceed Districtwide assessment results for all pupil subgroups by not less than five (5) percent.

C. Finances

Multiple factors may be taken into consideration in determining whether charter petitioners are demonstrably unlikely to successfully implement the program. (Regulations, § 11967.5.1, subd. (c).) With respect to financial administration, the charter and supporting documents must include, at a minimum, the first-year operational budget, start-up costs, and cash flow, and financial projections for the first three years; include reasonable

estimates of all anticipated revenues and expenditures necessary to operate the school, including, but not limited to, special education, based, when possible, on historical data from schools or school districts of similar type, size, and location; include budget notes that clearly describe assumptions on revenue estimates, including, but not limited to, the basis for average daily attendance estimates and staffing levels; present a budget that in its totality appears viable and over a period of no less than two years of operations provides for the amassing of a reserve equivalent to that required by law for a school district of similar size to the proposed charter school; and demonstrate an understanding of the timing of the receipt of various revenues and their relative relationship to timing of expenditures that are within reasonable parameters, based, when possible, on historical data from schools or school districts of similar type, size, and location. (Regulations, § 11967.5.1, subd. (c)(3)(B).)

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.) However, 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%.

In addition to the fact that the inaccurate figures were utilized to calculate BMV's funding, including but not limited to the Charter School's Title I funding, the estimates raise concerns regarding BMV's ability to recruit and enroll the numbers of underserved students as projected in the Budget Narrative and to therefore meet its purpose of serving historically underserved student communities.

Recommendation: 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%. Furthermore, District staff recommends the Petition indicate that BMV's enrollment rates of FRPL, ELL, and SED students shall be at least equal to those of the District. District staff also recommends revisions to the Petition's Title I estimates and for the Charter School to submit a revised budget containing the corrected assumptions to the District no later than July 1, 2019.

D. Demographics/Enrollment Target

The Education Code provides for the charter petition to identify the means by which the charter school will achieve a racial and ethnic balance among its students that is reflective of the authorizing district's general population. (Ed. Code, § 47605, subd. (b)(5)(G).) Furthermore, they require the charter petition to identify admission requirements that are in compliance with applicable law. (Ed. Code, § 47605, subd. (b)(5)(H); Regulations, § 11967.5.1, subd. (f)(8).) Admissions preferences shall not result in limiting enrollment access for pupils with disabilities, academically low-achieving pupils, English learners, neglected or delinquent pupils, homeless pupils, or pupils who are economically disadvantaged, as determined by eligibility for any free or reduced-price meal program, foster youth, or pupils based on nationality, race, ethnicity, or sexual orientation. (Ed. Code, § 47605, subd. (d)(2)(B)(iii).)

The Petition states that, "BMV seeks to serve the students and families in the communities of Mountain View who reside within the attendance boundaries for Mariano Castro Elementary, Theuerkauf Elementary, and Monta Loma Elementary. BMV believes that there is a need for an additional high-quality public school option in this community, an

opportunity to keep and bring back families to public school, as well as an opportunity to bring the innovative school model developed over the 14-year history of BCS to serve this community.” (Petition, p. 20.) The Petition also states that the Charter School “will serve an intentionally diverse student demographic that mirrors the demographics of the Mountain View community both ethnically and socioeconomically.” (Petition, p. 6.)

However, 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 above-referenced attendance areas. District staff estimates that 59% of the students whose families signed the Petition reside outside of these identified zones. (Appendix 30, Parent Signatures.) Moreover, 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. (Petition, p. 131.)

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

E. Memorandum of Understanding

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. (E.g., Petition, pp, 65, 109, 157, 163.) 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: To outline their specific obligations, operational responsibilities, and legal relationship, District staff recommends the Board require BMV to enter into the MOU attached to this Staff Report as **Exhibit A**.

IV. CONCLUSION

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. Should the Board decide to deny the Petition, the Board may adopt this Staff Report as its written factual findings in support of denial.

EXHIBIT “B”



Mountain View Whisman School District

Board of Trustees - Regular Meeting

Graham MUR, 1175 Castro Street
December 20, 2018
6:00 PM

(Live streaming available at www.mvwsd.org)

As a courtesy to others, please turn off your cell phone upon entering.

Under Approval of Agenda, item order may be changed. All times are approximate.

I. CALL TO ORDER (6:00 p.m.)

The meeting was called to order at 6:00 p.m.

A. Pledge

The Pledge of Allegiance was led by Ms. Blakely.

B. Roll Call

Present: Blakely, Conley, Gutiérrez, Wheeler, Wilson

Absent:

The following member of the public addressed the Board:

- Steven Nelson, regarding what constitutes "present"?

C. Approval of Agenda

A motion was made by Jose Gutierrez and seconded by Ellen Wheeler to approve the agenda as presented.

Ayes: Blakely, Conley, Gutierrez, Wheeler, Wilson

The following member of the public addressed the Board:

- Steven Nelson, when Board approves a faulty agenda

II. ORGANIZATIONAL MEETING

The meeting was called to order at 6:10 p.m.

A. Administering the Oath of Office to Newly Elected Board Members

Dr. Rudolph administered the oath of office of newly elected Board members Devon Conley and Ellen Wheeler.

B. Roll Call

Present: Blakely, Conley, Gutiérrez, Wheeler, Wilson

Absent:

C. Approval of Organizational Meeting Agenda

A motion was made by Jose Gutierrez and seconded by Ellen Wheeler to approve the organizational meeting agenda, as presented.

Ayes: Blakely, Conley, Gutierrez, Wheeler, Wilson

D. Election of Officers

Mr. Gutiérrez nominated Ms. Wilson for President. The nomination was seconded by Ms. Wheeler.

Ayes: Blakely, Conley, Gutiérrez, Wheeler, Wilson

Ms. Wheeler nominated Mr. Gutiérrez for Vice President. The nomination was seconded by Ms. Blakely.

Ayes: Blakely, Conley, Gutiérrez, Wheeler, Wilson

Mr. Gutiérrez nominated Ms. Conley for Clerk. The nomination was seconded by Ms. Wheeler.

Ayes: Blakely, Conley, Gutiérrez, Wheeler, Wilson

E. 2019-20 Regular Board Meeting Calendar

A motion was made by Laura Blakely and seconded by Tamara Wilson to approve the 2019-20 Regular Board Meeting calendar and move the start time of meetings to 6:00 p.m..

Ayes: Blakely, Conley, Gutierrez, Wheeler, Wilson

F. Board Representative Assignments

Board members expressed interest in various committees that require Board representation.

III. OPPORTUNITY FOR MEMBERS OF THE PUBLIC TO ADDRESS THE BOARD CONCERNING ITEMS ON THE CLOSED SESSION AGENDA

No member of the public wished to address the Board.

IV. CLOSED SESSION (6:15 p.m)

The meeting was adjourned to Closed Session at 6:22 p.m.

A. Anticipated Litigation

1. Conference with Legal Counsel - Anticipated Litigation

Conference with Legal Counsel re: Anticipated Litigation [Pursuant to Government Code Section 54956.9(d)]: Significant exposure to litigation, 1 potential case

B. Public Employee Discipline/Dismissal/Release

V. RECONVENE OPEN SESSION (6:45 p.m.)

The open session was reconvened at 7:10 p.m.

A. Closed Session Report

Ms. Wilson reported that a settlement agreement with regard to Student #60015663 was approved in Closed Session. The agreement fully resolves student's claims regarding special education placement for the current school year.

VI. CONSENT AGENDA

The following items will be handled with one action; however, any item may be removed from consideration by individual Board Members or the Superintendent.

A motion was made by Jose Gutierrez and seconded by Laura Blakely to approve all items on the Consent Agenda, as presented.

Ayes: Blakely, Conley, Gutierrez, Wheeler, Wilson

A. Resolution No. 2-122018, Adopting a Conflict of Interest Code

B. Resolution No. 01-122018, Declaring It Unavailing to Publicly Bid for 2-Story Modular Classroom Building at Slater Elementary School, aka Vargas Elementary School

C. Acceptance of Statement of Votes and Certificate of Election Results

VII. COMMUNICATIONS

A. Employee Organizations

Sean Dechter, President of the Mountain View Educators Association, addressed the Board concerning the impact a potential charter school would have on the district.

B. District Committees

No report at that time.

C. Superintendent

Dr. Rudolph noted that the District had received a grant for an inclusive playground at Landels School.

VIII. COMMUNITY COMMENTS

This is the time reserved for community members to address the Board on items that are not on the agenda. The Board and Administration welcome this opportunity to listen; however, in compliance with the Brown Act, the Board is not permitted to take action on non-agenda items.

Speakers are requested to complete a speaker card and state their name for the record.

If there are additional comments after 10 minutes have elapsed, this item may be continued after all the action and discussion items are completed.

Notes on Community Comments on Agendized Items

The staff presentation to the Board will occur first for each item. The Board will then ask clarifying questions. Afterwards, the community will be invited to comment. Any person wishing to speak will be granted up to three (3) minutes at the time the item appears on the agenda. Comments will be taken for up to 10 minutes, with extra time allowed for translation, as needed. Prior to addressing the Board, each speaker is requested to complete a speaker card (located on the counter near the door), give it to the Superintendent's Executive Assistant, and state his/her name for the record. We ask that you speak from the podium so that we may better hear you. At the conclusion of remarks or after 10 minutes has elapsed, the public comment portion is closed for that item and the Board will return to their own deliberations and comments. Please see the Board's "Welcome" brochure for more specifics on how Board meetings are run. The Board is grateful to have district personnel in the audience. These personnel may be consulted during the Board's discussion on any item.

No member of the community wished to address the Board.

IX. REVIEW AND ACTION

- A. Tentative Agreement between the Mountain View School District and California School Employees Association (CSEA), Chapter 812 (5 minutes)

A motion was made by Jose Gutierrez and seconded by Devon Conley to approve the Tentative Agreement between the Mountain View Whisman School District and the California School Employees Association for 2018-2019.

Ayes: Blakely, Conley, Gutierrez, Wheeler, Wilson

- B. Board Policy No. 0420.4, Charter School Oversight (5 minutes)

A motion was made by Ellen Wheeler and seconded by Laura Blakely to approve Board Policy No. 0420.4, Charter School Oversight at first reading as presented and waive second reading.

Ayes: Blakely, Conley, Wheeler, Wilson

Nays: Gutierrez

The following member of the public addressed the Board:

- Janine Ramirez, regarding thanking district for reviewing charter policy

X. REVIEW AND DISCUSSION

- A. Looking at MVWSD Fiscal Solvency (60 minutes)

The Board discussed potential ways to eliminate deficit spending in the district.

The following member of the public addressed the Board:

- Steven Nelson, regarding please use option B followed by option C

XI. REVIEW AND ACTION (continued)

A. Consideration of Whether to Approve or Deny the Bullis Mountain View Charter School Petition (60 minutes)

A motion was made by Tamara Wilson and seconded by Ellen Wheeler to that the Board accept each of the recommendations set forth in the Staff Report and approve the Bullis Charter School Mountain View charter petition for a three (3) year charter term beginning July 1, 2019, through June 30, 2022, consistent with the recommendations set forth in the Staff Report and that the requirements be met, and the Memorandum of Understanding be executed, by July 1, 2019.

Ayes: Blakely, Conley, Wheeler, Wilson

Nays: Gutierrez

The following members of the public addressed the Board:

- Rafael Ulloa, regarding should be Bullis in Mountain View to support students in Mountain View.
- Trish Gilbert, regarding Bullis Charter
- Emily Staats Hislop, regarding delaying BCS' petition for a year; the appropriateness of making a petition for a charter school at this time and in this district (i.e., why?)
- Bill Horkin
- Kelly Y.
- Wendy Yu
- Allison Ma
- Bertha Alarcon
- Amina Hurd
- Jared Jordan, regarding support bullis charter to have a school in Mountain View
- Alexandria Keira Chathim
- Sarah Su
- Stephen Su, share parent's experience with BMV
- Janine Ramirez, in support of BMV
- Alex Pan, regarding support BCS Mountain View School
- Jennifer Anderson Rosse, regarding BMV is happy to work together to address any concerns through the implementation of an agreement. We also believe a five-year term is beneficial to both the district and BMV. Thank you for your diligence in this process.
- Daniel Weng, I am a father of two daughters (4 and 6) that is confident that BCS will provide a good education for my children.
- Iraz Uurddam, Bullis Charter School
- Lynn Reed
- Victoria Yu
- Akil Rammohan
- Hongwei Zhang
- Andreas Goebel, regarding in support of charter school, especially in favor of more project based learning approach in which students get challenged or supported

- according to their needs, equity and achievement opportunity.
- Brett Bumaster, regarding against Bullis MV based on Bullis socio-economic disadvantage performance in Los Altos.

XII. BOARD UPDATES

Ms. Wheeler:

1. Attended the quarterly Children's Agenda Network meeting of Kids in Common.
2. Attended the Saturday morning Pancake Breakfast hosted by Theuerkauf PTA.
3. Attended an EdSource webinar titled "Quality Preschool for All Kids in California: What Will it Take?"
4. Attended the annual reorganization meeting of the Santa Clara County Committee on School District Organization.
5. Met with former MVWSD trustee Bill Lambert.
6. Attended the December Strong Start meeting at the SCCOE.
7. Met with Bonnie Mace, Executive Director of the Santa Clara County School Boards Association.
8. Attended an ACSA webinar titled "Saving Lives Through Preparedness."
9. Attended the December meeting of Challenge Team.
10. Had my regular monthly 1:1 with Superintendent Rudolph.
11. Met with Los Altos School District trustee Bryan Johnson.
12. Met with Santa Clara County Board of Education member Grace Mah.
13. Met with two district parents in two separate meetings.

Ms. Wilson:

1. Attending Huff to Vargas transition meeting at Huff Elementary on 12/7
2. Phone call with Trustee Gutierrez
3. 1:1 with Dr. Rudolph
4. Met with community member regarding charter petition on 12/13
5. Phone call with community member regarding charter petition 12/18

XIII. ITEMS FOR FUTURE AGENDAS

XIV. FUTURE BOARD MEETING DATES

A. Future Board Meeting Dates

January 10, 2019 - Science plan update

January 24, 2019 - Climate Survey Results, Governor's Proposed Budget 2019-20, Capitol Projects Update

February 7, 2019 - Middle School Update

March 7, 2019 - Dashboard Update

XV. ADJOURNMENT (9:30 p.m.)

1. **RECORDING OF MEETINGS:**

The open session will be video recorded and live streamed on the District's website (www.mwbsd.org).

2. **CELL PHONES:**

As a courtesy to others, please turn off your cell phone upon entering.

3. **FRAGRANCE SENSITIVITY:**

Persons attending Board meetings are requested to refrain from using perfumes, colognes or any other products that might produce a scent or chemical emission.

4. **SPECIAL ASSISTANCE FOR ENGLISH TRANSLATION/INTERPRETATION:**

The Mountain View Whisman School District is dedicated to providing access and communication for all those who desire to attend Board meetings. Anyone planning to attend a Board meeting who requires special assistance or English translation or interpretation is asked to call the Superintendent's Office at (650) 526-3552 at least 48 hours in advance of the time and date of the meeting.

El Distrito Escolar de Mountain View Whisman esta dedicado a proveer acceso y comunicacion a todas las personas que deseen asistir a las reuniones de la Junta. Se pide que aquellas personas que planean asistir a esta reunion y requieren de asistencia especial llamen a la Oficina del Superintendente al (650) 526-3552 con por lo menos 48 horas de anticipacion del horario y fecha de esta reunion, para asi poder coordinar los arreglos especiales.

5. **DOCUMENT AVAILABILITY:**

Documents provided to a majority of the Governing Board regarding an open session item on this agenda will be made available for public inspection in the District Office, located at 1400 Montecito Avenue during normal business hours.

