January 14, 2015

TO: Santa Clara County Board of Education

FROM: Toni Cordova
Chief Strategy Officer

VIA: Jon R. Gundry
County Superintendent of Schools

SUBJECT: Public Hearing on Voices College-Bound Language Academy at Mount Pleasant Charter School Petition

Background

On December 19, 2014, the Office of Innovative Schools of the Santa Clara County Office of Education received a charter petition from Voices College-Bound Language Academy seeking approval to open Voices College-Bound Language Academy at Mount Pleasant. This petition was submitted on appeal from the Mount Pleasant Elementary School District, having been denied by the District’s Board of Education on December 10, 2014.

California Education Code Section 47605(b) requires that “no later than 30 days after receiving a petition...the governing board of the school district shall hold a public hearing on the provisions of the charter, at which 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.” The Education Code further requires that “the governing board of the school district shall either grant or deny the charter within 60 days of receipt of the petition, provided, however, that the date may be extended by an additional 30 days if both parties agree to the extension.”

This item will be placed on the County Board agenda for a vote on February 18, 2015.
Voices
College-Bound Language Academy
Find your path and prepare for the future!

SCCOE Public Hearing
Voices at Mt. Pleasant Appeal
January 14, 2015

at Mt. Pleasant
VOICES PUBLIC SCHOOL

Same standards....
Same teacher credentials....
Same state testing....
Same students and families.....

Extraordinary results!
OUR MISSION

Prepare all students for the challenges of higher education

Provide academically rigorous dual-language program

Ensure students:

• demonstrate high academic achievement
• apply critical thinking skills
• make sense of their role within their own culture and the greater society
FLAGSHIP ACCOMPLISHMENTS & RECOGNITION

- Top three Dual Immersion schools in California
- Top three English Learner API (Santa Clara & San Mateo Counties)
- Top three Hispanic API (Santa Clara & San Mateo Counties)
- Top two Latino API (Santa Clara & San Mateo Counties)
- Closing the achievement gap

[Logos and badges from various reputable organizations]
FLAGSHIP DEMOGRAPHICS

- 443 K-8 students
- 500+ waiting list
- 90% Hispanic
- 75% Free/Reduced lunch
- 75% English Learners (kinder)
- 7% Special Education
ENGLISH LEARNER DEMOGRAPHICS AND RESULTS (FLAGSHIP SCHOOL)

- 75% of incoming kindergarten students are English Learners
- 58% of incoming kindergarteners are Beginning and Early Intermediate CELDT levels
- 36% English Learner Redesignation rate (17% higher than state average)
- Met ALL AMAO’s (state wide accountability system)
- Top performing DI school in Santa Clara County (898 API)
VOICES IS ELIMINATING THE ACHIEVEMENT GAP!

- School Wide API
- Hispanic API
- English Learner API
BUILDING THE PIPELINE WITH COMMUNITY PARTNERS

The Center for Latino Education and Innovation
STATEMENT OF PURPOSE

The Center for Latino Education and Innovation "The Center" under the auspices of the NHU Foundation has established a strategic alliance with Voices Academy and Santa Clara University. This alliance is poised to develop an effective educational TK to high school pipeline that will increase the educational attainment and improve the academic performance of Latinos and others in the area. This unique TK to high school pipeline will serve two purposes:

• First, The Center will interconnect and advance research, practice, and policy to holistically address Latino student's educational achievement, parental involvement and family well being. The center will be the most comprehensive source of research and information on the development of strategies and training programs that support and encourage and promote Hispanic educational advancement. It will also address and empower parents to be actively involved and advocate for their children. Secondly, This unique partnership will produce an academic pathway for Latino students to become dual language and bicultural teachers prepared to meet local, regional and state needs.
STATEMENT OF PURPOSE CONT.

• Voices Dual Language Academy was selected to participate as part of The Center's educational pipeline because of their demonstrated commitment to excellence, long standing academic background and success as leaders in dual language education and exceptional parental involvement.
GOALS

1. Increase the number of bilingual teachers and BA degree candidates from underrepresented groups to meet teacher demand due to retirements

2. Change, address and improve how Hispanics and other underperforming students are educated in K-12 schools

3. Establish NHUF and SCU as the premier institutions for training effective teachers prepared to address California's growing diversity and workforce needs
WHY NHUF, SCU AND VOICES?

1. NHUF, SCU and VOICES will produce highly effective teachers for local educational entities with the potential of producing significantly more teachers in order to meet local and regional needs.

2. We have significant in-house expertise and can leverage nationally recognized experts, e.g. Drs. Valdes, Garcia, Paz, Miranda, Bravo, Mosqueda, Lopez and CALSA/ALAS.

3. Our effort in teacher recruitment and training complements and enhances many private and public efforts to improve education for Hispanic students.

4. Early student/parent success translates to success for the community and society as a whole.
CENTER FOR LATINO EDUCATION & INNOVATION
Producing Bilingual, Bicultural, and Biliterate Educators and Workforce

TEACHERS FOR A NEW TOMORROW PIPELINE

TK – 8th GRADE

VOICES
College Bound Language Academy (TK – 8)
Bilingual, Bicultural, and Biliterate (English and Spanish)

HIGH SCHOOL 9-12 GRADE (NHUF)

Roberto Cruz Leadership Academy
Latino College Preparatory Academy

Students Graduate Bilingual, Bicultural, and Biliterate (English and Spanish)

Feeder

POST SECONDARY EDUCATION

Santa Clara University (SCU)
Master of Arts in Teaching and Teaching Credential.
Effective bilingual and culturally competent educators.

La Salle University
BUSCA program
Bilingual, Bicultural, and Biliterate (English and Spanish)

Other Community Colleges and Universities
Nationally and locally accredited institutions generating trained workforce

Feeder

CURRICULUM, INSTRUCTION, AND ASSESSMENT BEST PRACTICES, DEVELOPED BASED ON RESEARCH

Parental and Community Empowerment
Federal and State Programs for Student Success
Private and Public Partners (other services and programs)
VOICES AT MT. PLEASANT

- Open 2015-16 school year
- Slow growth model: Begins with kindergarten and first grade
- Extended School Day
- Built-In Enrichment and Intervention
- Summer School
- Special Education LEA
FOUNDATIONS FOR LEARNING:
A PROGRAM THAT WORKS!
SERVING LANGUAGE LEARNERS

• Academic language and content access support (SIOP)
• Systematic English Language Development
• Cutting-edge Dual Immersion Program
• Multiple measures of achievement and growth
RESPONSIVE DUAL IMMERSION PROGRAM

- Data-driven programmatic decisions
- Responsive to learner needs (SES, disability, demographics)
- Content, knowledge, and skills applied in both languages
- Integration of progressive educational techniques into DI model
**ALL STUDENTS DEVELOP STRONG LANGUAGE SKILLS IN ENGLISH & SPANISH**

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<thead>
<tr>
<th>Grade</th>
<th>Spanish</th>
<th>English</th>
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<td>1</td>
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CONTENT IS APPLIED IN BOTH LANGUAGES

For example:

Social Studies lesson taught in English
- Related reading later in the day in Spanish
- Homework in Spanish

Science Lesson taught in Spanish
- Related project later in the day in Spanish
- Homework in English
COLLEGE-BOUND CULTURE
Thank you for your consideration of the Voices at Mt. Pleasant charter petition.
Charter School’s Educational Program

Voices Dual Immersion program presents an unsound educational program for the students to be enrolled in the charter school.