Los documentos que se les proveen a la mayoria de los miembros de la Mesa Directiva sobre los temas en la sesion abierta de este orden del dia estaran disponibles para la inspeccion publica en la Oficina del Distrito, localizada en el 1400 Montecito Avenue durante las horas de oficinas regulares.

EXHIBIT “C”



Mountain View
Whisman
School District

District Office
T 650.526.3500
1400 Montecito Avenue
Mountain View, CA 94043

January 23, 2019

VIA U.S. MAIL AND EMAIL

Jennifer Anderson-Rosse
Lead Petitioner
Bullis Charter School
102 W. Portola Avenue
Los Altos, CA 94022

Re: Admissions Process and Lottery

Dear Ms. Anderson-Rosse:

We understand Bullis Mountain View (“BMV” or “Charter School”) has begun the student registration process and holding informational meetings for parents interested in enrolling their children in the Charter School. As you know, on or about December 20, 2018, the Mountain View Whisman School District (“District”) Board of Trustees approved the BMV Petition and District staff’s recommendations set forth in its December 20, 2018 Staff Report, including specific enrollment preference requirements.

In accordance with the Board of Trustees’ approval of the BMV Petition with respect to the Charter School’s admissions and lottery procedures, and in order 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 must be afforded first enrollment preference in the public random lottery; and (2) students who are eligible for FRPM and who reside within the District must be afforded second enrollment preference in the public random lottery.¹

¹ Because the Board of Trustees approved these enrollment preferences at its December 20, 2018 meeting in conjunction with approval of the charter petition, compliance with these preferences is not dependent upon the execution of the operational Memorandum of Understanding (“MOU”) with the District.



Mountain View
Whisman
School District

The District requests the Charter School provide it with a detailed written description of the application, enrollment, and lottery process the Charter School is utilizing. The District further requests documents demonstrating the Charter School's compliance with the approved enrollment preferences described above. Please provide copies of any registration and/or informational meeting materials containing information regarding the public random lottery no later than January 30, 2019. Additionally, by this same deadline, please provide any other relevant documents demonstrating the Charter School's compliance with these enrollment preference requirements, including but not limited to any written policies and procedures relating to admissions and/or the lottery. To the extent that such documents have not yet been prepared, please inform the undersigned and promptly provide copies of such documents once completed. (Ed. Code, section 47604.3.)

On a going forward and ongoing basis, please ensure that all information posted or otherwise made available regarding the Charter School's admission process is provided to the District at the time it is posted or otherwise made available.

Please contact me if you have any questions regarding the above.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Dr. Rudolph', with a long, sweeping horizontal line extending to the right.

Dr. Ayindé Rudolph
Superintendent

EXHIBIT “D”



Mountain View
Whisman
School District

District Office
T 650.526.3500
1400 Montecito Avenue
Mountain View, CA 94043

January 23, 2019

VIA U.S. MAIL AND EMAIL

Jennifer Anderson-Rosse
Lead Petitioner
Bullis Charter School
102 W. Portola Avenue
Los Altos, CA 94022

Re: Compliance With Public Integrity Statutes

Dear Ms. Anderson-Rosse:

The Mountain View Whisman School District (“District”) wishes to bring to the attention of Bullis Mountain View (“BMV” or “Charter School”) a recent opinion impacting charter schools throughout the state. As you may know, several days after the District Board of Trustees approved the BMV Petition, on or about December 26, 2018, the Office of the Attorney General (“OAG”) published an opinion regarding a charter school’s obligation to comply with California’s various public integrity laws. Specifically, the OAG concluded that California charter schools, and their governing boards, must comply with the Ralph M. Brown Act, the California Public Records Act, Government Code section 1090, and the Political Reform Act of 1974. A copy of the opinion is enclosed.

We write to express the District’s expectation for BMV as well as its affiliated charter school, Bullis Los Altos, to comply with the above-referenced public integrity statutes as determined by the OAG. We ask that Bullis Los Altos and Bullis Mountain View provide a written statement regarding how they intend to comply with these provisions with specific focus on the conflict of interest provisions set forth in Government Code 1090. We also take this opportunity to request documents from the Charter School relating to these statutes.

First, the District requests a copy of the meeting schedule for the Bullis Public Charter School II (“BPCS”) Board of Directors. Second, the District requests information regarding the composition of the BPCS Board of Directors, including but not limited to member names and cities of residence. Third, the District requests copies of all meeting agendas for both of the boards governing Bullis Los Altos and Bullis Mountain



Mountain View
Whisman
School District

View. Please provide the requested documents no later than January 30, 2019. On a going forward basis, the District requests that all board agendas and related materials for Bullis Los Altos and Bullis Mountain View board meetings (including any committee meetings) be provided to the District upon posting. (Ed. Code, section 47604.3; Gov. Code, sections 54950, et. seq.)

Lastly, in accordance with the Charter and the BPCS Bylaws, and as provided under Education Code section 47604(b), the District intends to appoint a board member to serve on the BPCS Board of Directors and will inform you of our selection shortly.

Should you have any questions regarding the foregoing, please contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read 'A. Rudolph', with a long, sweeping horizontal line extending to the right.

Dr. Ayindé Rudolph
Superintendent

EXHIBIT “E”



BULLIS mountain view

VIA EMAIL TO SUPT@MVWSD.ORG

January 30, 2019

Dr. Ayindé Rudolph
Superintendent
Mountain View Whisman School District
1400 Montecito Avenue
Mountain View, CA 94043

Re: Response to Your Letter re Compliance with Public Integrity Statutes

Dear Dr. Rudolph:

Bullis Mountain View ("BMV") received your January 23, 2019 letter regarding a recent Attorney General opinion dated December 26, 2018. BMV is unequivocally committed to complying with the public integrity laws discussed in the opinion, as is stated in the charter itself under "Statutory Compliance". The charter petition explicitly states:

All meetings of the Board shall be held in accordance with the Brown Act. The Board shall maintain policies and procedures regarding self-dealing and a conflict of interest code, including annual Form 700 filing requirements in compliance with the Political Reform Act, Government Code section 1090, and Corporations Code Conflicts of Interest rules, and which shall be updated with any charter school-specific conflicts of interest laws and regulations.

BMV's intent to comply with these laws is unchanged by the recent AG opinion.

You asked for the Board's meeting schedule and a copies of all Board meeting agendas going forward. We assure the District that we send you these items as soon as they are available. BMV (technically Bullis Public Charter School II) is a newly formed nonprofit. The charter term does not commence until July 1, 2019, and we have received no public funds whatsoever. BMV will not have an in-district school site for the Board meetings until it's provided under Proposition 39 in July 2019, as noted in the draft memorandum of understanding we are negotiating with the District. In any event, BMV plans to develop a public meeting schedule in the coming weeks, which we will provide you.

You also asked for information regarding the governing board and operations of Bullis Charter School in Los Altos. Bullis Charter School is a separate nonprofit with its own governing board, and we do not have the information you requested. Please contact Bullis Charter School directly for information concerning its board and operations.

Sincerely,

Jennifer Anderson-Rosse, Lead Petitioner
Bullis Mountain View

EXHIBIT “F”



BULLIS mountain view

VIA EMAIL TO SUPT@MVWSD.ORG

January 30, 2019

Dr. Ayindé Rudolph
Superintendent
Mountain View Whisman School District
1400 Montecito Avenue
Mountain View, CA 94043


Re: Response to Your Letter re Admissions Process and Lottery

Dear Dr. Rudolph:

Bullis Mountain View ("BMV") received your January 23, 2019 letter requesting information and materials related to our admissions process. As you know, the Mountain View Whisman School District ("District") only recently took action on BMV's charter last month. We are currently developing the enrollment materials and the mechanics of the admissions process. BMV has not enrolled any students, and we are mindful of the enrollment preferences set forth in our charter and as conditioned by the District. Our counsel has provided a draft of the proposed MOU to yours, which includes detailed language addressing the admissions preferences approved by the District.

Enclosed is the enrollment information (bilingual) we are currently using. You will see it includes the preferences addressed in the District's conditions of approval. We will provide copies of additional enrollment materials once prepared and utilized.

Sincerely,



Jennifer Anderson-Rosse, Lead Petitioner
Bullis Mountain View

EXHIBIT “G”

Date of Submission _____

Time of Submission _____

Office Staff Initials _____



Bullis Mountain View Lottery Interest Form 2019-20

Thank you for your interest in Bullis Mountain View (BMV)! Only parents or legal guardians may complete and submit this form. You must complete and submit this form to BMV by **March 1st, 2019 at 4:00pm** in order for your child to be included in the lottery. Our student enrollment lottery will be held on **March 7th, 2019 at 6:00pm**. Your presence at the lottery is encouraged, but not mandatory. You will receive an email or letter in the mail postmarked within 2 weeks of the lottery with results.

Interest forms received after the deadline on March 1st will be held for a subsequent lottery (if necessary) or names will be added to the waitlist. **This form does not guarantee your child's enrollment in this school.** Please note that timely submission of all paperwork, including proof of address, will be required if your child is selected for enrollment.

Bullis Mountain View is a tuition-free, open-enrollment public school. BMV shall not discriminate against any pupil on the basis of disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or any other characteristic that is contained in the definition of hate crimes set forth in Section 422.55 of the Penal Code, including immigration status. (Ed. students apply than spaces are available, students are admitted by lottery in accordance with the Education Code.

STUDENT AND PARENT INFORMATION

Today's Date: / /

Student Name: _____

Student's Date of Birth: / /

Grade your child will be entering in **August 2019**:

(This is the grade under which your child will be entered in for the lottery)

TK K 1 2 3 4 5

Student Address: _____

Street

City

State

Zip

Does the student live with the parent/guardian?

Yes No

Parent / Guardian Name: _____

Relationship to Student: _____

Primary Phone Number*: _____

Primary Email*: _____

Preferred (Circle One): Phone Email

**If your phone number or email address changes before or after the lottery, it is your responsibility to inform BMV.*

LOTTERY INFORMATION

BMV provides preference through Lottery for MVWSD residents qualifying for free or reduced price meals, siblings, children of founding board members, children of staff up to 10%, and MVWSD residents.

PLEASE CHECK ALL THAT APPLY.

- My child resides within the boundaries of the Mountain View Whisman School District (MVWSD)

Home School (What is your neighborhood school?): _____

Admission is open to all residents of California - this information is only requested to implement several lottery preferences for in-district applicants.

- My child has a sibling currently enrolled at Bullis Mountain View:

Sibling(s) Name(s): _____ Current Grade(s): _____

- I am a Founding Board Member of Bullis Mountain View

- I am a current BMV staff member; Name: _____

- My child / family qualifies for free or reduced price meals

- My child resides within the attendance boundaries of Castro, Theuerkauf, or Monta Loma Elementary.

To determine if your family is eligible for free or reduced price meals visit the CA Department of Education website: <http://www.cde.ca.gov/ls/nu/rs/> A family automatically qualifies if receiving food stamps, CalFresh, CalWORKs, Kin-GAP, or FDPIR or other public assistance. You or your children do not have to be a U.S. citizen to qualify for free or reduced price lunch.

Parent / Guardian Signature _____

Date _____

If you have questions on enrollment / admissions, please contact BMV at 650-947-4100 or newschool@bullischarterschool.com.

Date of Submission _____

Time of Submission _____

Office Staff Initials _____



Aplicación de Interés para la Lotería Estudiantil Bullis Mountain View 2019-20

¡Gracias por su interés en Bullis Mountain View (BMV)! Solo los padres o tutores legales pueden completar y enviar este formulario. Debe completar y enviar este formulario a BMV antes del **1 de marzo de 2019 a las 4:00 pm** para que su hijo sea incluido en la lotería. Nuestra lotería de inscripción de estudiantes se llevará a cabo el **7 de marzo de 2019 a las 6:00 pm**. Se recomienda su presencia en la lotería, pero no es obligatorio. Recibirá un correo electrónico o una carta en el correo con el sello postal dentro de las 2 semanas posteriores a la lotería con los resultados.

Los formularios de interés recibidos después de la fecha límite del 1 de marzo se mantendrán para una lotería posterior (si es necesario) o los nombres se agregarán a la lista de espera. **Este formulario no garantiza la inscripción de su hijo en esta escuela.** Tenga en cuenta que se requerirá la presentación oportuna de todos los documentos, incluida la prueba de domicilio, si su hijo es seleccionado para la inscripción. **BMV es una escuela pública de inscripción abierta y libre de cuota de matriculación. La escuela charter no discriminará sobre la discapacidad, género, identidad de género, expresión de género, nacionalidad, raza o etnia, religión, orientación sexual, o cualquier características que sean definidas o contenidas como crímenes de odio por la sección 422.55 del código penal. (Ed. Code § 47605(d)(1).) Si el número de los estudiantes que aplican es mas grande de los espacios que tenemos disponibles, los estudiantes son ingresados por lotería de acuerdo con el código de educación.**

INFORMACION DEL ESTUDIANTE Y PADRE DE FAMILIA

Fecha de hoy: / /

Nombre del estudiante: _____ Fecha de nacimiento del estudiante: / /

Nivel al que su hijo/a empezara en **Agosto 2019**:
(Este es el nivel en el cual su hijo/a entrara en la lotería) TK K 1 2 3 4 5

Domicilio del estudiante:
Calle _____ Ciudad _____ Estado _____ Código postal _____

¿El estudiante vive con el padre de familia/guardián legal? Si No

Nombre del padre de familia/guardián legal: _____ Relación al estudiante: _____

Numero de teléfono primario*: _____ Correo electrónico primario*: _____

Preferencia de comunicación (Circule uno): Teléfono Correo Electrónico
*Si su numero de teléfono o correo electrónico cambia(n) antes o después de la lotería, es su responsabilidad informar a BMV de este cambio.

INFORMACION DE LA LOTERIA

BMV otorga preferencia a través de la Lotería para los residentes de MVWSD que califican para recibir comidas gratis oa precio reducido, hermanos, hijos de miembros de la junta fundadora, hijos del personal de hasta el 10% y residentes de MVWSD.

POR FAVOR SELECCIONE TODO LO QUE APLIQUE A SU SITUACION.

Mi hijo/a vive entre los límites de Mountain View Whisman School District (MVWSD)
Escuela que le corresponde a su domicilio (¿Cuál es la escuela de su vecindad?) _____
La admisión está abierta a todos los residentes de California: esta información solo se solicita para implementar varias preferencias de lotería para solicitantes en el distrito MVWSD.

Mi hijo/a tiene un/a hermano/a ya inscrito en BMV:
Nombre de hermanos/as: _____ Nivel(es) en el 2019-2020: _____

Soy un miembro de la Junta Fundadora de Bullis Mountain View

Soy empleado de BMV; Nombre: _____

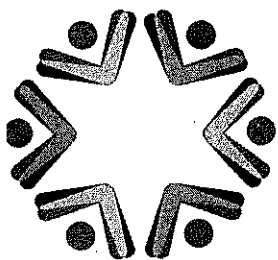
Mi hijo / familia califica para comidas gratis oa precio reducido _____

Mi hijo reside dentro de los límites de asistencia de Castro, Theuerkauf o Monta Loma Elementary.
Para saber si su familia es elegible, visite el sitio web de CA Departamento of Educación al: <http://www.cde.ca.gov/ls/nur/rs/scales1415.asp>
Una familia automáticamente califica si recibe estampillas/vales de comida, CalFresh, CalWORKs, Kin-GAP, o FDPIR o cualquier otra asistencia pública. Ni usted ni sus hijos/as tienen que ser ciudadanos de los EE.UU. para calificar para el almuerzo gratuito o reducido.

Firma del padre de familia/Guardián Legal _____

Fecha _____

Si tiene preguntas sobre la inscripción / admisión, comuníquese con BMV al 650-947-4100 o escriba a newschool@bullischarterschool.com.



BULLIS mountain view

Want More
Information?

www.bullismountainview.com
facebook.com/BullisMV
(650) 947-4100
newschool@bullischarterhschool.com

About Bullis Mountain View (BMV)

Our mission is to instill a **lifelong love of learning** through an enriched curriculum that emphasizes experiential and **project-based learning** in order to prepare our students to be leaders in a world that will look quite different than it does today. We seek to build an intentionally diverse school tailored to meet the needs of the diverse students in Mountain View.

Educational Offerings

High Quality, Full Day Transitional Kinder and Kindergarten

A rigorous and developmentally appropriate full day program for early learners, including a unique program for younger fives (birthdates between June 1-Dec 2).

Longer School Day

A longer school day to ensure strong academic and social-emotional gains for every student. After school curriculum will also be available.

Focused Learning Goals (FLGs) and Personalized Learning

Individualized goals provide every student the opportunity to set achievable goals, build a growth mindset and achieve academic success.

Personalized Learning

Small group instruction targeted to meet the needs of each student through differentiated instruction and technology.

Lower Student-Teacher Ratios

Small group instruction and use of Associate Teachers and Aides.

Project-Based Learning and STEAM (Science, Technology, Engineering, Arts, Math)

Hands-on, real world learning designed to motivate and engage all learners

Focus on the Whole Child and Social Emotional Well Being

Enrollment Priorities

If there is more demand than available spaces for students, the school will hold a **blind, transparent lottery** that is open to the public on March 7 at 6pm. Enrollment priorities are still being finalized, but will follow similar categories and order listed below:

- (1) Siblings of admitted students who are eligible for Free and Reduced-Price Meals ("FRPM") and reside in the attendance areas of Castro, Theuerkauf, or Monta Loma schools
- (2) Other FRPM-eligible students who reside in the school attendance areas for Castro, Theuerkauf, or Monta Loma
- (3) Siblings of admitted students who are FRPM-eligible and reside elsewhere within MVWSD
- (4) Other FRPM-eligible students who reside elsewhere within MVWSD
- (5) Children of founding board members
- (6) Children of BMV teachers and staff (up to 10%)
- (7) Siblings of admitted students who reside within MVWSD
- (8) Other students who reside within MVWSD
- (9) Siblings of admitted students who reside outside of MVWSD
- (10) Other FRPM-eligible students who reside outside of MVWSD
- (11) All other students

*Once priorities are finalized, we will publish them on the school website.

School Size/Location

BMV will enroll **168 students** in its first year of operation (target 2019-20)

BMV will enroll "Early Learners" TK class, Kindergarten, 1st grade, and 2nd grade (24 students per class) for the first year.

Over the next three years, the school will expand to 5th grade (26 students per class in grades 4 and 5) adding a grade each year until the school is fully built out with a total of **320 students**.

The location will likely be located at 1400 Montecito Avenue, Mountain View.

Proposed Schedule

Early Learners – Grade 5
8:15 a.m.* – 3:15 p.m.**

School Start: 8:15 - 3:15 p.m.
Recess: 10:35 - 10:55 (20 min)
Lunch: 12:45 - 1:25 (40 min)
Dismissal: 3:15 p.m.

* Extra-Curricular classes may begin before 8:15 a.m.

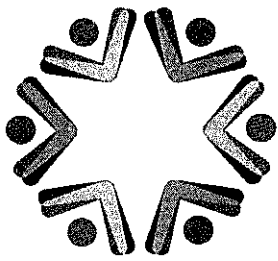
** Extra-Curricular classes will extend past 3:15 p.m.

Want to Enroll?

To enroll, visit our website to download an application and email it to info@bullismountainview.com

Attend an upcoming parent information session to learn more or fill out an application at the Mountain View Senior Center, 266 Escuela Ave.

- Thursday, January 24 at 7pm
- Thursday, February 7 at 7pm
- Monday, February 25 at 7pm



BULLIS mountain view

¿Quieres más información?

bullismountainview.com
facebook.com/BullisMV
(650) 947-4100
newschool@bullischarterchool.com

Bullis Mountain View (BMV)

Nuestra misión es inculcar un amor por el aprendizaje de por vida a través de un currículo enriquecido que enfatiza el aprendizaje basado en proyectos y experiencias para preparar a nuestros estudiantes para que sean líderes en un mundo que se verá muy diferente al de hoy. Buscamos construir una escuela intencionalmente diversa diseñada para satisfacer las necesidades de los diversos estudiantes en Mountain View.

Ofertas Educativas

Kinder de alta calidad, día completo y kindergarten

Un programa de día completo riguroso y apropiado para el desarrollo para los primeros alumnos, que incluye un programa único para jóvenes de cinco años (fechas de nacimiento entre el 1 de junio y el 2 de diciembre).

Día escolar más largo

Un día escolar más largo para asegurar un sólido progreso académico y socioemocional para cada estudiante. El plan de estudios después de la escuela también estará disponible.

Objetivos de aprendizaje focalizado (FLG) y aprendizaje personalizado

Las metas individualizadas brindan a cada estudiante la oportunidad de establecer metas alcanzables, desarrollar una mentalidad de crecimiento y lograr el éxito académico.

Aprendizaje personalizado

Instrucción en grupos pequeños dirigida a satisfacer las necesidades de cada estudiante a través de instrucción y tecnología diferenciadas.

Razones más bajas entre estudiantes y maestros

Instrucción en grupos reducidos y uso de Maestros Asociados y Ayudantes.

Aprendizaje basado en proyectos y STEAM (Ciencia, Tecnología, Ingeniería, Artes, Matemáticas)

Aprendizaje práctico y en el mundo real diseñado para motivar e involucrar a todos los estudiantes.

Centrarse en el niño integral y el bienestar social y emocional

Prioridades de Inscripción

Si hay más demanda que los espacios disponibles para los estudiantes, la escuela tendrá una lotería ciega y transparente que estará abierta al público el 7 de marzo a las 6pm. Las prioridades de inscripción aún se están finalizando, pero seguirán las categorías y el orden similares que se detallan a continuación:

- (1) Hermanos de estudiantes admitidos que son elegibles para comidas gratis oa precio reducido ("FRPM") y residir en las áreas de asistencia de las escuelas Castro, Theuerkauf o Monta Loma
 - (2) Otros estudiantes elegibles para FRPM que residen en las áreas de asistencia escolar de Castro, Theuerkauf o Monta Loma
 - (3) Hermanos de estudiantes admitidos que son elegibles para FRPM y residen en otro lugar dentro de MVWSD
 - (4) Otros estudiantes elegibles para FRPM que residen en otro lugar dentro de MVWSD
 - (5) Hijos de los miembros fundadores de la junta.
 - (6) Hijos de profesores y personal de BMV (hasta un 10%)
 - (7) Hermanos de estudiantes admitidos que residen dentro de MVWSD
 - (8) Otros estudiantes que residen dentro de MVWSD
 - (9) Hermanos de estudiantes admitidos que residen fuera de MVWSD
 - (10) Otros estudiantes elegibles para FRPM que residen fuera de MVWSD
 - (11) Todos los demás estudiantes
- * Una vez que se finalicen las prioridades, las publicaremos en el sitio web de la escuela.
{11} Todos los demás estudiantes

* Una vez que se finalicen las prioridades, las publicaremos en el sitio web de la escuela.

Tamaño/Ubicación

Acerca de Bullis Mountain View (BMV)
BMV inscribirá a 168 estudiantes en su primer año de operación (objetivo 2019-2020)

BMV inscribirá la clase de TK de "Early Learners", Kindergarten, 1er grado y 2º grado (24 alumnos por clase) durante el primer año.

Durante los próximos tres años, la escuela se expandirá al quinto grado (26 estudiantes por clase en los grados 4 y 5) agregando un grado cada año hasta que la escuela esté totalmente desarrollada con un total de 320 estudiantes.

La ubicación probablemente estará ubicada en 1400 Montecito Avenue, Mountain View.

Horario Propuesto

Alumnos Tempranos - Grado 5
8:15 a.m. * - 3:15 p.m. **

Inicio de la Escuela: 8:15 - 3:15 p.m.

Recreo: 10:35 - 10:55 (20 min)

Almuerzo: 12:45 - 1:25 (40 min)

Despido: 3:15 p.m.

* Las clases extracurriculares pueden comenzar antes de las 8:15 a.m.
** Las clases extracurriculares se extenderán más allá de las 3:15 p.m.

Para inscribirse, visite nuestro sitio web para descargar una aplicación y enviarla por correo electrónico a info@bullismountainview.com

Asista a una próxima sesión de información para padres para obtener más información o completar una solicitud en Mountain View Senior Center, 266 Escuela Ave.

- Jueves 24 de enero a las 7pm.
- Jueves 7 de febrero a las 7pm.
- Lunes 25 de febrero a las 7pm

EXHIBIT “H”

February 15, 2019

VIA U.S. MAIL AND EMAIL

Jennifer Anderson-Rosse
Bullis Mountain View
Bullis Charter School
102 W. Portola Avenue
Los Altos, CA 94022

Re: Admissions Process and Lottery

Dear Ms. Anderson-Rosse:

This correspondence follows the Mountain View Whisman School District's ("District") January 23, 2019 letter regarding Bullis Mountain View's ("BMV" or "Charter School") compliance with its admissions preference requirements, and responds to BMV's January 30, 2019 letter to the District regarding the same.

It has recently come to the District's attention that, on or about January 24, 2019, the Charter School held a parent enrollment meeting, during which time information was presented to prospective parents regarding BMV's public lottery that was inconsistent with the requirements approved by the Board of Trustees as set forth in the District's December 20, 2018 Staff Report. Specifically, the information presented indicated that admissions preference, "once finalized," would be provided to prospective pupils in the following order: Students qualifying for FRPM who reside in MVWSD; Siblings; Founding board members; Staff up to 10%; Residents within boundaries of MVWSD; Siblings outside of MVWSD boundaries; Students qualifying for FRPM who reside outside of MVWSD; and all others who reside outside of MVWSD boundaries."

The above information does not reflect any preference for pupils qualifying for Free and Reduced-Price Meals ("FRPM") who reside within the attendance boundaries of Castro, Theuerkauf, and Monta Loma Elementary Schools, as required by the charter. Furthermore, the above information reflects that the Charter School's preferences have not been



“finalized,” despite the fact that preference requirements were made clear and approved by the Board of Trustees on December 20, 2018.

It has been more than one (1) month since the approval of the BMV Petition. Accordingly, the District expects that any and all information presented to the public moving forward is consistent with the approved admissions preference requirements. To monitor the Charter School’s compliance with its charter, please provide a copy of all materials, including but not limited to Power Point presentations, utilized at parent enrollment and information sessions for the remainder of the 2018-19 school year within three (3) days of the conclusion of each session to the District.

Please contact me if you have any questions regarding the above.

Sincerely,

A handwritten signature in black ink, appearing to read "AR", with a long, sweeping flourish extending to the right.

Dr. Ayindé Rudolph
Superintendent

EXHIBIT “I”

March 1, 2019

VIA U.S. MAIL AND EMAIL

Jennifer Anderson-Rosse
Lead Petitioner
Bullis Charter School
102 W. Portola Avenue
Los Altos, CA 94022

Re: Admissions Process and Lottery Information Follow Up

Dear Ms. Anderson-Rosse:

Two (2) weeks ago, the Mountain View Whisman School District (“District”) sent a letter addressed to you regarding Bullis Mountain View’s (“BMV” or “Charter School”) admissions and lottery process. As you know, our letter, dated February 15, 2019, was prompted by the fact that BMV held a parent enrollment meeting on January 24th, during which time information was presented about the Charter School’s lottery and admissions process that was inconsistent with BMV’s charter.

In our February 15th letter, BMV was informed that the District expects that any and all information presented to the public moving forward is consistent with the approved admissions preference requirements under the charter. Moreover, BMV was asked to provide a copy of all materials utilized at parent enrollment and information sessions for the remainder of the 2018-19 school year within three (3) days of the conclusion of each session.

To date, the District has not received any communication from you or the Charter School regarding BMV’s intent to comply with these expectations. Please confirm with the undersigned your understanding of the above-referenced requests as soon as possible.

Should you have any questions regarding the foregoing, please contact me.

Sincerely,



Dr. Ayindé Rudolph
Superintendent



EXHIBIT “J”

From: **Jennifer Anderson-Rosse** <jrosse@bullismountainview.com>
Date: Fri, Mar 8, 2019 at 3:32 PM
Subject: Enrollment Preferences
To: Ayinde Rudolph Ed.D. <arudolph@mvwsd.org>

Dr. Rudolph,

At the district board discussion last night, your board expressed some ambiguity about its understanding of the enrollment preferences. Please confirm that the district agrees that BMV's enrollment preferences at this time are those as explicitly listed in our charter petition, and not those that the district attempted to impose in its December 20, 2018 action on the charter petition. We need to start our enrollment immediately, and require this confirmation from you. Please confirm no later than 12:00 PM on Monday, March 11.

Thank you,

--

Jennifer Anderson-Rosse
Founding Head of School
Bullis Mountain View

--

Respectfully,
Ayiné Rudolph Ed.D
Superintendent
Mountain View Whisman School District
650-526-3552
<https://www.mvsd.org>

EXHIBIT “K”



Mountain View
Whisman
School District

District Office
T 650.526.3500
1400 Montecito Avenue
Mountain View, CA 94043

March 11, 2019

VIA U.S. MAIL AND EMAIL

Jennifer Anderson-Rosse
Lead Petitioner
Bullis Charter School
102 W. Portola Avenue
Los Altos, CA 94022

Re: Request for Clarification Regarding Requirements for
Admissions Practices

Dear Ms. Anderson-Rosse:

We are in receipt of your email requesting clarification regarding the requirements for Bullis Mountain View ("BMV") admissions practices. There should be no confusion as the Mountain View Whisman School District Board of Education ("Board") approved the BMV charter subject to the requirements 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; and (2) students who are eligible for FRPM and who reside within the Mountain View Whisman School District be afforded second enrollment preference.

There has been no action by the Board to change its approval of the charter with these requirements nor is the Board confused as to the requirements in place. As such, the BMV charter requires the above stated preferences and the expectation is that BMV will comply. We enclose the Staff Report and the Minutes of the December 20, 2018 Board meeting for your file.

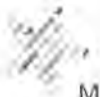
Should you have any questions regarding the foregoing, please contact me.

Sincerely,

Dr. Ayindé Rudolph

Superintendent

EXHIBIT “L”



Mountain View
Whisman
School District

District Office
T 650.526.3500
1400 Montecito Avenue
Mountain View, CA 94043

March 19, 2019

VIA U.S. MAIL AND EMAIL

Jennifer Anderson-Rosse
Lead Petitioner
Bullis Charter School
102 W. Portola Avenue
Los Altos, CA 94022

Re: Santa Clara County Office of Education Meeting

Dear Ms. Anderson-Rosse:

The Mountain View Whisman School District (“District”) was very surprised to learn from the Santa Clara County Office of Education (“SCCOE”) that representatives from Bullis Mountain View (“BMV” or “Charter School”) met directly with County Superintendent Mary Ann Dewan and SCCOE staff – without District knowledge or advance notification – to request that SCCOE “approve” BMV’s already-existing charter. Specifically, BMV sought permission to operate under SCCOE’s oversight because of its dissatisfaction with the governance and enrollment requirements which the District’s Governing Board approved consistent with and as part of the BMV charter.

BMV’s attempt to end-run the District’s oversight authority is both stunning and telling. BMV is required to comply with governance and enrollment requirements designed to ensure local participation in the governance of the Charter School and to ensure BMV serves the diverse student population it has proposed, indeed promised, to serve. However, BMV’s dissatisfaction with these requirements, as evident by its effort to avoid these obligations by somehow being authorized by the SCCOE board, reflects BMV’s intention to disavow these obligations.