- Voices does not meet the research-based principles for the development of Two-Way Dual Language programs.

- Voices is not supported by the Association of Two-Way & Dual Language (ATDLE)."
Educational Program and Spanish Literacy Concerns

- The petition does not share data on the academic progress of students in Spanish Literacy.
- Voices Petitioner only presents Student Achievement data in English only with no High School transition data available, yet.
- The petition does not state how they will monitor and assess academic progress of students in Spanish Literacy.
- Voices Petitioner does not adequately describe how their English Learner (EL) Plan will fit into their bilingual emersion language program or provide distinction between EL program and general program.

College Bound

- No evidence of a structured research based College Bound or Career Readiness curriculum such as AVID (Advancement Via Individual Determination) is in place.
- This year, 2014-15 is their first 8th grade class. Therefore, no students from Voices have transitioned to high school.
- Unknown how many Voices students will be able to take the A-G college admission courses.
Special Education Concerns

Under IDEA all Public Schools are required to provide a Free Appropriate Public Education (FAPE) to all students with Special Education and Related Services

- Petition indicates only one placement option for students with Special Education - Push in with RSP
- Petition does not address the full continuum of services (Gen Ed-Non-Public School) required to address needs of students with disabilities of varying intensity, i.e. autism, ED, SLD, ID.
- Staffing levels and professional development described in Petition not adequate to address needs of identified students under Push in/inclusion model

Special Education

Requirements under IDEA not addressed

- Child Find Requirements - affirmative obligation to search out and identify students with disabilities - no plan, staffing or notices indicated in petition or on website or other publications

- Least Restrictive Environment – Only one services delivery model indicated, "one size fits all" noncompliant. Services not individualized

- Petition silent on provision of Extended School Year services, staffing limits, differentiation of dual immersion program for students with disabilities, and outcomes for students with disabilities
Student Services

Due Process requirements under Federal law apply to students in Charter Schools as well as Districts. Students can not be removed with out proper due process elements.

- Petition silent on assuring student’s rights to due process before removal.
- No mention of Positive Behavioral Interventions & Supports or “Other Means of Correction” as required by California law before suspending or excluding students.
- No Hearing or appeal process to guarantee student’s due process rights are met in the suspension and/or expulsion process. Contrary to law and Office of Civil Rights (OCR) guidance.
- No assurance or assistance that a student who is expelled will be assisted with placement in another public school.

Expansion Concerns

- Voices has one school in Franklin McKinley SD and has approval for one in Morgan Hill SD. If the Voices Petitioner receives approval for a third school in the Mt. Pleasant SD, it is dubious that the Voices Petitioner can demonstrate that sufficient, systems and resources are in place to successfully manage an expansion of this magnitude to meet their commitments to the East San Jose community.
- It is recommended that the Voices Petitioner be given time to expand more slowly and prove themselves for a few years within the confines of Franklin McKinley SD and Morgan Hill SD before adding yet a third school in the Mt. Pleasant SD.
Voices Petitioner Parent Participation Requirement

- According to Petition, parents of students are required to sign parent volunteer agreement stating: requiring volunteer hours.

- When taken together, parent participation requirement potentially violates free public school guarantee as required by law.

- Petitioner does not realistically account for the possibility that not all parents/families have time and resources to volunteer their services.

Financial Concerns

- The Budget revenue relies on LCFF Supplemental and Concentration funding based on 72% of the students qualifying for the NSLP. There also does not appear to be an Educational Plan to show how these funds will be used to increase or improve services beyond the base program.

- The Budget revenue also relies upon the receipt of $575,000 from the Public Charter Schools Grant Program ("PCSGP") which the Voices Charter cannot use for operational expenses.

- The proposed Budget includes certain expenses that appear understated such as Teacher/Principal Personnel Salaries and Benefits, Staff Development, Legal Expenses are a few of the expenses that appear understated and uncompetitive to attract, retain, and maintain academic programs.
Financial Concerns

- The proposed Budget includes certain expenses that appear understated such as Teacher/Principal Personnel Salaries and Benefits, Staff Development, Legal Expenses are a few of the expenses that appear understated and uncompetitive to attract, retain, and maintain academic programs.

Staff Qualifications

- Principal does not have an Administrative Credential even though the she is required to evaluated certificated teachers.
- 12 Teachers who signed Petition are currently employed at Franklyn McKinley SD Voices and would not be able to staff Mt. Pleasant SD Voices without abandoning Franklyn McKinley SD Voices.
- Non Competitive Salaries for Teachers and Administration will make it difficult to attract qualified personnel.
- Not all Certificated Teachers have a BCLAD credential.
- The Voices Petition does not mentioned what means of assessment intend to use to determine if the teachers without BCLAD credentials are qualified to teach in a Dual Immersion Program.
- Centralized Administration and Budgeting will desensitize Voices to the needs of the local community.
- Minimal Professional Development Education opportunities for Teachers will reduce Teacher effectiveness.
Staffing Non Certificated

• Associate Teacher is an ambiguous term, these individuals are Paraprofessionals although they are left alone with students during instructional day (Mid-day Block).

• School Assistants are not Highly Qualified, although they are to support the teacher in the classroom.

• Parent Liaison is also an ambiguous term. This position is only required to have a high school diploma, no post high school education in Social Work or Counseling. However, the Parent Liaison is responsible for coordinating ADA 504 plans, a task usually performed by an administrative or credentialed individual.

Staffing Special Education

• Voices Petition does not clearly indicate that the school will have a qualified Educational Specialist to provide direct services with Individualized Education Plans (IEPs).

• No School Psychologist mentioned in the Voices petition to help determine eligibility for special education.
Voice School Governance

- There is no evidence that Voices Staff or the Hispanic Foundation has visited Mt. Pleasant STEAM Academy or Ida Jew ALAS Dual Immersion Academy.
- Parents in East San Jose have choices of Dual Immersion Programs
  1. Ida Jew ALAS Dual Immersion K-8th Academy (Charter)
  2. Adelante I K-8th Dual Immersion School (sites 1)
  3. Adelante II K-8th Dual Immersion School (sites 2)
- Since Ida Jew Academies is charter school we are able to service students from surrounding the School Districts, including Alum Rock, Franklin McKinley, and Evergreen School Districts.
- Voices Centralized Administration and Budgeting Desensitizes governance to specific local area needs and does not safeguard against comingle of funds.
- Racial and Ethnic Balance is not achieved at Franklin-McKinley Voices. Mt. Pleasant SD expects same imbalance with Mt. Pleasant Voices, failing to achieve Racial demographics reflective of Mt. Pleasant and required by law.

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<thead>
<tr>
<th>Area</th>
<th>Hispanic</th>
<th>Aisan</th>
<th>African Americans</th>
<th>White</th>
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<tr>
<td>Franklin-McKinley SD</td>
<td>61.3%</td>
<td>30.1%</td>
<td>1.8%</td>
<td>1.5%</td>
</tr>
<tr>
<td>Franklin-McKinley Voices</td>
<td>90.6%</td>
<td>2.5%</td>
<td>3.0%</td>
<td>1.0%</td>
</tr>
<tr>
<td>Mt. Pleasant SD</td>
<td>71%</td>
<td>13.5%</td>
<td>TBD</td>
<td>TBD</td>
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</tbody>
</table>

Conclusion

- Reasons to justify denial of the Petition
- The Petition does not contain the number of signatures required by EC 47605a. The petitioners are demonstrably unlikely to successfully implement the program presented in the Petition; and
- The Petition fails to provide a reasonably comprehensive description of all the elements of a charter petition.
- For the reasons discussed, the staff finds that the Petition fails to provide a reasonably comprehensive description of all required elements of a charter petition.
- Accordingly, Staff recommends that the Board deny the Petition and adopt this Staff Report as its written findings in support of its denial.
Mt. Pleasant School District
MEETING OF THE BOARD OF TRUSTEES
AGENDA

December 10, 2014

PLEASE POST

1. CALL TO ORDER (5:00 p.m.)
   ROLL CALL
2. APPROVAL OF AGENDA
3. PUBLIC COMMENTS ON CLOSED SESSION ITEMS
4. RECESS TO CLOSED SESSION
   (a) Public Employee Appointment/Employment – Items listed in 8.0 below
   (b) Public Employee Discipline/Dismissal/Release – Items listed in 8.0 below
   (c) Negotiations
5. RECONVENE TO OPEN SESSION (6:00 pm)
   Pledge of Allegiance
   Report from Closed Session if needed

ANNUAL ORGANIZATION MEETING

   a) Election of President, Vice-President, Clerk
   b) Election of Representative for County Committee

6A. LITIGATION (Report out when required)

6B. APPROVAL OF MINUTES
   Minutes of the Regular Board Meeting of November 12, 2014. (Action)

7A. SUPERINTENDENT'S REPORT
   (a) 2014/2015 First Interim Report – Tracy Huynh, CBO
   (b) Mt. Pleasant Elementary Programs Update – Jose Gonzalez, Principal
   (c) Voices College-Bound Language Academy Petition Review – Mariann Engle, Superintendent

7B. STAFF REPORTS

7C. COMMUNICATIONS

7D. SUGGESTIONS AND COMMENTS FROM AUDIENCE
   (Items must be submitted to the Board President on forms available prior to Pledge of Allegiance and immediately following Closed Session.) This portion of the Agenda provides an opportunity for members of the public to directly address the Governing Board on any item of interest to the public; however, provisions of the Brown Act [Government Code Section 54954.2(a) and .3] preclude any action being taken on any item not appearing on the posted Agenda. Time limits allocated to public testimony are three (3) minutes per person and twenty (20) minutes per topic. Speakers are asked to give their name, address and affiliation so that an accurate record is reflected in the Minutes.
AGENDA
Meeting of the Board of Trustees
December 10, 2014

8.0 PERSONNEL ACTION

Management

8.1 Management Employment
Director - Chief Business Official

8.2 Management Resignation
Assistant Superintendent Business & Operations

Classified

8.3 Classified Employment
Instructional Asst. NCLB, FTE .625 - AB
Personnel Specialist Bilingual, Confidential
Executive Administrative Secretary Bilingual, Confidential

9. CONSENT AGENDA

All matters listed under the Consent Agenda are considered by the Board to be routine and will be enacted by one motion. There will be no discussion prior to the time the Board votes on the motion unless members of the Board, staff or public request specific items to be discussed and/or removed from the Consent Agenda. The Superintendent and staff recommend approval of the following asterisked items:

9.1 Warrant List covering the period, November 1, 2014 to November 26, 2014 is presented for Board approval.

10. OTHER ITEMS REQUIRING BOARD ACTION

10.1 Resolution #14/15-10 - 2014/2015 First Interim

It is the recommendation of the Administration that the Governing Board adopt by a roll call vote Resolution #14/15 - 2014/2015 First Interim.

10.2 Voices College-Bound Language Academy Charter Petition

In accordance with Education Code section 47605(b), the Board will consider whether to grant or deny the Voices College-Bound Language Academy Charter Petition and make the requisite findings in support of its determination.

10.3 Agreement Between Mt. Pleasant School District and William Blair & Company, LLC

It is the recommendation of the Administration that the Governing Board approve the Agreement Between Mt. Pleasant School District and William Blair & Company, LLC to provide underwriting services relating to the preparation for and public offerings of the Election of 2012 General Obligation Bonds, Series B.

10.4 Agreement Between Mt. Pleasant School District and Solution Tree, Inc.

It is the recommendation of the Administration that the Governing Board approve the Agreement Between Mt. Pleasant School District and Solution Tree, Inc. for staff training on January 5, 2015.
AGENDA
Meeting of the Board of Trustees
December 10, 2014

10.5 Agreement Between Mt. Pleasant School District and Piper Jaffray & Co.

It is the recommendation of the Administration that the Governing Board approve the Agreement Between Mt. Pleasant School District and Piper Jaffray & Co. to perform continuing disclosure consulting services.

10.6 Pivot Learning Partners Services Contract

It is the recommendation of the Administration that the Governing Board approve the Contract for Services Between Pivot Learning Partners and Mt. Pleasant School District for the purpose of developing the charter school renewal application for Ida Jew Academies.

10.7 Revised Ida Jew Academies Modified Instruction Year Request

It is the recommendation of the Administration that the Governing Board approve the Ida Jew Academies Modified Instruction Year Request as revised for the 2014-2015 school year.

10.8 Revised 2013-2014 Confidential Salary Schedule – New Position

It is the recommendation of the Administration that the Governing Board approve the 2013-2014 Confidential Salary Schedule as revised to reflect the new position of Executive Administrative Secretary.

11. INFORMATION ITEMS NOT REQUIRING BOARD ACTION OR PRESENTED FOR THE FIRST TIME

The Board reserves the right to act on any item appearing on the Agenda.

11.1 Workshops/Conferences

The list of Workshops/Conferences attended in December 2014 and January 2015 is submitted for the Board’s information and review.

12. DISCUSSION ITEMS

(a) Review of Board Policies & Administrative Regulations
   (1) Revised Board Policy BP 1312.3 – Community Relations-Uniform Complaint Procedure
   (2) Revised Administrative Regulation AR 1312.3 – Community Relations: Uniform Complaint Procedure
   (3) Revised Board Policy BP 5125 – Students: Student Records
   (4) Revised Board Policy BP 5125.1 – Students: Release of Directory Information
   (5) New Administrative Regulation AR 5142.1 - Students: Identification And Reporting of Missing Children

13. SUGGESTIONS AND COMMENTS FROM MEMBERS OF THE BOARD

14. CLOSED SESSION WHEN REQUIRED FOR NON ROUTINE MATTERS
AGENDA
Meeting of the Board of Trustees
December 10, 2014

The next regularly scheduled Board meeting will be held on Wednesday, January 15, 2015, 6:00 p.m., at Mt. Pleasant School District Office Board Room, 3434 Marten Avenue, San Jose, CA 95148.