The District interprets the unprecedented length to which BMV attempted to bypass these obligations and the District’s oversight as a violation of law. The Charter Schools Act provides no authority for a charter school to “swap” authorizers, much less seek the “approval” of an already-existing district-approved charter from the county office of education, or any other agency for that matter, absent the exhaustion of statutory procedures for petition denial or nonrenewal, which are not present here.



Mountain View
Whisman
School District

Furthermore, BMV's actions stand at odds with the preference for local control which underpins the Charter Schools Act.

BMV may not treat the process or the decision of the District Board to approve the charter petition as a sham. In fact, BMV's actions call into question whether it ever intended to serve District students, to serve a diverse population, or to engage the Mountain View Whisman community. BMV's actions amount to a bad faith lobbying effort to undermine the District's oversight authority because of its own inability and/or unwillingness to comply with the charter and the promises made.

Within ten (10) days of receipt of this letter, BMV is to provide a written response to the District to explain its actions. Please be advised that the Santa Clara County Office of Education is being copied to this letter.

If BMV does not have any intention of operating in compliance with its charter, including the approved governance and enrollment requirements, BMV is to immediately communicate such intention and the District will take appropriate steps.

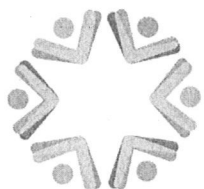
Sincerely,

A handwritten signature in black ink, appearing to read "A. Rudolph", with a long, sweeping flourish extending to the right.

Dr. Ayindé Rudolph
Superintendent

cc: Dr. Mary Ann Dewan, County Superintendent
Khristel Johnson, Director, Charter Schools Division
Santa Clara County Office of Education

EXHIBIT “M”



BULLIS mountain view

March 21, 2019

Ayindé Rudolph, Ed.D.
Superintendent

Members of the Board of Trustees
Mountain View Whisman School District
1400 Montecito Ave.
Mountain View, CA 94043

Re: Bullis Mountain View Charter School

Dear Dr. Rudolph and Members of the Board of Trustees:

This letter responds to yours of Tuesday, March 19, wherein you reiterate the District's conditions of approval of December 20, 2018. Your letter attached a copy of those conditions to make clear what the District Board approved, and what it did not. What it did not approve was the Bullis Mountain View charter petition.

BMV presented its painstakingly prepared, detailed petition to the District Board for consideration. Section 47605(b) of the Education Code provides that districts may grant a petition as proposed, or deny. Rather than voting to deny, the District Board instead attempted to "approve" with substantial conditions the District intended to impede and obstruct the school's successful operation. The District's attempted rewrite imposed requirements fundamentally contrary to important, mandatory elements of the proposed petition itself. By not approving the charter petition as presented, the District denied the petition.

Although we thereafter suggested in good faith and explained in detail meaningful terms that harmonized any District concerns with the charter petition itself, the District (after being silent for three full weeks) rejected each and every compromise with its mantra that "the Board's approval of the [conditions] was an indivisible part of the District's approval of [the] charter petition", and the District simply "is not amenable" to agreeing to BMV's charter petition.

Therefore, in light of the fact that you have as recently as this Tuesday made very clear that the District denied the petition and "is not amenable" to the terms of our petition, we see no practical purpose in meeting further with you. We consider our petition denied, and will proceed accordingly.

Sincerely,


Jennifer Anderson-Rosse

EXHIBIT “N”

From: "Bullis Mountain View" <info@bullismountainview.com>
Date: March 21, 2019 at 12:03:00 PM PDT
To:
Subject: Important Updates, BMV
Reply-To: info@bullismountainview.com



BULLIS mountain view

March 21, 2019

Dear Families,

Thank you so much for your continued enthusiastic interest in helping to launch Bullis Mountain View ("BMV").

Today I write with a heavy heart. As you know, we have worked for years to bring a high-quality, innovative education to all students in the Mountain View Whisman District. We have gained much support in the community and it is with much frustration and sadness that we share the news with you that we will not be opening this Fall as we'd hoped. For the 218 families that were eager to participate in the lottery, we are sorry to inform you that we will not be holding a lottery and we thank you for your trust and support through the entire process.

The following is a detailed explanation of what has happened so far and where we're at right now.

As you know, the District "conditionally" approved our charter petition in December. But that conditional approval has turned out to be a denial of our charter petition. Although we had hoped that the District would work with us in good faith concerning its conditions, it continues to undermine our efforts. The District is insisting on imposing irrational and harmful conditions on our charter – conditions that would prevent us from running a high-quality school. Several of these conditions would even require us to violate state law.

We had hoped to meet on March 22 with the District to explore solutions. However, the District has sent multiple communications making it very clear that its conditions are non-negotiable, which closes all doors.

Since the District conditionally approved our charter three months ago on December 20th, 2018, we have repeatedly tried to engage in conversation and address any reasonable concerns the District had about instruction, student safety or other key areas. These attempts were not fruitful in part because the District refused to discuss their key conditions which fundamentally changed our Charter petition.

On March 7, BMV provided a presentation at the request of the District at the MVWSD Board meeting. We updated the District on our enrollment, our board, and our efforts to negotiate with the District on the conditions of approval.

We also raised serious concerns. The following three concerns illustrate the irrational and harmful challenges posed by the District's conditions:

1. **Several of the District's "conditions" would force us to violate the law.** For example, the District insisted that we guarantee that our student demographics precisely match the District's demographics – specifically, that our school should have the same percentage of socio-economically disadvantaged students and students who receive free-and-reduced lunch as the average District school.

We understand that enrolling a diverse student body requires active engagement to target families who may not be aware of all of their public school options, may not speak English fluently, or may be misinformed about what charter schools are and their requirement to serve all students. We are eager to serve students who receive free-and-reduced lunch; we plan to offer priority enrollment to those students and we welcome the opportunity to set an enrollment target for those students. But state law prohibits us from imposing quotas for certain student subgroups. This would amount to discrimination, and it is simply illegal.

2. **The District insisted on enrollment preferences that would have harmed families.** The District sought to rewrite our petition to replace our admissions policy with entirely different lottery preferences that were not included in the petition. This violates charter law. Most importantly, we believe in keeping families together, so our first preference in our petition is for siblings. Sibling priority is a common preference currently in place at a majority, if not all, District schools and charter schools. This preference was a nearly universal request that parents shared in the listening sessions that the BMV team conducted as part of the development of this community-focused school. This preference was created in direct response to community need.

If the District had engaged us in any conversation about these conditions, rather than posting them several days before the board meeting with no engagement, we surely could have worked towards a resolution that would have been a win-win for everyone. The District specifically left siblings out to separate families and undermine the success of BMV.

3. **The District conditioned that we follow its internal assessment process and curriculum, rather than provide us with the flexibility to innovate.** That condition is contrary to one of the most fundamental precepts of the Charter Schools Act -- that public charters like BMV foster innovation and improvement on local District models. The BMV petition lays out the means for student assessment clearly with high quality measures that are nationally normed and has high expectations for student performance throughout the year at all grade levels.

Students and teachers would have been required to outperform their peers in the District but were in the dark about what was being assessed. Most adults would be distraught if they were required to sit for a test that assessed mastery of something neither they nor their teachers could identify. The impact on a young student, required to sit three times per school year but unsure of the metrics used to evaluate his or her performance, would be demoralizing.

As a result, BMV leadership felt that the District's demands were not in the best interest of its students. At the same time, BMV welcomes the assessment of academic performance aligned with clear and transparent standards. Charter Public school students are required to take the same state assessments that students across the state take; performance on those assessments is the principal factor in the charter renewal.

We proposed a useful compromise whereby the District would explain its assessment criteria in advance, and provide its student performance data, and if BMV didn't exceed those in any given year, we would meet with the District to address next steps. The District refused to consider this proposal.

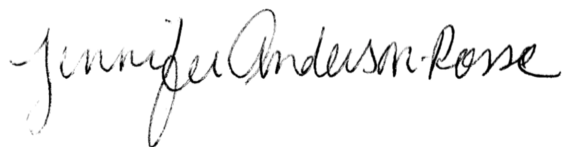
These are just three of several issues inherent in the conditions imposed by the District. The District unilaterally and without our consent altered and attempted to "approve" the charter petition in ways that would have prevented us from providing the kind of rigorous and supportive educational program that families want and deserve. We believe this was done intentionally to hinder our success. We are profoundly disappointed, to say the least.

BMV had hoped that the District would work with the school in good faith, but instead the District has spent a considerable amount of taxpayer dollars on outside legal counsel and continues to undermine BMV's efforts to open.

We understand this is frustrating and, for many of you, devastating. We share those feelings. Please know we took every step possible to seek solutions. Ultimately, the District was trying to force us to make compromises -- on educational quality, student experience and families' rights -- that we were not willing to make.

We are planning to hold a meeting on **March 28 at 7:30pm at the Senior Center (266 Escuela Ave)**, to answer any questions. Do not hesitate to reach out to me in the meantime with any questions you might have.

Sincerely,



Jennifer Anderson-Rosse
Founding Head of School
Bullis Mountain View

21 de marzo de 2019

Queridas Familias,

Muchas gracias por su continuo y entusiasta interés en ayudar a lanzar Bullis Mountain View ("BMV").

Hoy les escribo con mucha tristeza en mi corazón. Como saben, hemos trabajado durante años para brindar una educación innovadora y de alta calidad a todos los estudiantes del distrito de Mountain View Whisman. Hemos ganado mucho apoyo en la comunidad y es con mucha frustración y tristeza que compartimos la noticia con ustedes que no abriremos este otoño como esperábamos. Para las 218 familias que estaban ansiosas por participar en la lotería, lamentamos informarles que no tendremos una lotería. Les agradecemos su confianza y apoyo durante todo este proceso.

La siguiente es una explicación detallada de lo que ha sucedido hasta ahora y dónde estamos en este momento.

Como ustedes saben, el Distrito "condicionalmente" aprobó nuestra petición de Escuela Charter en diciembre. Pero esa aprobación condicional ha resultado ser una negación de nuestra petición. Aunque habíamos esperado que el Distrito trabajara con nosotros en buena fe con respecto a sus condiciones, continúa minando nuestros esfuerzos. El Distrito está insistiendo en imponer condiciones irracionales y dañinas a nuestra Escuela Charter, condiciones que nos impedirían tener una escuela de alta calidad. Varias de estas condiciones incluso nos obligarían a violar la ley estatal.

Esperábamos reunirnos el 22 de marzo con el Distrito para explorar soluciones. Sin embargo, el Distrito ha enviado varias comunicaciones que dejan muy claro que sus condiciones no son negociables, lo que cierra todas las puertas.

Desde que el Distrito aprobó condicionalmente nuestra Escuela Charter hace tres meses, el 20 de diciembre de 2018, hemos tratado repetidamente de entablar una conversación y abordar cualquier inquietud razonable que tenga el Distrito sobre la instrucción, la seguridad de los alumnos u otras áreas clave. Estos intentos no fueron fructíferos, en parte, porque el Distrito se negó a discutir las condiciones que cambiaban fundamentalmente nuestra petición de Escuela Charter.

El 7 de marzo, BMV realizó una presentación a solicitud del Distrito en la reunión de la Junta de MWSD. Actualizamos al Distrito sobre nuestras inscripciones, nuestra junta directiva y nuestros esfuerzos para negociar con el Distrito las condiciones de aprobación.

También planteamos serias inquietudes. Las siguientes tres preocupaciones ilustran los desafíos irracionales y dañinos planteados por las condiciones del Distrito:

1. **Varias de las "condiciones" del Distrito nos obligarían a violar la ley. por ejemplo, el Distrito insistió en que garantizamos que los datos demográficos de nuestros estudiantes coincidan exactamente con los datos demográficos del Distrito;** específicamente, que nuestra escuela debería tener el mismo porcentaje de estudiantes con desventajas socioeconómicas y que reciben almuerzo gratuito y reducido, como la escuela promedio del Distrito.

Entendemos que inscribir a un cuerpo estudiantil diverso requiere un compromiso activo para dirigirse a las familias que pueden no conocer todas sus opciones de escuelas públicas, pueden no hablar inglés con fluidez o pueden estar mal informadas sobre qué son las escuelas Charter y su requisito de servir a todos los estudiantes. Estamos ansiosos por servir a los estudiantes que reciben almuerzo gratis y reducido; planeamos ofrecer inscripción prioritaria a esos estudiantes y damos la bienvenida a la oportunidad de establecer un objetivo de inscripción para esos estudiantes. Pero la ley estatal nos prohíbe imponer cuotas para ciertos subgrupos de estudiantes. Esto equivaldría a la discriminación, y es simplemente ilegal.

BMV, como todas las escuelas charter en California, por ley está abierta a todos los estudiantes, pero debe realizar una lotería si hay una mayor demanda que disponibilidad de cupos. Nuestra petición de Escuela Charter se adhiere a esta ley.

2. **El Distrito insistió en las preferencias de inscripción que habrían perjudicado a las familias.** El Distrito intentó reescribir nuestra petición para reemplazar nuestra política de admisión con preferencias de lotería completamente diferentes que no se incluyeron en la petición. Esto viola la ley escrita para las Escuelas Charter. Lo más importante es que creemos en mantener a las familias unidas, por lo que nuestra primera preferencia en nuestra petición es para hermanos. Darle prioridad a los hermanos es una preferencia común que actualmente existe en la mayoría, sino en todas, las escuelas del Distrito de Mountain View, incluyendo las escuelas opcionales. Esta preferencia fue una solicitud casi universal que los padres compartieron con nosotros en las sesiones que el equipo de BMV realizó como parte del desarrollo de esta escuela enfocada en la comunidad. Esta preferencia fue creada en respuesta directa a las necesidades de la comunidad.

Si el Distrito nos hubiera involucrado en alguna conversación sobre estas condiciones, en lugar de publicarlas varios días antes de la reunión de la junta directiva sin compromiso, seguramente habríamos trabajado para lograr una resolución que hubiera sido beneficiosa para todos. El Distrito específicamente dejó a los hermanos separados de las familias y socavó el éxito de la BMV.

3. **El Distrito impuso como condición que sigamos su proceso de evaluación interna y el plan de estudios del Distrito, en lugar de proporcionarnos la flexibilidad para innovar.** Esa condición es contraria a uno de los preceptos más fundamentales de la Ley de Escuelas Autónomas (Charter Schools Act): que las escuelas públicas Charter como BMV fomenten la innovación y el mejoramiento de los modelos educativos de los distritos locales. La petición de BMV establece claramente los medios para la evaluación de los estudiantes con medidas de alta calidad que están aceptadas a nivel nacional y tienen altas expectativas de rendimiento estudiantil durante todo el año en todos los grados.

Los estudiantes y los maestros tendrían que haber superado a sus compañeros en el Distrito, pero no sabrían lo que se está evaluando. Cualquier adulto se sentiría angustiado si se le exigiera que se presentara a una prueba que evaluará el dominio de algo que ni ellos ni sus maestros podían identificar. El impacto en un estudiante joven, al que se le requiere tomar estas pruebas tres veces por año escolar, pero que no está seguro de los criterios utilizados para evaluar su desempeño, sería desmoralizador.

Como resultado, los líderes de BMV sienten que las demandas del Distrito no están en el mejor interés de sus estudiantes. Al mismo tiempo, BMV agradece la evaluación del desempeño académico alineado con estándares claros y transparentes. Los estudiantes de escuelas públicas Charter deben tomar las mismas evaluaciones estatales que los estudiantes de todo el estado. El desempeño en esas evaluaciones es el factor principal en la renovación de las escuelas Charter.

Propusimos un compromiso por el cual el Distrito nos explicaría sus criterios de evaluación por adelantado y proporcionaría los datos de rendimiento de sus estudiantes. Si BMV no excediera los resultados en un año determinado, nos reuniríamos con el Distrito para explorar pasos a tomar. El Distrito se negó a considerar esta propuesta.