15. ADJOURNMENT (*Action*)

Should you need a disability-related modification or accommodation to review this agenda or to participate in the public meeting, please call (408) 223-3710 at least 72 hours prior to the scheduled Board meeting.

Public Record Writings related to an agenda item for open session regular meetings of the Mt. Pleasant School District Board of Trustees distributed within 72 hours can be viewed at the Mt. Pleasant School District Office, 3434 Marten Avenue, San Jose, CA 95148.
I. BACKGROUND

On or about October 8, 2014, the Mount Pleasant Elementary School District ("District") Board of Trustees ("Board") received a charter petition to establish Voices College-Bound Language Academy ("Voices" or "Charter School") within the boundaries of the District. The Petition was submitted by Petitioners on behalf of the Voices College-Bound Language Academies, a California nonprofit public benefit corporation that currently operates a Voices campus under the oversight authority of the Franklin-Mckinley School District and a Voices charter school that was just recently authorized by the Santa Clara County Board of Education.

Through this Petition, Petitioners seek to establish a K-8 dual language program in English and Spanish. The Charter School intends on providing 80% of instruction in Spanish in Kindergarten and increasing English language instruction by 10% every school year until a 50:50 equilibrium is reached by the third grade, and will maintain the 50:50 English-Spanish language balance until the 8th grade. Petitioners seek to enroll 112 students in Transitional Kindergarten, Kindergarten, and first grade, and to add one grade level per year until the eighth grade, when the Charter School projects to enroll 504 students. The Charter School seeks a five year term from July 1, 2015 through June 30, 2020.

The Board, within 30 days of receiving a charter petition, 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." (Ed. Code, § 47605(b).) A public hearing was held on November 12, 2014. The Board must "either grant or deny the charter within 60 days of receipt of the petition." (Ed. Code, § 47605, subd. (b).) Accordingly, the Board must act on the Petition during its December 10, 2014 meeting.

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.) In enacting the Act, the California Legislature intended for teachers, parents, and community members to establish charter schools in order to, among other things, increase learning opportunities for all pupils, with special emphasis on expanded learning experiences for pupils who are identified as academically low achieving, encourage the use of different and innovative teaching methods and programs, and provide new professional opportunities for teachers as well as expanded choice in the types of educational opportunities for parents and students. (Ed. Code, § 47601.)

Charter schools are established through 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, Voices 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 ("SCCBOE"). If SCCBOE grants the charter, it becomes the supervisory agency over the Charter School. If the county denies the Petition, then Petitioners may appeal to the State Board of Education ("SBE"). (Ed. Code, §47605(j)(1).)

II. REVIEW OF THE PETITION

A team of District staff, with the assistance of legal counsel, conducted a full review and evaluation 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.

In addition to the above, staff's review and analysis of the Petition was guided by the legislative intent set forth in Education Code section 47601 and by the regulations promulgated for SBE's evaluation of its own charter petition submissions (Cal. Code Regs., tit. 5, section 11967.5.1) ("Regulations"). Although these Regulations are not binding on a school district's review of charter petitions, they are helpful guidance. Where relevant, the
content of the Education Code and Regulations is stated or paraphrased with respect to each area in which staff has identified deficiencies.

III. STAFF RECOMMENDATION

Based upon its comprehensive review and analysis of the Petition, staff recommends that the Petition be denied. This Staff Report contains staff's analysis of the Petition, and the written findings supporting staff's recommendation. Accordingly, staff also recommends that the Board adopt this Staff Report as its written findings in support of its denial.

The following reasons justify denial of the Petition:

- The Petition does not contain the number of signatures required by Education Code section 47605, subdivision (a);

- The Petitioners are demonstrably unlikely to successfully implement the program presented in the Petition; and

- The Petition fails to provide a reasonably comprehensive description of all required elements of a charter petition.

More specific findings with regard to each basis for denial are described under Section IV in the enumerated paragraphs below.

IV. FINDINGS IN SUPPORT OF DENIAL

Staff's evaluation and analysis of the Petition have resulted in the following findings:

A. The Petition Does Not Satisfy The Petition Signature Requirement Pursuant To Education Code Section 47605(b)(3)

Education Code section 47605, subdivision (a)(1) sets forth the signature requirement for charter petitions proposing to establish a charter school. Specifically, section 47605, subdivision (a)(1)(B) states that the petition must be "signed by a number of teachers that is equivalent to at least one-half of the number of teachers that the charter school estimates will be employed at the school during its first year of operation." Section 47605, subdivision (a)(3) continues: "A petition shall include a prominent statement that a signature on the petition means that the parent or legal guardian is meaningfully interested in having his or her child or ward attend the charter school, or in the case of a teacher's signature, means that the teacher is meaningfully interested in teaching at the charter school."

Staff finds that the Petition does not satisfy the signature requirement pursuant to Education Code section 47605(b)(3). Petitioners include the signatures from 12 teachers to support their Petition. (Exh. E.) However, upon close review of the teacher-signatories, staff finds that all 12 signatures come from these teachers who currently teach at the Voices charter school operating within the Franklin-McKinley School District according to their website. Therefore, the Petition raises serious doubts as to whether the 12 teacher-signatories here are genuinely and "meaningfully interested" in teaching at this proposed Voices charter school, as such "meaningful interest" would require the departure of the 12 teachers from the Franklin-McKinley Voices charter school and undermine their existing program. Accordingly, Petitioners have not persuasively demonstrated adequate meaningful interest from teachers as required by law to meet the petition signature requirement of Education Code section 47605(b)(3).
B. Petitioners Are Demonstrably Unlikely To Successfully Implement The Program Pursuant To Education Code Section 47605(b)(2)

The Education Code requires Petitioners to show they are demonstrably likely to successfully implement the program set forth in the Petition. (Ed. Code, § 47605, subd. (b)(2).) The Regulations also require consideration of whether a petition has presented a realistic financial and operational plan, including the areas of administrative services, financial administration, insurance and facilities. (Regulations, § 11967.5.1, subds. (c)(1) and (c)(3).) In the area of administrative services, the charter or supporting documents must adequately describe: the structure for providing administrative services, accounting and payroll that reflects an understanding of school business practices and expertise to carry out the necessary administrative services, or a reasonable plan and timeline to develop and assemble such practices and expertise. (Regulations, § 11967.5.1, subds. (c)(3)(A)(1).) For any contract services, the Regulations require a description of the criteria for the selection of a contractor or contractors that demonstrate necessary expertise and the procedure for selection of the contractor or contractors. (Regulations, § 11967.5.1, subds. (c)(3)(A)(2).)

Under section 11967.5.1(c)(3)(B), an unrealistic financial and operational plan for the proposed charter exists when the charter or supporting documents do not adequately include: a) At a minimum, the first year operational budget, start-up costs, and cash flow, and financial projections for the first three years; b) include in the operational budget 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; c) 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; and d) 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. Education Code section 47605, subdivision (g), and Regulations, section 11967.5.1(c)(3)(B) also require Petitioners “to provide financial statements that include a proposed first year operational budget, including start-up costs, and cash flow, and financial projections for the first three years of operation.”

Under section 11967.5.1, subdivision (c)(3)(C), the Regulations require, in the area of insurance, for the charter and supporting documents to adequately provide for the acquisition of and budgeting for general liability, workers compensation, and other necessary insurance of the type and in the amounts required for an enterprise of similar purpose and circumstance.

Finally, under section 11967.5.1, subdivision (c)(3)(D), the Regulations require, in the area of facilities, for the charter and supporting documents to adequately: describe the types and potential location of facilities needed to operate the size and scope of educational program proposed in the charter; in the event a specific facility has not been secured, provide evidence of the type and projected cost of the facilities that may be available in the location of the proposed charter school; and reflect reasonable costs for the acquisition or leasing of facilities to house the charter school, taking into account the facilities the charter school may be allocated under the provisions of Education Code section 47614.

Based on the following enumerated findings, staff concludes Petitioners are demonstrably unlikely to successfully implement the program set forth in the Petition:
1. Educational Program

The Petition raises significant concerns regarding the Charter School’s educational program. The Petition lists various educational philosophies and strategies in broad terms to support its dual language program. For example, the Petition states that it will apply the following “research-based pedagogical principles”: state standards-based, multilingual, cognitive, developmental, rigor, critical thinking, reflective, authentic, collaborative, recursive, transformational, development of character, culturally responsive practices, and parent and community involvement. (p. 9-10.) However, the Petition does not adequately explain exactly how the Charter School will ensure the application of these principles in the unique context of a dual language classroom.

Additionally, the Petition does not provide a reasonably comprehensive description of the curriculum to be used by the Charter School to implement the educational program. The Petition sets forth general pedagogical philosophies and strategies for instruction, but does not adequately describe the instructional materials and/or texts to be used by the Charter School to support the dual immersion program. For example, it appears that the Charter School will rely upon teachers to engage in backwards mapping as a means of developing the curriculum. However, the Petition only provides one sample backwards map for the fourth grade only, which merely consists of a listing of content standards and does not identify any instructional materials or other curricula. (Exh. R.) The Petition also includes a sample rubric, sample unit, sample pacing guide, and sample advisory scope and sequence, but does not otherwise explain exactly how its teachers will integrate these various elements in a dual language classroom context.

The Petition also raises concerns about students entering the charter program after Kindergarten. Of specific concern is the failure by the Petition to address situations where students enter with less than 5 to 7 years of enrollment eligibility at the Charter School, since current research shows that students require 5 to 7 years for language assimilation, and the lack of description of any plan to ensure that these students will obtain the requisite skills to prepare them for subsequent grade levels.

Although the Petition seeks to replicate the dual immersion program from the Franklin-Mckinley Voices charter school, the Voices program has not been identified as one of the 257 dual language schools in the California network. Moreover, Voices has not been identified by the Center for Applies Linguistics as one of its 1,200 schools in its national network. Of concern to the District is the fact that the Association of Two-Way & Dual Language Education (“ATDLE”), a national and state organization that leads dual language and two-way program implementation in both public and charter schools, recently expressed its disapproval to the Santa Clara County Board of Education of the Voices dual language proposal, which was previously denied by the Morgan Hill Unified School District. Specifically, the ATDLE cited to the fact that Voices program does not adhere to the multitude of seminal research studies on dual language education, fails to demonstrate the development of the target language in their students, and lacks the basic understanding on how to implement a dual language program option that develops high levels of bilingualism and bi-literacy for all their students.

2. Potential Discriminatory Impact

In accordance with Education Code section 47605(d)(1), the Petition provides an affirmation and assurance that “the Charter School shall not discriminate on the basis of the characteristics listed in Education Code 220,” which includes race or ethnicity. (p. xiii.) The
Petition raises concerns about the Charter School’s ability to comply with this mandatory assurance, and to remain nondiscriminatory in its enrollment practices. Specifically, several areas of the Petition make express references to prioritizing and targeting the Charter School for specific ethnic populations. For example, under the “Need for Voices MP” narrative, the Petition expressly states that “[a]lthough Voices MP will be open to any student, we are committed to providing educational opportunities and choice to those students who are underachieving in the Mount Pleasant Elementary District and surrounding areas (e.g., Hispanic students, students from disadvantaged socio-economic backgrounds, students with disabilities, and English-language learners).” (p. 5.) (Emphasis added.) The “Need for Voices” narrative makes further express references to statistical data regarding Latinos in particular, such as the percentage of Latino young adults who believe that college education is important for success, the percentage of Latino youth in the United States who are foreign-born, and the percentage of Latinos who believe that a college degree is important for getting ahead in life.

The Petition also states that the Charter School will collaborate with the Center for Latino Education and Innovation (“CLEI”) of the National Hispanic University (“NHU”). (p. x.) According to the Petition, the formation and purpose of the Charter School appears to be dependent upon and to have been heavily influenced by Petitioners’ relationship with CLEI and NHU. In fact, NHU sought “to pursue a school in the Mount Pleasant School District of San Jose that would be part of its ‘cradle to college’ initiative, now called the Center for Latino Education and Innovation” and invited Petitioners “to establishing a school on the NHU campus.” (p. x.) While the partnership with an outside entity is not in itself concerning, the District has significant concerns about the Charter School’s ability to maintain the partnership and comply with its mandatory assurances. According to the Petition, “[t]he vision of the Center is to integrate research, policy, teaching and learning to holistically address the Latino educational crisis and to provide solutions that will transform the education of Latino students that are replicable nationwide. We strive to successfully shatter the achievement gap for Latinos in this country...CLEI will research, support, and encourage Hispanic parents to fully participate and engage as leaders in their children’s education.” (p. xi-xii.) (Emphasis added.)

While the District recognizes the correlation of pupil subgroups with other factors, such as disadvantaged socio-economic status and certain racial groups, the prominent focus of the Charter School and its partnership with the CLEI on assisting Latino students in particular places it at high risk of conflicting with the Petition’s nondiscriminatory assurance. Indeed, the Petition is highly suggestive of the Charter School’s intent to advance the specific needs of Latino students in particular, which raises significant concerns about the Charter School’s ability to fulfill its stated mission without discrimination, especially in the area of admissions and enrollment. Thus, the Petition describes a program that, by the nature of the Charter School’s collaboration with CLEI, proposed location at NHU, and stated philosophical concerns and goals, is at high risk of violating the Petition’s nondiscrimination provision.

3. Parent Participation

According to the Petition, parents of students enrolled at the Charter School are required to sign a parent agreement. (p. 110, Exh. AN.) The agreement states that “all parents must carefully read and sign the following agreement,” which sets forth various parent requirements such as an agreement “to attend parent-teacher conferences [or] other functions and appointments that relate to my child’s education,” “to always act in a professional manner when speaking with someone at Voices College-Bound Language Academy,” and “to attend most school-wide activities each year.” (Exh. AN.) Moreover, in addition to the “required” parent requirements, the Petition sets forth “encouraged” parent
participation opportunities, such as tutoring, homework center, classroom volunteer, family field trips, and eighth grade exit interview teams. (p. 110.) Additionally, the Petition states that "every parent is able to be involved at different levels due to individual-specific family, work, cultural reasons and even health issues" and "every attempt will be made to accommodate parents to allow them to participate in some capacity at the Charter School according to their schedules and interests." (p. 111.) (Emphasis added.)