Estos son solo tres de los varios problemas inherentes a las condiciones impuestas por el Distrito. El Distrito unilateralmente y sin nuestro consentimiento modificó e intentó "aprobar" la petición de la escuela Charter de manera que nos hubiera impedido proporcionar el tipo de programa educativo riguroso y de apoyo que las familias desean y merecen. Creemos que esto se hizo intencionalmente para obstaculizar nuestro éxito. Estamos profundamente decepcionados, por decir lo menos.

BMV había esperado que el Distrito trabajara con la escuela de buena fe, pero en cambio, el Distrito ha gastado una cantidad considerable de dólares de los contribuyentes en asesores legales externos, y continúa socavando los esfuerzos de BMV para operar.

Entendemos que esto es frustrante y, para muchos de ustedes, devastador. Compartimos estos sentimientos. Por favor, sepan que tomamos todas las medidas posibles para buscar soluciones. En última instancia, el Distrito estaba tratando de obligarnos a hacer compromisos (calidad educativa, experiencia de los estudiantes y derechos de las familias) que no estábamos dispuestos a hacer porque estaban en contra de los principios fundamentales de nuestra petición.

Tendremos una reunión **el 28 de marzo a las 7:30 pm en el Senior Center (266 Escuela Ave)**, para responder cualquier pregunta. No dude en comunicarse conmigo mientras tanto con cualquier pregunta que pueda tener.

Sinceramente,



Jennifer Anderson-Rosse
*Director fundador de la escuela
Bullis Mountain View*

Questions?

Contact info@bullismountainview.com or (650) 947-4100
Stay connected with us on [Facebook!](#)

www.bullismountainview.com

[Manage](#) your preferences | [Opt out](#) using TrueRemove™
Got this as a forward? [Sign up](#) to receive our future emails.
View this email [online](#).

102 W Portola Ave
Los Altos, CA | 94022 US

This email was sent to guardmom@aol.com.
To continue receiving our emails, add us to your address book.

emma®

EXHIBIT “O”

Bullis Mountain View

Delivery method:
Email and hand delivered

October 31, 2018

Superintendent Rudolph
Mountain View Whisman School District
Board of Education
1400 Montecito Avenue
Mountain View, CA 94043

RE: Request for Proposition 39 Facilities for the 2019-20 School Year

Dear Superintendent Rudolph:

I am writing on behalf of the Bullis Mountain View Charter School (“Charter School”) to request reasonably equivalent school facilities from the Mountain View Whisman School District (“District”) pursuant to Education Code Section 47614 (i.e., Proposition 39) and Title 5 of the California Code of Regulations (“CCR”) Section 11969.1 through 11969.11, as amended (“Implementing Regulations”).

Proposition 39, passed by the voters of California on November 7, 2000, requires school districts to make available, to each charter school operating within the school district, school facilities sufficient for each charter school to accommodate all of the charter school’s in-district students in conditions reasonably equivalent to those in which the students would be accommodated if they were attending other public schools of the school district. Facilities provided shall be contiguous, furnished, and equipped, and shall remain the property of the school district. In addition, the school district must make reasonable efforts to provide the charter school with facilities near to where the charter school desires to be located. (See Education Code Section 47614(b)).

The Proposition 39 Implementing Regulations, adopted by the State Board of Education (“SBE”) in 2002, and amended in 2008, require the Charter School to make an annual written request for facilities. Title 5 CCR Section 11969.9(c)(1) specifies the information that must be included in the annual facilities request. This request, along with the information submitted herewith, meets and exceeds the requirements of Education Code Section 47614 and the Implementing Regulations

Projected Average Daily Attendance (ADA)

In accordance with Education Code Section 47614(b)(2), the District is required to allocate school facilities to the Charter School for the following school year based upon a projection of average daily classroom attendance provided by the Charter School.

Proposition 39 Request: 2019-20 School Year

The Charter School’s Governing Board has determined that a reasonable projection of the Charter School’s in-District average daily classroom attendance for the 2019-20 school year is 159.6. The following is a break down of the Charter School’s projected average daily attendance (“ADA”) as required by 5 CCR Section 11969.9(c)(1). The Charter School’s ADA figures are based on the methodology outlined in the following section.

Please note:

- “Prior year” means the fiscal year prior to the year in which a facilities request is made. For this request, the prior year is 2017-18.
- “Current year” means the fiscal year in which a facilities request is made. For this request, the current year is 2018-19.
- “Request year” means the fiscal year for which facilities are being requested. For this request, the request year is 2019-20.

Table 1: Total ADA

A	B	C	D
Grade Level	<u>Actual Total Prior Year (P-2)</u>	<u>Projected Total Current Year</u>	<u>Projected Total Request Year</u>
TK			24.7
K			63.65
1			41.8
2			29.45
3			
4			
5			
Total			159.6

Table 2: Total In-District ADA

A	B	C	D
Grade Level	<u>Actual Total Prior Year (P-2)</u>	<u>Projected Total Current Year</u>	<u>Projected Total Request Year</u>
TK			24.7
K			63.65
1			41.8
2			29.45
3			
4			
5			
Total			159.6

Table 3: Total Classroom ADA

A	B	C	D
Grade Level	Actual Total Prior Year (P-2)	Projected Total Current Year	Projected Total Request Year
TK			24.7
K			63.65
1			41.8
2			29.45
3			
4			
5			
Total			159.6

Table 4: Total In-District Classroom ADA

A	B	C	D
Grade Level	Actual Total Prior Year (P-2)	Projected Total Current Year	Projected Total Request Year
TK			24.7
K			63.65
1			41.8
2			29.45
3			
4			
5			
Total			159.6

The following tables represent the projected **in-District ADA** (from Table 2 above) and **in-District classroom ADA** (from Table 4 above) broken down by grade level and the school in the District the pupils are otherwise eligible to attend. (5 CCR Section 11969.9(c)(2).)

Table 5: In-District ADA Broken Down by Grade Level and District Schools Where Pupils Would Otherwise Attend:

School Name/Grade	TK	K	1	2	3	4	5	6	7	8	9	10	11	12
Mariano Castro Elementary	3.8	8.55	1.9	2.85										
Theuerkauf Elementary	1.9	8.55	3.8	4.75										
Monta Loma Elementary	3.8	8.55	5.7	.95										
Garbriela Mistral Elementary	.95	.95	2.85	3.8										
Edith Landels Elementary	5.7	19	7.6	7.6										
Benjamin Bubb Elementary	.95	2.85	9.5	2.85										
Stevenson Elementary	0	0	0	0										

Frank L. Huff Elementary	1.9	7.6	5.7	4.75										
Vargas	5.7	7.6	4.75	1.9										

Table 6: In-District Classroom ADA Broken Down by Grade Level and District Schools Where Pupils Would Otherwise Attend:

School Name/Grade	TK	K	1	2	3	4	5	6	7	8	9	10	11	12
Mariano Castro Elementary	3.8	8.55	1.9	2.85										
Theuerkauf Elementary	1.9	8.55	3.8	4.75										
Monta Loma Elementary	3.8	8.55	5.7	.95										
Garbriela Mistral Elementary	.95	.95	2.85	3.8										
Edith Landels Elementary	5.7	19	7.6	7.6										
Benjamin Bubb Elementary	.95	2.85	9.5	2.85										
Stevenson Elementary	0	0	0	0										
Frank L. Huff Elementary	1.9	7.6	5.7	4.75										
Vargas Elementary	5.7	7.6	4.75	1.9										

Table 7: In-District Students Broken Down by Grade Level and District Schools Where Pupils Would Otherwise Attend:

School Name/Grade	TK	K	1	2	3	4	5	6	7	8	9	10	11	12
Mariano Castro Elementary	4	9	2	3										
Theuerkauf Elementary	2	9	4	5										
Monta Loma Elementary	4	9	6	1										
Garbriela Mistral Elementary	1	1	3	4										
Edith Landels Elementary	6	20	8	8										
Benjamin Bubb Elementary	1	3	10	3										
Stevenson Elementary	0	0	0	0										
Frank L. Huff Elementary	2	8	6	5										
Vargas Elementary	6	8	5	2										

Methodology Used In Making ADA Projection:

Title 5 CCR Section 11969.9(c)(1)(B) requires the facilities request to include a description of the methodology for the ADA projections. The Charter School utilized the following methodology in calculating the ADA projections:

The Charter School's projections are based on a projected first year enrollment of 168 students, all of whom will be in-District students.

This enrollment projection is based on the enrollment projected in the Charter School's charter petition, and is supported by the signatures of 146 meaningfully interested in-District families, representing 171 meaningfully interested students. This includes 151 signatures attached to the Charter School's charter petition, and 147 Intent to Enroll forms, representing 171 unique students. In other words, at this very early date, the Charter School has already collected the names and addresses of meaningfully interested students representing over 100% of the Charter School's projected ADA. Projections are based on both the intent to enroll forms, and signatures to the charter petition as well as the historic interest for our flagship school, BCS. There are no less than 171 interested students based on the charter petition and enrollment forms to date, alone. Given the overwhelming interest in BCS by Mountain View residents, we believe BMV will have the same level of interest, resulting in 100% capacity for our anticipated program for 2019-20.

It is reasonable for the Charter School to project that all of its students will be in-District, as all of the Intent to Enroll forms and petition signatures collected by the Charter School are from in-District students. In addition, the charter petition provides a preference for in-District students, so it is highly unlikely that any out of District students will be admitted through the lottery.

The attendance rate used by the Charter School is 95%. This is reasonable because as we create an intentionally diverse school, we are estimating school attendance in a conservative manner to accommodate the diversity of families in Mountain View. This is also the attendance rate used in our charter and budget, and is a conservative attendance rate, given that the average attendance rate at the Charter School's sister school in the Los Altos School District is 97.6%, and the Charter School anticipates having a high attendance rate in its first year of operation. Students who engage in PBL and highly engaging learning often attend school at high rates.

The Intent to Enroll forms and petition signatures collected all represent meaningfully interested parents as they were collected from parents who are very familiar with Bullis' program. The Intent to Enroll forms and petition signatures were collected at 16 parent information meetings that were held from August to October of this year to share information about the school; at the information meetings we explained in detail the proposed school, including the educational model. We also provided copies of the petition at those meetings so parents could familiarize themselves with our school. Families were also provided with information about Prop. 39, and the reasons for collecting Intent to Enroll forms, as well as an explanation as to what parents were attesting to by signing the form (that they are meaningfully interested in enrolling their child in Bullis, but are not guaranteed enrollment in the school or obligated to enroll their child). Therefore, families were very familiar with the Charter School and its proposed program when they signed the Intent to Enroll forms. Given that the Charter School is a new school that has not yet commenced operations, and yet was still able to collect petition signatures and Intent to Enroll forms

representing 95% of its projected enrollment, its projections are not only reasonable but conservative.

Bullis Charter School, Los Altos has historically had a long waitlist of parents who reside within the MVWSD boundaries and wish to attend Bullis Charter School – on average approximately 175 students. As such, it is very likely that many parents will be interested in enrolling in the Charter School.

Supporting Documentation

Title 5 CCR Section 11969.9(c)(1)(C) requires the facilities request to include supporting documentation. The Implementing Regulations state that when a charter school is not yet open (i.e., not yet providing instruction) or to the extent an operating charter school projects a substantial increase in in-District ADA, the annual request must include documentation of the number of in-District students meaningfully interested in attending the Charter School. Please be advised that because the Charter School is not yet open, we have attached and incorporated herein by reference the following supporting documentation that fully substantiates the reasonableness of our in-District ADA projections for the 2018-19 school year:

- (1) Signed parental “Intent to Re/Enroll” Forms for all students for the request year;
- (2) Parents’ signatures attached to charter petition.

As you review the Charter School’s ADA projections and supporting documentation, please keep in mind that the Proposition 39 regulations do not specify or require a particular type of supporting documentation to be used. Charter Schools may submit any type of supporting documentation which they used to arrive at their ADA projections. This documentation must be “sufficient for the district to determine the reasonableness of the projection, but ... need not be verifiable for precise arithmetical accuracy.” (Section 11969.9(c)(1)(C); emphasis added.) The supporting documentation is intended only to demonstrate reasonableness of Charter School’s request, not mathematical exactitude, and need not be independently verified by the District.

More importantly, if the District is planning to contact parents to verify their meaningful interest, please be aware that two courts recently held that “counter-surveys” are inconsistent with the Implementing Regulations. Specifically, in *Rocketship v. Mt. Diablo Unified School District* (Contra Costa County Superior Court, Case No. N17-0137), the Court stated that “the regulations do not authorize a district to blithely discard the school’s methodology and documentation by conducting its own wholly independent counter-survey.” The Court finds that the scope of “review” permitted to a school district is very limited. The district may review the charter school’s projections for obvious defects, such as listing a child outside the qualifying age range, listing a child who resides outside the district boundaries, etc. The district may also review whether the school’s documentation reasonably supports the school’s projection.

The Court in *Promise Academy v. San Jose Unified School District* (Santa Clara County Superior Court, Case No. 18CV325491) further held that “it is evident that the scope of a school district’s review of the required level of meaningful interest in a charter school’s request for facilities is limited... In sum, a district review does not entail a separate confirmation or verification to the school district directly from the parent of his or her meaningful interest in a charter school. A district may review the charter school’s projections and supporting documentation for obvious defects, such as listing a child outside the qualifying age range, listing a child who resides outside

district boundaries, listing of incorrect grades, more than one submission by the same student to the same charter school, etc....A school district, however, impermissibly exceeds the scope of its review when it embarks on gathering independent evidence to rebut or impeach a timely Proposition 39 request, or insist on the school district obtaining its own confirmation or verification of meaningful interest directly from the parents....Proposition 39 does not permit the District the use of results from its survey of interested parents as a basis for rejecting signed Intent to Enroll forms or other documentation supporting meaningful interest.”

Interpreting the implementing regulations to provide a narrow scope of review is bolstered by a consideration of the parties’ respective incentives. Charter schools have a strong incentive not to overestimate enrollment, because they must pay for empty classroom space. (Ed. Code, § 47614, subd. (b)(2); Cal. Code Regs., tit. 5, § 11969.8. See, *Sequoia Union High School Dist. v. Aurora Charter High School* (2003) 112 Cal.App.4th 185, 196 [“the school is subsequently penalized if its projection was incorrect by having to reimburse the district for over-allocated space”].) Hostile school districts, on the other hand, have every incentive to underestimate enrollment because they face no countervailing financial penalty. The regulations cannot be interpreted so as to give school districts carte blanche to lowball projected enrollment, thereby starving potentially viable charter schools of the classroom facilities they need to grow and thrive. Proposition 39 was enacted to prevent such conduct, and not to enable it.”

Therefore, we anticipate that the District will not contact parents to verify their meaningful interest, as their signature on an intent to enroll form stating their meaningful interest is sufficient. Instead, we anticipate the District will conduct a good-faith review, of the form described in the *Rocketship* and *Promise* decisions, of the actual supporting documentation submitted by the Charter School to determine if the Charter School’s projections are reasonable.

Operational Calendar:

Title 5 CCR Section 11969.9(c)(1)(D) requires the facilities request to include the Charter School’s operational calendar. The Charter School’s operational calendar is attached for your review. The Charter School’s first day of instruction is on August 14, 2019, therefore we will need access to the facility on or before July 31, 2019, in order to prepare. Please note that Title 5 CCR Section 11969.9(j) requires the District to ensure that a furnished and equipped facility meeting the requirement of Proposition 39 be made available to the Charter School no less than ten (10) working days prior to the charter school’s first day of instruction. In addition, in accordance with Section 11969.5, the space allocated must be made available for the Charter School’s entire school year regardless of the School District’s instructional year or class schedule.

Educational Program:

Title 5 CCR Section 11969.9(c)(1)(F) requires the facilities request to provide information regarding the charter school’s educational program that is relevant to the assignment of facilities. The Charter School’s educational program does have unique facilities needs. As you are aware, key components of the educational program of the Charter School include a focus on STEAM and Project-Based Learning integrated into the school’s MakerSpace and art room. We plan to implement a program similar to that at Bullis Charter School, Los Altos and plan to utilize a room for a MakerSpace and integrated into art. In addition, we may offer after school theater classes and would need a location to do this. In addition to this, we will offer extra-curricular classes after school and plan to utilize classroom spaces in extended day activities each day. Staff will receive

professional development a minimum of five business days before school begins and five business days following the last day of school as well as throughout the year. As a result, we will continue to use the facilities during these times. We may also offer extra-curricular classes that begin before school starting at 7:30am. In addition, we will provide high-quality parent engagement and will need to use a multi-purpose room to hold parent education and parent meetings in the evenings over the course of the year.

In order to provide these aspects of our educational program, the facility allocated to the Charter School must provide the following:

- Dedicated room for a MakerSpace,
- Dedicated room for an art classroom,
- Use of the Multi or a similar space to use from 7:30am-5:30pm each day and on certain evenings.
- Dedicated room for Early Learners (TK + Young 5s) with a bathroom inside the room
- Two dedicated rooms for Kindergarten with a bathroom inside each room
- Four dedicated rooms for 1st – 2nd grade
- In order to provide equivalent facilities, we will also need sufficient play space for younger students in the TK (Early Learners) and Kindergarten classes.
- In order to provide equivalent facilities, we will also need sufficient play space for the elementary students in grades 1 and 2.

If the District's comparison schools include any facilities not identified here, the Charter School will also require a reasonably equivalent allocation of these spaces.

In addition, and in accordance with its charter and its budget, the Charter School will operate grade levels TK through 2 on one contiguous school site. It is critical for our students to be on one contiguous school site due to their young age. It is important for young children to have consistency in spaces and with the adults that they interact with. Consequently, the Charter School's educational program requires a single contiguous school site in which to operate.

Facility Location:

Title 5 CCR Section 11969.9(c)(1)(E) requires the Charter School to provide information regarding the District school site and/or general geographic area in which the Charter School wishes to locate. Based upon the needs of the Charter School and the residency of the projected student enrollment, the Charter School desires to locate its facility at a district facility that is serving the students of Mariano Castro Elementary, Theuerkauf Elementary, and/or Monte Loma Elementary. We intend to serve a diverse demographic and being within walking distance of the charter school, for low-income families is important in order to build an intentionally diverse school.

We are attaching a slide deck that was presented at the MVWSD board meeting on November 2, 2017. In this PowerPoint, the District shared data on which of its school locations have additional capacity for students. According to slide 12 in this presentation, Crittenden has space for 264 additional students and Theuerkauf has additional space for 133 students.

Procedures and Timelines:

In accordance with the Implementing Regulations, the District is required to review the Charter School's attendance projections and to express any objections that it has about the Charter School's attendance projections in writing on or before December 1, 2018. The Charter School must respond to the District's written objections, if any, on or before January 2, 2019, and will either reaffirm or modify its projections as it deems necessary. (5 CCR Section 11969.9(d).)

Furthermore, we look forward to receiving a written preliminary facilities proposal from the District on or before February 1, 2019, as required under the Implementing Regulations. (5 CCR Section 11969.9(f).) The preliminary proposal must include, at a minimum, the following information: (1) a breakdown of the number of teaching stations (classrooms), specialized and non-classroom based space to be allocated to the Charter School, with an indication as to whether the space is exclusive or shared use; (2) the projections of in-District classroom ADA on which the proposal is based; (3) the specific location of the space; (4) all conditions pertaining to the space, including a draft of any proposed agreement pertaining to the Charter School's use of the space, (typically referred to as a facilities use agreement); (5) the projected pro rata share amount and a description of the methodology used to determine that amount; and (6) a list and description of the comparison group schools used in developing its preliminary proposal, and a description of the differences between the preliminary proposal and the Charter School's facilities request. In accordance with the Implementing Regulations (5 CCR Section 11969.2(d)), if the District's preliminary proposal (or final notification) does not accommodate Charter School at a single school site, the District's governing board must first make a finding that the Charter School could not be accommodated at a single site and adopt a written statement of reasons explaining the finding. The Charter School has until March 1, 2019, to respond to the preliminary proposal, expressing any concerns, addressing differences between the preliminary proposal and the facilities request, and/or making counter proposals.

The Implementing Regulations Section 11969.9(h) requires the District to provide a written final notification regarding the space to be allocated to the Charter School prior to April 1, 2019. The final notification specifically must include, at a minimum, the following:

- (1) The teaching station, specialized classroom space, and non-teaching station space offered for the exclusive use of the charter school and the teaching station, specialized classroom space, and non-teaching station space which the charter is to be provided access on a shared basis with District operated programs, if any;
- (2) For shared space, if any, the proposed arrangements for sharing;
- (3) The in-District classroom ADA assumptions for the Charter School upon which the allocation is based and, if the assumptions are different than those submitted by the charter school, a written explanation of the reasons for the differences;
- (4) The specific location of the space;
- (5) All conditions pertaining to the Charter School's use of the space;
- (6) The pro rata share amount and a description of the methodology used to determine that amount;
- (7) The payment schedule for the pro rata share amount, which shall take into account the timing of revenues from the state and from local property taxes; and
- (8) A response to the Charter School's concerns and/or counter-proposals, if any.

A California Court of Appeals decision has made clear that, in meeting their Proposition 39 obligation, school districts must give the same degree of consideration to the needs of charter school students as it does to the students in district-run schools. The court noted that “accommodating a charter school might involve moving district-operated programs or changing attendance areas” and that providing a contiguous school facility to a charter school might require disruption and dislocation among district students, staff and programs. (*Ridgecrest Charter School v. Sierra Sands Unified School District* (2005) 130 Cal.App.4th 986.) In addition, the Court concluded that a school district responding to a request for facilities must issue a statement of reasons at the time it makes its final determination that is “thorough” and “factual” enough to permit “effective review by the courts”; the statement of reasons issued by the school district must demonstrate that the district has “adequately considered all relevant factors” and that the district can “demonstrate a rational connection between those factors, the choice made, and the purposes of [Proposition 39].” Furthermore, as the District may be aware, two recent court cases clarified the manner in which a school district must allocate facilities to a charter school. Specifically, *Bullis Charter School v. Los Altos School District* (2011) 200 Cal.App.4th 1022, among other things, requires the District to perform a calculation of the square footage of all of the specialized and non-teaching station spaces at the comparison schools. The District must base its allocation of space to the Charter School on this analysis. In addition, the California Supreme Court has stated that a school district may not use its internal “norming ratios”, or student-teacher ratios, in determining the number of classrooms to offer to charter schools but rather must use the facilities inventory at comparison group schools to perform the teaching station to ADA analysis required by the Implementing Regulations. (*California Charter Schools Assn. v. Los Angeles Unified School District* (2015) 154 Cal.Rptr.3d 889.)

Although Proposition 39 requires the District to allocate a school facility for Charter School use, the Charter School is amenable to discussing alternative facilities arrangements that meet both the needs of the District and the Charter School.

The Charter School Governing Board has delegated to me the responsibility to negotiate the allocation of a facility under Proposition 39. All communications regarding this matter should be sent to my attention at the address below. My contact information is as follows:

Jennifer Anderson-Rosse
102 W. Portola Ave., Los Altos, CA 94022
650-947-4100
415-377-0592 (cell)
650-947-4989 (fax)
janderson@bullischarterschool.com

I appreciate your time and consideration of this request and I look forward to developing a mutually agreeable plan to meet the facilities needs of the Charter School’s in-District students.

Sincerely,

Jennifer Anderson-Rosse
Founding Head of School

cc:

Proposition 39 Request: 2019-20 School Year

Clara Roa, David Jacques, Patrick Walsh, Greg Brauner, Bertha Alarcon, Charter School
Board Members
Sarah Kollman, Legal Counsel

Attachments (the following attachments are incorporated by reference herein):

Attachment 1: Charter Petition Signatures

Attachment 2: Intent to Enroll Forms

Attachment 3: 2019-2020 Bullis Mountain View School Calendar

Attachment 4: North Bayshore Development and Impact on MVWSD Slide Deck

EXHIBIT “P”



BULLIS mountain view

March 1, 2019

Ayindé Rudolph, Ed.D.
Superintendent
Mountain View Whisman School District
1400 Montecito Ave.
Mountain View, CA 94043

***Re: Bullis Mountain View Charter School
Response to Preliminary Offer
Proposition 39 2019-20***

Superintendent Rudolph:

Bullis Mountain View Charter School (“BMV”) is in receipt of the Mountain View Whisman School District’s (“District”) Preliminary Proposal for facilities (“Preliminary Proposal”) for the 2019-20 school year.

The District’s offer is for seven (7) exclusive use teaching stations, one (1) exclusive use classroom for special education and flexible instruction purposes, including but not limited to resource and small group space, RSP, speech/CHAC, EL, SDC/LC, counseling and mixed use instructional space, pull-out instruction, conferences or discretionary use,” exclusive use of unidentified “administrative office space,” exclusive use of one (1) classroom for “library and additional study space,” and shared access to adult and boys and girls restrooms, 30% shared use of the field space, blacktop space, and play equipment at the Montecito school site, and is based on a projected in-District ADA of 159.6.

BMV first wishes to take the opportunity to express its appreciation for the efforts of District staff to identify facilities that work for BMV’ program, and BMV anticipates accepting the space that the District has offered. However, as Section 11969.9(g) of the Proposition 39 Implementing Regulations (the “Implementing Regulations”) requires BMV to respond to the District’s Preliminary Proposal, to express any concerns, address differences between the preliminary proposal and the charter school's facilities request as submitted pursuant to subdivision (b), and/or make counter proposals, BMV will note several issues with the Preliminary Proposal.

Comparison Schools

The Implementing Regulations provide an analysis by which a school district must determine whether a facility is reasonably equivalent to those in which the students would be accommodated if they were attending public schools of the school district. First, pursuant to 5

CCR Section 11969.3(a), the District must identify a comparison group of district-operated schools with similar grade levels to the Charter School.

5 CCR Section 11969.3(a) defines the process for identifying comparison schools as follows:

“The comparison group shall be the school district-operated schools with similar grade levels that serve students living in the high school attendance area...in which the largest number of students of the charter school reside. The number of charter school students residing in a high school attendance area shall be determined using in-district classroom ADA projected for the fiscal year for which facilities are requested.

For school districts whose students do not attend high school based on attendance areas, the comparison group shall be **three schools** in the school district with similar grade levels that the largest number of students of the charter school would otherwise attend. For school districts with fewer than three schools with similar grade levels, the comparison group shall be all schools in the school district with similar grade levels.”

(Emphasis added.)

As the District only serves grades TK-8, its students do not attend high school based on attendance areas. Therefore, the comparison group should only be “**three schools** in the school district with similar grade levels that the largest number of students of the charter school would otherwise attend.” Instead, the District has identified all of its elementary schools as the comparison group.

A review of BMV’s request shows that the largest number of students would otherwise attend Edith Landels Elementary School, Monta Loma Elementary School, and Theuerkauf Elementary School.

THE DISTRICT’S ALLOCATION OF SPECIALIZED CLASSROOM SPACE AND NON-TEACHING STATION SPACE

BMV is also entitled to reasonable allocations of specialized classroom and non-teaching station space. Section 11969.3(b)(2) requires that, if a school district includes specialized classroom space, such as science laboratories, in its classroom inventory, the Proposition 39 offer of facilities provided to a charter school must include a share of the specialized classroom space. The Preliminary Offer must include “a share of the specialized classroom space and/or a provision for access to reasonably equivalent specialized classroom space.” (5 CCR § 11969.3(b)(2).) The amount of specialized classroom space allocated and/or the access to specialized classroom space provided shall be determined based on three factors:

- (A) the grade levels of the charter school’s in-district students;
- (B) the charter school’s total in-district classroom ADA; and
- (C) the per-student amount of specialized classroom space in the comparison group schools.

In addition, the District must provide non-teaching station space commensurate with the in-District classroom ADA of BMV and the per-student amount of non-teaching station space in the comparison group schools. (5 CCR § 11969.3(b)(3).) Non-teaching space is all of the space at the comparison school that is not identified as teaching station space or specialized space and includes, but is not limited to, administrative space, a kitchen/cafeteria, a multi-purpose room, a library, a staff lounge, a copy room, storage space, bathrooms, a parent meeting room, special education space, nurse's office, RSP space, and play area/athletic space, including gymnasiums, athletic fields, locker rooms, and pools or tennis courts. (*Ibid.*)

The allocation of specialized classroom space and non-teaching space is based on an analysis of the square footage of each category of space available to students at the comparison schools (i.e., the per-student amount of specialized classroom/non-teaching space in the comparison group schools). (5 CCR § 11969.3(b)(2)(C).)

While the Preliminary Proposal states that the District analyzed the specialized classroom and non-teaching station space on the comparison school campuses, the Preliminary Proposal does not share any of this data. Prop. 39 requires a level of transparency by school districts in explaining how they calculated the space to be offered to a charter school¹

This difficulty is exemplified by the fact that the District has not provided an allocation of certain kinds of space that exist at all of the comparison schools. More specifically, all of the comparison schools (either those identified by the District or BMV) have Multi-Purpose Room space and a kitchen/cafeteria or other dedicated location for meals to be warmed and students to eat. Yet the Preliminary Proposal does not include an allocation of either MPR or kitchen/cafeteria space. As charter schools are now required to provide their eligible students with meals each day, the lack of legally compliant food service space is extremely problematic.

In addition, no parking is offered. We would ask that the Final Offer clarify how the District proposes to share the parking on the site with BMV.

Pro Rata Share Calculation

As the District is aware, the Proposition 39 implementing regulations set forth the detailed methodology for calculating the pro rata share, which is defined as “a per-square-foot amount equal to those school district facilities costs that the school district pays for with unrestricted revenues from the district's general fund, as defined in Sections 11969.2(f) and (g) and hereinafter referred to as ‘unrestricted general fund revenues,’ divided by the total space of the school district times (2) the amount of space allocated by the school district to the charter school.” (5 CCR Section 11969.7.) Other than the pro rata share, the Charter School may not otherwise be charged for use of the space. (Education Code Section 47164.)

5 CCR Section 11969.7 provides that “facilities costs includes: (1) contributions from unrestricted general fund revenues to the school district's Ongoing and Major Maintenance

¹ “The regulations prescribe a specific, transparent method for deriving the ADA/classroom ratio to be applied in allocating classrooms to charter schools, thereby allowing charter schools and the public to readily verify whether a district has complied with the regulation.” (*CCSA v. LAUSD*, supra, 60 Cal. 4th at 1236.)

Account (Education Code Section 17070.75), Routine Restricted Maintenance Account (Education Code Section 17014), and/or deferred maintenance fund; (2) costs paid from unrestricted general fund revenues for projects eligible for funding but not funded from the deferred maintenance fund; (3) costs paid from unrestricted general fund revenue for replacement of facilities-related furnishings and equipment, that have not been included in paragraphs (1) and (2), according to school district schedules and practices”; and (4) debt service costs.

Facilities costs “do not include any costs that are paid by the charter school, including, but not limited to, costs associated with ongoing operations and maintenance and the costs of any tangible items adjusted in keeping with a customary depreciation schedule for each item.” (5 CCR Section 11969.7(a), emphasis added.) Therefore, if a charter school is responsible for the cost of providing a category of work represented by certain facilities costs (such as custodial services or landscaping services) itself – none of the District’s facilities costs associated with that category of work may be included in the district’s calculation.

The Preliminary Offer states that BMV’ pro rata share is estimated to be \$165,638 for a total of 102,163.4 square feet of space. This suggests a per square foot amount of \$1.62.