These various provisions regarding the expectation for parent participation, when taken together, amounts to an impermissible parent participation requirement, or at the very least, places the Charter School at high risk of violating the free public school guarantee as provided by law. Even though the Petition recognizes no parent involvement plan shall require mandatory service from parents, such recognition is rendered meaningless as the Charter School will require parents to sign a parent agreement and maintains an expectation that "every parent is able to be involved" and every attempt will be made to allow parents to participate "in some capacity." The parent participation requirement, therefore, constitutes an impermissible form of tuition, contravenes the requirement that public education be provided free of charge, and violates state law. Specifically, Education Code section 49011 prohibits all public schools, including charter schools, from providing privileges relating to educational activities in exchange for services from a pupil’s parents or guardians, removing privileges relating to educational activities, or otherwise discriminating against a pupil if the pupil’s parents or guardians do not provide services to the school. (Ed. Code, § 49011, subd. (b); CDE Fiscal Management Advisory 12-02, April 24, 2013.)

The Petition does not realistically account for the possibility that not all parents/families have the time and resources to volunteer their services. Many parents of lower socio-economic status are unable to provide the participation expected by the Petitioners, which may effectively act as a barrier to entry for those students whose parents cannot afford to volunteer their time. Accordingly, the parent participation requirement may also have a discriminatory impact by serving as a barrier to meeting the racial and ethnic balance that Petitioners are required to achieve. (Ed. Code, § 47605, subd. (b)(5)(G).)

4. Governance

Petitioners are unlikely to successfully implement their program as a result of the Charter School’s flawed governance structure. According to the Petition, the Charter School is to be operated by a California non-profit public benefit corporation, Voices College-Bound Language Academies, and its governing board. Currently, the corporation operates a Voices charter school within the Franklin-McKinley School District and was recently authorized to operate another Voices campus under the oversight authority of the Santa Clara County Board of Education. (p. 99.) Accordingly, the Charter School’s governing board is centralized and operates at a corporate level as it maintains multiples campuses under the oversight authority of other entities, and any other campuses that the corporation seeks to open in the future.

However, the Petition does not account for the fact that corporate-level personnel will have conflicts between their currently existing schools and the proposed Charter School on such critical matters as budgeting, financing, staffing, allocation of resources, and other important operations. Indeed, the Petition does not provide safeguards to protect the proposed site, such as procedures against the commingling of funds, especially since the Petition makes numerous references to the fiscal accomplishments of its Franklin-McKinley campus such as the maintenance of strong reserves every year, securing of working capital line of credit, and the awarding of various grants. (p. ix.) As proposed, the governance structure makes it impossible for board members to act in the best interests of the proposed
campus if and when conflicts with the other Voices campuses arise. Indeed, according to the Petition, one of the board members has two children currently attending the Franklin-Mckinley Voices charter school. (p. 106.)

Moreover, the governance structure does not require or ensure representation on the board or the School Advisory Committee ("SAC") from the Mt. Pleasant community because it operates at the corporate level. In effect, the governance structure allows for the Charter School's governing board to be comprised of members who do not come from the Mt. Pleasant community and do not understand its needs. Without assured active representation on the board from the Mt. Pleasant community, and without any safeguards ensuring that board members will act in the best interest of the Charter School, the governance structure places the proposed site in a precarious and untenable position, and therefore Petitioners are unlikely to successfully implement their program.

5. Qualifications

The Petition does not set forth the appropriate qualifications for the Charter School principal. According to the Petition, "charter school experience, English/Spanish bilingualism, an MA, and Tier II Administrative Credential are desirable qualifications," not mandatory. (p. 115.) The Petition allows for the possibility that the Charter School may hire an individual with no prior charter school experience and with no Spanish language skills to operate and serve as the day-to-day administrator of a Spanish-English dual language charter school. Accordingly, the lack of proper qualifications of the lead administrator raises significant doubts as to the Charter School's successful implementation of its program.

6. Staffing

As further detailed above, Petitioners include the signatures of only 12 teachers, all of whom currently teach at the already-existing Voices charter school within the Franklin-McKinley School District. As a result, the proposal raises doubts regarding whether the 12 teachers-signatories are meaningfully interested in teaching at the proposed Mt. Pleasant campus, and therefore indicates potential problems and difficulties relating to the proper staffing of the Charter School's dual immersion program.

7. Racial and Ethnic Balance

The Voices charter school at Franklin-Mckinley does not achieve a racial and ethnic balance that is reflective of the general population of the Franklin-McKinley School District. According to the California Department of Education, the Franklin-McKinley School District has Hispanic, Asian, African American and White student populations of approximately 61.3%, 30.1%, 1.8%, and 1.5%, respectively. However, the Voices charter school in Franklin-McKinley has percentages of approximately 90.6%, 2.5%, 3%, and 1%, respectively, of the same pupil subgroups. Accordingly, Voices at Franklin-McKinley is significantly overrepresented in Hispanic students and significantly underrepresented in Asian students, and therefore does not achieve a racial and ethnic balance representative of its authorizing agency.

Based upon the Voices philosophy and educational program, the District expects for the proposed Charter School to attract similar percentages of student subgroups as those of its already-existing counterpart. Although the District maintains a Hispanic student population of approximately 71% and Asian student population of 13.5%, the District expects that the Charter School will again maintain a racial and ethnic imbalance with its student population,
with Hispanic students being overrepresented and Asian students being underrepresented, and fail to achieve a racial demographic reflective of the District as required by law.

8. Innovative Program

The Charter Schools Act was intended to "increase learning opportunities" and "encourage the use of different and innovative teaching methods and programs." (Ed. Code, § 47601.) However, the Charter School's proposal is not unique or innovative. The Petition does not offer any program that the District does not already provide. Specifically, the District has, under its oversight authority, Ida Jew Academies Charter School, which currently offers a dual language program. Accordingly, the proposed educational program is not innovative for the purposes of satisfying the legislative intent behind the Charter Schools Act.

9. Budget

a. Revenue

The Petition states that the Charter School will anticipate approximately 72% of Voices students at the proposed District campus will qualify for free and reduced price lunch for the purposes of qualifying for supplemental grants under the Local Control Funding Formula ("LCFF"). The Budget's LCFF assumptions worksheet also reflects a 72% free and reduced price lunch assumption. However, the Petition appears to overestimate this figure. According to the California Department of Education, the District has a free and reduced price meal population rate of 66.3%, and Santa Clara County has a rate of only 38.9%. Because admission to the Charter School will likely be dicted by the lottery, based upon Petitioners' unsubstantiated claim that a waiting list of over 500 students currently exists, the proposed revenue calculation raises concerns about the Charter School's ability to reach its free and reduced price lunch target for the purposes of generating supplemental grant revenue.

The Budget also relies upon the receipt of $575,000 from the Public Charter Schools Grant Program ("PCSGP"). The PCSGP is a federal grant that is administered by the California Department of Education ("CDE") to assist in the development of charter schools. These funds are restricted for use in planning, program design, and initial implementation of the school, and cannot be used for operational expenses. All expenditures must be approved and must demonstrate that they support achievement of the approved grant work plan, or else the funding must be returned. The current PCSGP has a 5-year grant cycle ending in July 2015. The CDE plans to apply for a one-year extension, but there is uncertainty surrounding the on-going funding of this grant beyond 2015. CDE has indicated that there is funding available that can be disseminated to authorized charters through the end of this fiscal year, provided that all grant requirements have been met, and the awards dispersed by year-end would not exceed the year-one allocation on the grant award letter. According to the CDE, charter schools with term dates beginning on or after July 1, 2015 will not be eligible for the last and final round of the PCSGP grant. Because the Charter School proposes that its charter term begin on July 1, 2015, Voices will not be eligible for receive PCSGP funding.

b. Expenses

The proposed Budget includes certain expenses that appear understated. For example, the Budget accounts no money for legal expenses for the entire charter term, and no money for travel and conferences, despite the fact that the budget narrative states "the budget includes estimates for conference and travel costs" for professional development. (Budget
Narrative, p. 6.) This is especially concerning given that the Petition promises to provide teachers with "external professional development" to assist students reach English language proficiency. (p. 53.) Other expenses appear wholly inaccurate, such as $31,351 for telephone costs for the first year of operation.

In addition, personnel costs comprise of approximately 50% of the Charter School's total expenditures. However, the Petition only provides its staffing figures at full enrollment (Budget Narrative, p. 4), and does not provide a detailed staffing breakdown per school year, along with corresponding salaries. Accordingly, it is impossible to verify whether the salaries and statutory benefits, which comprise the largest component of the Charter School's budget, are adequate to maintain a fiscally viable enterprise. In addition to the fact that the Petition states "[r]esponsibilities are subject to change at any time" and "a single individual may assume the responsibilities of more than one position, or staff may be shared between Voices MP and Voices Flagship, especially during the Charter School's early years" (p. 114), the Petition and the lack of adequate staffing information in the proposed budget reflects that the Charter School's staffing figures are fluid, and the Charter School does not currently have a defined staffing plan for at least its first several years of operation. Accordingly, the projected expenses for the Charter School are in flux and do not appear to reflect an accurate estimate of the Charter School's expenditures.

c. Salaries

The job description for the classroom teacher states that the position will pay a "highly competitive salary." (Exh. A3.) This is, however, unsupported by the Budget. According to the Budget Assumption worksheet, the Budget assumes the employment of 6 teachers for the 2015-16 school year. Assuming that these 6 teachers also include the special education teacher, which is not made clear from the Petition or the Budget, the sum of the combined teachers' salaries and the special education teacher salary (Object 1100) for the 2015-16 school year is $288,609. Accordingly, the Charter School's average teacher salary is approximately $48,101, which is not competitive with the average teacher salaries of the District. According to the District's certificated salary schedule, teachers at the lowest range (AB-30) at step 1 earn $49,097 and teachers at the highest range (AB-75) at step 1 earn $55,557. Moreover, these District salaries do not take into account $1,200 for holding a BCLAD credential, which is required by the Charter School for its dual language program, and $1,200 for holding special education certification. Accordingly, the Petition raises significant concerns about the Charter School's ability to competitively attract, recruit, and retain qualified instructional staff with low turnover, especially in light of the fact that the Charter School requires its teachers to have specialized bilingual skills.

The Charter School principal salary is also uncompetitive. The proposed Budget allocates $71,400 per year for the Charter School principal. However, according to the District's management salary schedule, the District allocates $97,313 at step 1 for its elementary school principals and $98,934 at step 1 for its middle school principals. Salaries for other personnel are also understated. For example, the Budget indicates that the Charter School seeks to employ a special education teacher at only $23,727, despite the fact that the Charter School seeks to become its own local education agency ("LEA") and will be responsible for the provision of special education services, and classified support salaries at only $18,770.

Additionally, the ratio of Charter School employee salary and benefits to total expenses is disproportionate and reflects that employee compensation is understated. According to the budget, personnel costs (e.g., certificated salaries, classified salaries, and employee benefits) comprise of only approximately 50% of the Charter School's total expenditures
during the 2015-16 school year, and dropping to approximately 48.5% by 2019-20, which is below the industry standard.

d. Unsubstantiated Growth

For the current 2014-15 school year, the Voices charter school in Franklin McKinley is at its full K-8 configuration. In November 2014, the Santa Clara County Board of Education approved another Voices charter school, which was previously denied by the Morgan Hill Unified School District. The proposed Voices charter school here seeks to enroll 112 students during its first year of operation and grow, by adding one grade level per year, to upwards of 500 students in grades K-8. The Petition does not provide any quantifiable evidence or other adequate documentation to persuasively support this level of expansion, especially within the confines of the San Jose area and in light of the highly-specialized nature of the educational program being offered. Petitioners are assuming an enrollment trajectory that will place them on pace to grow to the size of a traditional public school. However, this growth trajectory is premised upon a rate of growth that assumes the ability to backfill attrition at a 100% rate. Such an assumption cannot be made with a language immersion program, where attrition can only be backfilled at the higher grades with students possessing the requisite language skills to enter an immersion program mid-stream. Moreover, the growth trajectory upon which the Charter School’s financial plan is based, which assumes that not only will the Charter School be able to backfill attrition at 100%, but will also grow by approximately 50-60 students per year, is unpersuasive and not realistic.

Additionally, this unsubstantiated growth projection raises significant concerns about the Charter School’s ability to remain fiscally viable, especially in light of the fact that the Petition does not present an educational program that is substantially different or “innovative” than what is already offered by the Ida Jew Academies Charter School. Moreover, as reflected by the inadequate number of teachers who are “meaningfully interested” in teaching at the proposed campus, even if the Charter School were to attract the numbers of students promised by the instant proposal, the Petition raises significant concerns about the Charter School’s ability to attract adequate numbers of teachers with the requisite language skill sets to sustain and maintain upwards of 500 students at the proposed site.

C. The Petition Fails To Provide A Reasonably Comprehensive Description Of All Required Elements Of A Charter Petition

Education Code section 47605, subdivision (b)(5)(A-P), requires a charter petition to include reasonably comprehensive descriptions of numerous elements of the proposed charter school. The Regulations require the “reasonably comprehensive” descriptions required by Education Code section 47605(b)(5) to include, but not be limited to, information that:

1) Is substantive and is not, for example, a listing of topics with little elaboration.
2) For elements that have multiple aspects, addresses essentially all aspects of the elements, not just selected aspects.
3) Is specific to the charter petition being proposed, not to charter schools or charter petitions generally.
4) Describes, as applicable among the different elements, how the charter school will:
   a. Improve pupil learning.
   b. Increase learning opportunities for its pupils, particularly pupils who have been identified as academically low achieving.
c. Provide parents, guardians, and pupils with expanded educational opportunities.

d. Hold itself accountable for measurable, performance-based pupil outcomes.

e. Provide vigorous competition with other public school options available to parents, guardians, and students.

(Regulations, § 11967.5.1, subd. (g).) Staff finds that the Petition does not provide reasonably comprehensive descriptions of many of the required elements as described below.

Element 1 – Educational Philosophy and Program

The Education Code and Regulations provide various factors for considering whether a charter petition provides a reasonably comprehensive description of the educational program of the school, including, but not limited to, a description of the following: the charter school’s target student population, including, at a minimum, grade levels, approximate numbers of pupils, and specific educational interests, backgrounds, or challenges; the charter school’s mission statement with which all elements and programs of the school are in alignment and which conveys the petitioners’ definition of an educated person in the 21st century, belief of how learning best occurs, and goals consistent with enabling pupils to become or remain self-motivated, competent, and lifelong learners; the instructional approach of the charter school; the basic learning environment or environments; the curriculum and teaching methods that will enable the school’s students to meet state standards; how the charter school will identify and respond to the needs of pupils who are not achieving at or above expected levels; how the charter school will meet the needs of student with disabilities, English learners, students achieving substantially above or below grade level expectations; and, the charter school’s special education plan, to include the means by which the charter school will comply with the provisions of Education Code section 47641, the process to be used to identify students who may qualify for special education programs and services, how the school will provide or access special education programs and services, the school’s understanding of its responsibilities under law for special education pupils, and how the school intends to meet those responsibilities. (Ed. Code, § 47605, subd. (b)(5)(A); Regulations, § 11967.5.1, subd. (f)(1).)

Staff finds that the Petition requires further comprehensive description of the Charter School’s educational program for the following reasons:

1. Curriculum: The Petition does not provide a reasonably comprehensive description of the curriculum to be used by the Charter School to implement the educational program. The Petition sets forth the Charter School’s pedagogical philosophies, which are broad and overarching, such as “using research-proven instructional models,” “sharing best practices for student success,” “having a results matter philosophy,” and “enabling character education and remaining college-bound focus.” (p. 19.) The Petition also sets forth generalized strategies for instruction, such as extended learning time, differentiated instruction, and cooperative learning. (p. 29-30.) However, the Petition does not adequately describe exactly how the Charter School will materialize these philosophies and strategies into actual instructional delivery in the unique context of a dual language classroom, nor does it describe with adequate specificity the curriculum, materials, and texts to be used by the Charter School to support the program.

It appears that the Charter School intends to “backwards map” the curriculum, where teachers themselves develop the curriculum before the beginning of the
school year. (p. 31.) However, in support of this proposal, Petitioners include only one sample backwards map for the fourth grade, which merely lists content standards, not curriculum. (Exh. R.) Because the process of language acquisition can take 5 to 7 years, a reasonably comprehensive description of a language immersion program requires program and curriculum design mapping for at least five years. The lack of description with respect to curriculum raises significant concerns as to the Charter School’s ability to implement its dual immersion language program.

The proposed program also does not adequately describe how Spanish literacy will be taught. The Petition provides no reference to the Common Core State Standards En Español as part of the program’s curriculum, which would be required of a program promoting literacy in two languages.

2. **Linguistic Balance:** According to current research regarding dual immersion programming (Lindholm-Leary, 2005), “[t]o maintain an environment of educational and linguistic equity in the classroom and to promote interactions between native and non-native English speakers, the most desirable ratio is 50% English speakers to 50% non-English language speakers to ensure that there are enough language models of each language to promote interactions between the two groups of students, there should be no more than two speakers of one language to one speaker of the other language.” Here, although Petitioners propose a model based upon a 50:50 balance in instructional time, the Petition does not adequately describe the enrollment of students based upon linguistic balance. The Petition does not identify the criteria to enroll students in classes to achieve the appropriate linguistic balance between the number of students who speak the native language and the target language.

3. **Achievement Data:** Although Petitioners propose to implement a dual language program, Petitioners present student achievement data in English only. The Petition does not present adequate data on pupil academic achievement in Spanish to substantiate and support its dual language proposal. Additionally, Petitioners present no data or evidence on the success of Voices students in their performance in high school or their college admissions rates, primarily because none of the Voices students at the Franklin-McKinley campus have yet transitioned into high school. Whether student learning from a Voices dual language program will translate into future student success is untested, and the District does not have adequate information to support the efficacy of the proposed dual immersion model.

4. **Placement:** Current research shows that language assimilation may take between 5 to 7 years. Accordingly, the Petition raises concerns about students entering the charter program after Kindergarten. Of specific concern is the failure by the Petition to address situations where students enter with less than 5 to 7 years of enrollment eligibility at the Charter School, and the lack of description of any plan to ensure that these students will obtain the requisite skills to prepare them for subsequent grade levels.

5. **Academically High Achieving Students:** The Petition does not adequately describe its plan to serve academically high achieving students. The stated strategies for serving gifted students are merely listed without elaboration and are the same as those that the Charter School proposes to use with its general education program, such as differentiation, personalized blended learning opportunities, project based-learning challenges, and leadership challenges and opportunities. (p. 50.) In fact, the Petition reflects that the Charter School views its dual immersion proposal as a one-size-fits-
all program, regardless of achievement level. Specifically, the Petition states, "the nature of the Voices MP program will provide a built in challenge for students since learning a second language is an expectation for all." (p. 51.)

6. **English Learners:** The Petition does not adequately describe how the Charter School’s English learner ("EL") plan will fit into the Charter School’s dual immersion language program or provide sufficient distinction between the EL program and the general program. Although the District recognizes that at least 50% of instruction from grades Kindergarten to 8th grade will be provided in Spanish, the plan and strategies used to serve EL students appears to be the same as those used for the general student population. Indeed, in its plan for serving EL students, the Petition specifically references the application of the dual immersion model, which is also to be used by the Charter School in its general program. (p. 54.)

7. **Special Education:** The Petition uses boilerplate special education provisions, without accounting for the specialized nature of the language immersion program proposed in the Petition. For example, the Petition does not address the Charter School’s expectations as to whether special education services, such as assessment and instruction, are to be provided in English or Spanish. Since the Charter School seeks to become its own LEA for the purposes of special education, the Charter School would incur legal obligations with respect to the provision of special education services. The Charter School’s expectation with respect to the language used in assessment and service delivery is of material impact upon the District’s allocation of special education personnel. Accordingly, the Petition’s failure to address this issue in its entirety is a significant defect.

Moreover, the Petition does not describe with adequate specificity special education eligibility, and the processes for conducting assessments or completing Individualized Education Program ("IEP") is lacking detail. The Petition states that Voices will use a full inclusion model for all students with disabilities. (p. 56.) However, the Petition lacks description regarding how the Charter School will address the needs of students with severe disabilities including autism, emotional disturbance, intellectual disabilities or hearing or visually impaired students. In addition, the Petition lacks adequate description regarding the training for general education teachers to support the proposed full inclusion model.

Additionally, of specific concern is the fact that Voices in Franklin McKinley enrolls students with disabilities at a disproportionate rate compared to its authorizing agency. According to the California Department of Education, Franklin-McKinley has a student with disabilities rate of approximately 10.4%, whereas the Voices has an enrollment rate of only 7.6%. Accordingly, the data reflects exclusivity in enrollment, which may be further compounded by the Charter School’s inadequate description of its plan to serve special education students.

8. **