Based on the information provided by the District regarding the estimated pro rata share for 2019-2020, BMV believes the District is improperly charging BMV for its allocated outdoor spaces. The District cannot include the square footage of outdoor space (fields, asphalt, etc.) in its calculation of the amount owed unless it also included the square footage of the District’s total outdoor spaces when calculating the per-square foot charge. Here, there is no evidence that the District included all of the District’s outdoor space when calculating its per-square foot charge, as typically the per square foot amount is well below \$1.00 if outdoor square footage is properly included.

The intent of the pro rata share, as evidenced by the bond language of the Proposition 39 initiative, as well as the Statements of Reasons accompanying the first and second iterations of the Proposition 39 Implementing Regulations, was to determine the amount of money the District spent to operate and maintain its facilities on a per square foot basis. This calculation was performed by dividing the district’s total facilities costs (minus costs paid for by the charter school) by the “total space” of the District. A charter school would then be required to pay its fair share of the District’s facilities costs, based on the “amount of space” it was allocated. In other words, the pro rata share charged to a charter school was expected to make the charter school’s use of a school district’s facilities as revenue-neutral as possible by reimbursing the school district for all costs it incurred in maintaining facilities use by the charter school.


As further explanation, “pro rata” is defined by the American Heritage College Dictionary as “in proportion; according to a factor that can be calculated exactly.” Proportion is then defined as “a relationship between quantities such that if one varies than another varies in a manner dependent on the first.” This intent to ensure that the amount charged by the charter school is proportional to the costs incurred by the District to maintain its facilities is further exemplified by the use of the word space in the regulation. The regulations do not define the term “space” but they do use the same term when describing both the manner in which the school district must perform the calculation (including the districts total space) as well as the manner in which the charter school must be charged for the amount of space allocated to the charter school. If the District is only including specific kinds of “space” (i.e. no outdoor space) when determining its

total space, but then including additional kinds of “space” (i.e. including outdoor space) when determining what the charter school owes, it is making the terms means different things on each side of the equation. As such, if it is including these outdoor spaces in its calculation of the charter school’s “amount of space” its pro rata share will not accurately reflect its per square foot costs incurred to operate and maintain its entire complement of facilities.

This is remedied, of course, by not including the outdoor space used by BMV in the cost charged to BMV. In order for the costs calculated by the District and paid for by BMV to actually be proportional, and thus reflect a pro rata share of the costs, the costs and square footage included in the calculation must reflect the costs and square footage being charged to BMV. If the District does not include its outdoor square footage in its pro rata share calculation, but then charges BMV for outdoor square footage on the Edison campus, the District is causing one quantity to vary without adjusting the other quantity and is overcharging BMV for its use of the facility, in violation of 5 CCR Section 11969.7. The District must therefore either only charge BMV for the square footage of the actual buildings it uses, or if it wishes to charge BMV for blacktop and field space, it must recalculate its pro rata share as set forth above.

Pursuant to 5 CCR Section 11969.7(c), the District may only charge the Charter School for a proportional amount of the pro rata share that reflects the percentage of time it is allocated use of the shared space (“The portion of the shared space to be included in the ‘space allocated by the school district to the charter school’ shall be calculated based on the amount of space allocated for the exclusive use of the charter school compared to the amount of space allocated to the exclusive use of the school-district-operated program.”) The Charter School anticipates that the District will work with the Charter School to finalize this calculation to be included in the Final Offer.

Sincerely,



Jennifer Anderson-Rosse
Founding Head of School, BMV

EXHIBIT “Q”



BULLIS mountain view

January 4, 2019

Via Email
trustees@mvwsd.org

Mountain View Whisman School District Board of Trustees
1400 Montecito Avenue
Mountain View, CA 94043

Dear MVWSD Trustees,

The Board of Directors of Bullis Mountain View (“BMV”) thanks the Mountain View Whisman School District (“MVWSD” or the “District”) staff for the significant amount of time it dedicated to the charter petition review process leading up to the decision hearing. We also extend our appreciation to the District trustees for the time spent listening to and learning about the Bullis Mountain View Charter.

The purpose of this letter is to address next steps in our mutual service of Mountain View students and families, and to respond to actions taken and statements made during the meeting, to which we were not permitted to respond.

Delayed Operation

It is unfortunate that the Trustees were not allowed to explore, in conversation with our Board, the possibility of delaying opening for one year. We stated in writing, in a letter sent to the trustees and Dr. Rudolph on December 13, 2018 at 2:21 pm and on December 19, 2018 at 6:02 pm, responding to the staff recommendations, that BMV would consider the possibility of delaying for a year. We remain open to this discussion. As stated in the December 19th letter: *“as we noted in BMV’s response to outstanding questions from the hearing on 12/13/18 about the District’s interest in BMV delaying its opening by one year, to commence operations on July 1, 2020, BMV remains open to discussing the matter pending a strong collaborative agreement that includes items outlined by email earlier this week.”* In addition, the petitioners were not allowed the opportunity to address any of the questions raised by Superintendent’s presentation or to address the board as is standard practice in charter decision meetings.

MOU Negotiations

In that same letter, we also agreed to having a dialogue about the proposed staff recommendations to hopefully reach an agreement on important outstanding issues, in the form of an MOU. In writing, Dr. Rudolph and your legal counsel, stated that the approval would not be a conditional approval and that the MOU was open for discussion and negotiation; yet the action taken on 12/20 was a conditional approval with no discussion between BMV and the District about the conditions. Basic contract law defines the fundamental elements required for an agreement between two parties to be a legally enforceable contract are: mutual assent, expressed by a valid offer, and acceptance. The MOU and recommendations provided by the district are currently one-sided. We will provide specific feedback and requested changes on the proposed MOU and look forward to working on a mutually agreed upon MOU in the best interest of the students of Mountain View.

Charter Term Length

The Board's decision to approve the charter for a three year term is unfortunate, and not in line with trustees' obligations as Board members to make informed, data-based charter renewal decisions as you will be required to do in the future. A three year term will not provide sufficient data points on pupil outcomes and growth towards a potential charter renewal, given state testing guidelines and the threshold criteria around academic achievement data usage for renewal evaluation.

In addition, given BMV's low enrollment targets in this abbreviated charter term, the data requested on subgroup performance may be significantly restricted by FERPA and other student privacy requirements. Data may only be publicly shared for subgroup populations with more than 10 students. Data is only deemed "numerically significant" if it includes 30 or more test-takers. BMV's tested students in year 2 will include approximately 48 third graders.

Given that the charter term decision has already been made, as part of the MOU negotiations, we look forward to learning about the assessments used by the MVWSD, evaluating whether they can be used by Bullis Mountain View, and working on a mutually agreed upon MOU in the best interest of the students of Mountain View.

Board Composition and Mountain View Community

The assertion that the majority of Bullis Mountain View Board does not include residents of Mountain View is inaccurate. At present, 50% of the BMV board is comprised of individuals residing within the boundaries of Mountain View Whisman School District and/or Mountain View. We continue to make every effort to recruit more qualified board members who reside within the Mountain View Whisman School District and are representative of the student population we aim to serve.

We are committed to expanding the impact of the Bullis educational model and believe it will add to the portfolio of quality schools in Mountain View by providing an alternative, high-quality

public school option for parents and children that is developed based on each student's individual needs. It is our hope that these parents and children are treated with the same respect as any other members of the Mountain View community.

Sincerely,

Bullis Mountain View Board Members

Bertha Alarcon (Mountain View Resident)

Greg Brauner (Mountain View Resident)

David Jaques (Los Altos Resident)

Jordan Hwang (Mountain View Resident)

Clara Roa (Los Altos Resident)

Patrick Walsh (Greenbrae Resident)

EXHIBIT “R”



Mountain View
Whisman
School District

District Office
T 650.526.3500
1400 Montecito Avenue
Mountain View, CA 94043

January 14, 2019

VIA U.S. MAIL AND EMAIL

Bullis Mountain View
Board of Directors
102 W. Portola Avenue
Los Altos, CA 94022

Re: Bullis Mountain View Charter School Approval

Dear Board of Directors:

The Board of Trustees (“Board”) of the Mountain View Whisman School District (“District”) is in receipt of your letter, dated January 4, 2019, which raises several issues arising out of the Board’s recent approval of the Bullis Mountain View (“BMV” or “Charter School”) charter petition (“Petition”). This correspondence serves to address these issues and to clarify some statements made in your letter.

As a preliminary matter, the District must clarify the inaccurate assertion in your letter that the Board was “not allowed to explore” the possibility of delaying the opening of BMV for one (1) year. BMV and the District, by correspondence through their respective legal counsel on or about December 17, 2018, did in fact explore this possibility but such discussion proved unfruitful because BMV attempted to leverage the delay to make unacceptable demands upon the District. Specifically, BMV demanded seven (7) conditions, including a five (5) year term from July 1, 2020, through June 30, 2025, which is not warranted based upon the level of community opposition to the Charter School at the December 6th public hearing, and a five (5) year offer of facilities coterminous with the charter term, which would require the District to provide space without evaluating the Charter School’s need for space and therefore contrary to law. BMV also made vague demands such as requiring the District to refrain from making “negative statements” about BMV in the press, and to “help, not hinder” BMV in enrolling students.



**Mountain View
Whisman
School District**

In any event, the topic of a delayed opening was in fact raised during the December 20th meeting but ultimately not effectuated by the Board. Notably, at no time during public comment did any representative of BMV ask for delay or ask for a dialogue regarding delayed opening. Contrary to what is suggested in your letter, Petitioners were indeed provided an opportunity to comment at the December 20th meeting, which, unlike the public hearing, is held only to determine whether to approve or deny the Petition and not to voice public support or opposition to the charter proposal. It is simply inaccurate for BMV to suggest that an opportunity to engage in a back-and-forth dialogue with the Board is “standard practice” in a petition determination meeting.

The District wishes to make clear that the Board acted to approve the Petition in conformity with the required Petition revisions, which includes the requirement that BMV enter into an MOU with the District. The Board did not condition the approval of the Petition upon any changes and therefore there was no “conditional approval” as suggested in your letter. Accordingly, while the MOU will be negotiated with the District, it is now required by the charter. To the extent BMV asserts that the charter is a “contract” (requiring a valid offer, mutual assent, and acceptance), such interpretation is not supported by law as a charter is neither created nor governed by contract law but instead by the requirements and procedures set forth under the Education Code.

With respect to the charter term, the Charter Schools Act expressly permits an authorizing agency to grant an initial charter term of less than five (5) years. BMV’s proposed enrollment roll out, even under a five (5) year term, does not afford adequate performance data due to the limited number of years that students in grade levels subject to the CAASPP will be enrolled. It is for this reason that BMV is required to utilize the same assessments used by the District each school year and conduct such assessments on a trimester basis in order for the District to make what BMV describes as “informed, data-based” decisions. As effectuated by the Board’s approval of the Petition as revised, BMV’s utilization of such assessments is mandatory and not subject to negotiation. That said, the District is more than happy to provide the information needed regarding these assessments.

We also take issue with the suggestion that the Family Educational Rights and Privacy Act (“FERPA”) would somehow preclude the District’s review of academic performance. FERPA does not preclude an authorizing agency from reviewing the academic data of a charter



Mountain View
Whisman
School District

school's students, particularly because authorizers are obligated by law to review and analyze the pupil academic achievement of its charter schools. This is specifically noted with regard to renewal, as academic achievement for all students is to be the most important factor in evaluating whether to renew a charter. Any suggestion otherwise would interfere with and hinder the District's ability to exercise its oversight responsibilities.

We also note that while BMV's acknowledgment of its need to recruit more qualified board members who reside in the Mountain View community is appreciated, BMV appears to assert that the majority of the BMV Board are residents of Mountain View – this is simply not correct. First, the assertion is inconsistent with the information BMV provided in its Petition – under “Element D: Governance Structure of the School,” the Petition only identified Greg Brauner as a current Mountain View resident. Second, as indicated in the signature block of your letter, only three (3) of the six (6) members of the BMV Board reside in Mountain View – Mr. Brauner, Bertha Alarcon, and Jordan Hwang. Two (2) of the six (6) reside in Los Altos and one (1) member lives nearly sixty (60) miles away in Greenbrae. The number of Mountain View residents on the BMV Board equals – and therefore does not exceed – the number of non-Mountain View residents. In accordance with the Board's approval of the Petition, the District looks forward to the Charter School's full compliance with the Board member residency requirement.

We look forward to working with the Charter School in entering into the required MOU. Please contact me if you have any questions or concerns regarding the foregoing.

Sincerely,

Dr. Ayiné Rudolph
Superintendent

cc: Laura Blakely
Devon Conley
José Gutiérrez, Jr.
Ellen Wheeler
Tamara Wilson

EXHIBIT “S”



January 23, 2019

Jennifer Anderson-Rosse
Bullis Mountain View
102 W. Portola Ave.
Los Altos, CA 94022
janderson@bullischarterschool.com

Sent via Email

Dear Ms. Anderson-Rosse,

This letter is to confirm that the application for Bullis Mountain View has been reviewed and is approved for admission in the El Dorado Charter SELPA. To complete this process please submit a Letter of Intent, signed by the CEO, confirming your intent to join for the 2019-20 school year by **February 20, 2019**.

Please save the following date for our New Partner Induction meeting and our New Partner Dinner on May 22nd. You will also be invited to observe the CEO Council and Steering meetings on May 23rd, all events taking place in San Diego.

We look forward to our partnership. Please contact Kelly Carnahan, (530) 295-2452 or kcarnahan@edcoe.org, if you have any questions.

Sincerely,

David M. Toston
Associate Superintendent

DMT:kc

cc:

Ed Manansala, Ed.D., El Dorado County Office of Education, Superintendent of Schools
Ayindé Rudolph, Mountain View Whisman, Charter Authorizer

EXHIBIT “T”



Community Engagement Associate - Mountain View Bullis Mountain View

Mountain View, CA
posted 2 months ago

Job Type(s)

Full Time

Job Description

Bullis Mountain View (BMV) is a brand new school that will be coming to Mountain View next Fall (2019). The mission of BMV is to instill a lifelong love of learning through an enriched curriculum, that emphasizes experiential and project-based

Teacher



BULLIS mountain view

Employer: Bullis Mountain View

Date Posted: 2/12/2019

Contact: [Jennifer Anderson-Rosse](#)
650-947-4100

Number Openings: (At time of posting) 7

Length of Work Year: 192 plus 5 paid staff development days

Employment Type: Full Time

Application Deadline: **Until Filled**

Salary: \$60,000 - \$110,000 plus generous benefits package that includes 403B with matching contributions, coverage of health, vision, and dental, and additional per diem stipend for 5 staff development days

Job Description / Essential Elements:

[Click Here to View](#)

Requirements for Applying

Credentials

All of the following credentials are required for this position:

Multiple Subject Teaching Credential - General Subjects

Documents

All of the following documents are required for this position:

Copy of Transcript

Letter of Introduction (A personal letter, not to exceed 2 double-spaced pages, typewritten describing experience, talents, interests, qualifications and goals. The letter should state reason for interest in the position for which you are applying.)

Letter(s) of Recommendation (Please attach three letters of recommendation, including one from an immediate supervisor within the last 12 months.)

Resume

Test Results/Materials (Please attach a copy of your CBEST, RICA, CSET, and CTET results and any other relevant testing results)

This job posting has expired

[Back To Search Results Page](#)

[Tweet](#)

[Share](#)

[Print](#)

Bullis Mountain View

Application Deadline: Until Filled

UNITS OF INSTRUCTION

- * character development
- * social justice
- * Science and content areas
- * staff development and teacher collaboration
- * parent and community involvement

Other Benefits:

- Community of professional learners
- Laptop for every teacher

[More information on the BMV website](#)

This job posting has expired



Login to Your Account

[Sign In & Check Your Email](#)

[My Inbox Helper](#)



EXHIBIT “U”



Mountain View Whisman School District
Board of Trustees - Regular Meeting

Graham MUR, 1175 Castro Street
March 7, 2019
5:00 PM

(Live streaming available at www.mvwsd.org)

As a courtesy to others, please turn off your cell phone upon entering.

Under Approval of Agenda, item order may be changed. All times are approximate.

I. CALL TO ORDER (5:00 p.m.)

The meeting was called to order at 5:04 p.m.

A. Pledge

The Pledge of Allegiance was led by students from Landels School.

B. Roll Call

Present: Blakely, Conley, Gutiérrez, Wheeler, Wilson

Absent:

C. Approval of Agenda

A motion was made by Ellen Wheeler and seconded by Jose Gutierrez to approve the agenda minus item X. Support for SB 126 as has already been signed into law.

Ayes: Blakely, Conley, Gutierrez, Wheeler, Wilson

Trustee Blakely arrived at 5:06 p.m.

Ms. Blakely made a motion to remove the contract for TBWB from the contracts list on the Consent Agenda. The motion was seconded by Mr. Gutiérrez.

II. SCHOOL SHOWCASE - Landels School

Students and staff from Landels School shared information about programs at the school.

III. OPPORTUNITY FOR MEMBERS OF THE PUBLIC TO ADDRESS THE BOARD CONCERNING ITEMS ON THE CLOSED SESSION AGENDA

No member of the public wished to address the Board concerning items on the Closed Session agenda.

IV. CLOSED SESSION (5:15 p.m)

The meeting was adjourned to Closed Session at 5:15 p.m.

A. Anticipated Litigation

1. Legal advice re: Anticipated Litigation [Pursuant to Government Code Section 54956.9(d)]: Significant exposure to litigation, 1 potential case

B. Public Employee Discipline/Dismissal/Release

V. RECONVENE OPEN SESSION (6:00 p.m.)

The meeting was reconvened at 6:38 p.m.

A. Closed Session Report

Ms. Wilson reported that action was taken in Closed Session to approve a settlement agreement with regard to Student #60009401. The agreement fully resolves student's claims regarding special education placement for the current school year.

VI. CONSENT AGENDA

The following items will be handled with one action; however, any item may be removed from consideration by individual Board Members or the Superintendent.

A motion was made by Ellen Wheeler and seconded by Devon Conley to approve the Consent Agenda, as presented..

The following member of the public addressed the Board:

- Steven Nelson, regarding contingency table should be published

A. Personnel Report

1. Personnel Report to the Board of Trustees

B. Minutes

1. Minutes for February 7, 2019

C. Contracts

A motion was made by Ms. Blakely and seconded by Ms. Wheeler to approve the contract with TBWB.

Ayes: Blakely, Conley, Gutiérrez, Wheeler, Wilson

The following member of the public addressed the Board:

- Steven Nelson

1. Contract(s) for Ratification or Review

D. Greystone West Company Contract Amendment #4-Landels All Inclusive Playground Project

- E. Crittenden Middle School Book Discard
- F. Award of Contract to Terramark General Engineering Contractors, Inc. for the New Playgrounds at Castro & Stevenson Project
- G. Approval of Payroll Report and Accounts Payable Warrant List for the Month of January 2019
- H. Notice of Completion – Mariano Castro School/Gabriela Mistral School Phase 4 Increment 1 Modernization Project
- I. Notice of Completion – Mariano Castro School /Gabriela Mistral School Phase 4, Increment 2 Modular Classroom Building Project
- J. Mariano Castro/Gabriela Mistral School Phase 4, Increment 2 Modular Classroom Building Project Change Order No. 2 – Enviroplex, Inc
- K. Stevenson Elementary School Phase 4 New MUR Change Order No. 5– Rodan Builders, Inc.
- L. Approval of Dreiling Terrones Architecture, Inc. Proposal for Architectural Services for Landels Elementary All Inclusive Play Structure Project
- M. Slater/Vargas New Campus Project Modular Buildings Change Order No. 2 Enviroplex, Inc.
- N. Slater/Vargas New Campus Project Modular Two-Story Building Change Order No. 1–Enviroplex, Inc.
- O. Authorization for Disposal of Surplus Furniture/Equipment

VII. COMMUNICATIONS

A. Employee Organizations

No member of the California School Employees Association or the Mountain View Educators Association were present to address the Board.

B. District Committees

Mr. Gutiérrez thanked everyone who attended the MVEF gala, which was a big success.

C. Superintendent

Dr. Rudolph announced that Arianna Mayes is now Director of Special Education and Sonia Gomez is the principal of Crittenden Middle School (removal of interim from titles for both of them).

VIII. COMMUNITY COMMENTS

This is the time reserved for community members to address the Board on items that are not on the agenda. The Board and Administration welcome this opportunity to listen; however, in compliance with the Brown Act, the Board is not permitted to take action on

non-agenda items.

Speakers are requested to complete a speaker card and state their name for the record.

If there are additional comments after 10 minutes have elapsed, this item may be continued after all the action and discussion items are completed.

Notes on Community Comments on Agendized Items

The staff presentation to the Board will occur first for each item. The Board will then ask clarifying questions. Afterwards, the community will be invited to comment. Any person wishing to speak will be granted up to three (3) minutes at the time the item appears on the agenda. Comments will be taken for up to 10 minutes, with extra time allowed for translation, as needed. Prior to addressing the Board, each speaker is requested to complete a speaker card (located on the counter near the door), give it to the Superintendent's Executive Assistant, and state his/her name for the record. We ask that you speak from the podium so that we may better hear you. At the conclusion of remarks or after 10 minutes has elapsed, the public comment portion is closed for that item and the Board will return to their own deliberations and comments. Please see the Board's "Welcome" brochure for more specifics on how Board meetings are run. The Board is grateful to have district personnel in the audience. These personnel may be consulted during the Board's discussion on any item.

The following members of the public addressed the Board:

- Rich Tanner, regarding Bullis use of Stevenson campus

IX. REVIEW AND DISCUSSION

A. TechSmart Coding Demonstration (20 minutes)

The Board was provided with a demonstration of the TechSmart coding program that will be implemented at several schools next year funded by grant funding.

The following member of the public addressed the Board:

- Steven Nelson, regarding coding

X. REVIEW AND ACTION

A. Resolution No. 01-030719, Board Action to Close Fund 4402 Mountain View-Whisman Building (5 minutes)

A motion was made by Jose Gutierrez and seconded by Laura Blakely to adopt Resolution No. 01-030719 to Close Fund 4402 Mountain View-Whisman Building.

Ayes: Blakely, Conley, Gutierrez, Wheeler, Wilson

B. Resolution No. 02-030719, Board Action to Close Fund 4408 Mountain View-Whisman Elementary School Building Lease/Purchase (5 minutes)

A motion was made by Jose Gutierrez and seconded by Devon Conley to adopt Resolution No. 02-030719 to Close Fund 4408 Mountain View-Whisman Elementary

School Building Lease/Purchase.

Ayes: Blakely, Conley, Gutierrez, Wheeler, Wilson

C. 2018-2019 Second Interim Budget Report (20 minutes)

A motion was made by Ellen Wheeler and seconded by Laura Blakely to approve the 2018-2019 Second Interim Budget Report, as presented.

Ayes: Blakely, Conley, Gutierrez, Wheeler, Wilson

The following member of the public addressed the Board:

- Steven Nelson, regarding X. C. Interim Budget

D. CSBA Delegate Assembly Election (10 minutes)

A motion was made by Ellen Wheeler and seconded by Jose Gutierrez to to vote for the following for delegate assembly: Fiona Walter, George Sanchez, Bonnie Mace, Melissa Baten Caswell, Andres Quintero, and David Cohen..

Ayes: Blakely, Conley, Gutierrez, Wheeler, Wilson

E. Resolution No. 03-030719, Resolution To Reduce The Classified Service

A motion was made by Jose Gutierrez and seconded by Ellen Wheeler to approve and adopt Resolution No. 03-030719, Resolution To Reduce The Classified Service with removal of the elimination of the librarian position at Vargas Elementary..

Ayes: Blakely, Conley, Gutierrez, Wheeler, Wilson

The following member of the community addressed the Board:

- Sarah Reginaldo, regarding vote no or reconsider librarian for Vargas

F. Support for Senate Bill 126, Charter School Transparency Bill (5 minutes)

This item was pulled from the agenda as the bill has already been signed.

XI. REVIEW AND DISCUSSION (continued)

A. Dual Immersion Advisory Committee Recommendations (45 minutes)

The Board heard recommendations from the Dual Immersion Advisory Committee for implementation next year.

The following members of the public addressed the Board:

- Brenda Jarillo Rabling, regarding support the transition to the 50/50 dual immersion program at Mistral
- Imelda Moreno, regarding the importance of reclassification for the children and education for the parents
- Robert Mullegner, regarding support for Tabitha Miller and the DI program
- Enrique Torres

- Sandi Puett, regarding support of the administration/faculty to be empowered to differentiate in the classroom, support of DI middle school programming available to all district students who qualify
- Leanne Rzepiela
- Eilish Byrne
- Steven Nelson, regarding Mistral math should match District's Envision standard

B. Social Studies Advisory Committee Update (15 minutes)

This item was pulled from the agenda do to the late hour.

C. North Bayshore Update (30 minutes)

The Board heard an update on a potential school in the North Bayshore area.

D. Application Process for Bullis Charter School Board Representative (10 minutes)

The Board discussed the application process for a representative to the Bullis Charter School Board and requests some changes in requirements.

E. Bullis Update (30 minutes)

Representatives from Bullis Charter School made a statement to the Board.

XII. BOARD UPDATES

Ms. Wilson:

1. Weekly 1:1 with Dr. Rudolph
2. Organized and participated in the Board Retreat on 2.9.19
3. Attended the MVEF gala
4. Attended the City Council meeting on North Bayshore development on 2.26.19
5. Attended the State-of-the-Schools event
6. Attended J.A. Vargas PTA organizational meeting on 3.5.19

Ms. Wheeler:

1. Attended the March Principals Coffee at Mistral and heard Principal Miller's report on the progress of the Dual Immersion Task Force.
2. Attended the 2019 MVEF Gala.
3. Attended a conference call for SCCSBA.
4. Attended the Feb. Strong Start meeting at the SCCOE.
5. Met with the SCCSBA Executive Director, Bonnie Mace, to plan for the February SCCSBA meeting and other business.
6. Attended the Feb. SSC meeting at Monta Loma.
7. Attended the Feb. Challenge Team meeting.
8. Visited a school as part of the SCCSBA Hoffmann Awards planning.
9. Attended the 2019 "State of the Valley" hosted by Joint Venture Silicon Valley. A highlight for me was hearing their keynote speaker, renowned historian Jon Meacham.
10. Met with Mountain View City Council member Lucas Ramirez.
11. Helped interview Assemblyman Marc Berman and State Senator Jerry Hill on behalf of the League of Women Voters. One of the questions for this year's interview was focused on education.
12. Attended the Grand Opening of the new MV Recreation Center.
13. Attended the community input session for the new superintendent of MVLA hosted

by HYA superintendent search firm.

14. Met with Grace Mah, trustee, Santa Clara County Board of Education.
15. Met with Bill Lambert, former trustee of MVWSD.
16. Met with Grace Yang and Jennifer Rosse regarding Bullis Mountain View.
17. Attended the Sixth District PTA Council luncheon and heard Dr. Deborah Stipek talk about the research on the importance of high quality early learning.
18. Was a volunteer reader for Monta Loma's VIP Reading Day.
19. Was a volunteer reader for Theuerkauf's "Read Across America Day."
20. Attended the SCCSBA Legislative Brunch.
21. Attended the 1st formal meeting of the brand new Jose Antonio Vargas Elementary School PTA and joined that PTA as a charter member.
22. Had my regular monthly 1:1 with Dr. Rudolph.

Mr. Gutiérrez:

1. Attend DELAC meeting
1. Attend MVEF meeting
2. Attend Trustee Retreat
3. Attend MVEF Gala
4. Attend Dolores Huerta presentation
5. Met with Crittenden parents
6. Met with Mistral parents
7. Met with Monta Loma parents
8. Met with Councilman L. Ramirez
9. Guest speaker at Cub Scout meeting

XIII. ITEMS FOR FUTURE AGENDAS

XIV. FUTURE BOARD MEETING DATES

A. Future Board Meeting Dates

March 21, 2019 - Classified layoffs (if necessary)

April 4, 2019 - Science Plan of Action, Mistral Plan of Action

May 2, 2019 - Task Force Updates, Social Studies Adoption

May 16, 2019 - 2019-20 budget presentation, Governor's May Budget
Revise, LCAP presentation

XV. ADJOURNMENT

The meeting was adjourned at 11:04 p.m.

NOTICES FOR AUDIENCE MEMBERS

1. RECORDING OF MEETINGS:

The open session will be video recorded and live streamed on the District's website (www.mwvsd.org).

2. CELL PHONES:

As a courtesy to others, please turn off your cell phone upon entering.

EXHIBIT “V”

FEB 11 2019

California Department of Education
Notice for Charter School Number

Revised May 2016

Time:

Received by:

For CDE Use Only	Charter #:	Month/Year to SBE:	
------------------	------------	--------------------	--

Charter School Information

School Name:	Bullis Mountain View		
Principal or Administrator:	Jennifer Anderson-Rosse	Phone:	650-564-3882
Mailing Address:	102 W. Portola Ave.	E-Mail Address:	jrosse@bullismountainview.com
City:	Los Altos	Zip Code:	94022
Grade Span:	TK-5	Funding Option:	<input checked="" type="checkbox"/> Direct <input type="checkbox"/> Local
Site Type:	<input checked="" type="checkbox"/> Classroom-based Instruction	<input type="checkbox"/> Nonclassroom-based Instruction	<input type="checkbox"/> Combination: Classroom-based _____ % Nonclassroom-based _____ %

or new school@bullischarter.com

Date of Public Hearing by the Authorizing Local Educational Agency:	Date Approved by Authorizing Local Educational Agency:	Month and Year Proposed to Begin Serving Students:	Term of Charter	
			Start Date	End Date
12/06/18	12/20/18	08/2019	7-1-19 -08/2019	10-30-22 -08/2022

Per California Education Code Section 47605.5, is this a county approved charter?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Per California Education Code Section 47605.6, is this a countywide benefit charter?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Per California Education Code Section 47605(j), is this a charter on appeal?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Denying District (if applicable):	
Per California Education Code Section 47605(a)(2) is this a conversion charter school?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Name of school prior to conversion (if applicable):	

Authorizing Local Educational Agency Information

Authorizer Name:	Mountain View Whisman School District	Superintendent:	Ayinde Rudolph
E-mail Address:	arudolph@mwwsd.org	County:	Santa Clara County
Is the location within the geographical boundaries of the Authorizing Local Educational Agency (LEA)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			
If no, provide school district where school will be located:			

Proposed Charter School's Location for School Facility or Business Address

Address:	1400 Montecito Street Avenue		
City:	Mountain View	County:	Santa Clara
Zip:	94043		

Certifications

I hereby certify the authorizing LEA's governing board has reviewed and approved the charter petition pursuant to Education Code Section 47605, 47605.5, or 47605.6, in its entirety. I hereby certify this document as official written notice, as per Education Code Section 47605(i), of the approval for the proposed charter school to operate.

Authorizing LEA Superintendent's Original Signature or Designee:	Date:
	2/11/19
Authorizing LEA Superintendent's Name:	Title:
Dr. Ayinde Rudolph	Superintendent

I hereby certify that information provided on this form is true and correct. I hereby certify that the charter petition set forth offers a unique educational program that meets the needs of the students within the authorizing district's geographical jurisdiction. I hereby certify that we have complied with all requirements pursuant to California Education Code sections 47605(a)(5) and 47605.1, and are able to provide evidence upon request.

Petitioner's Original Signature or Designee:	Date:
	2/11/19
Petitioner's Name:	Title:
Jennifer Anderson-Rosse	Founding Head of School

All packages must include the following: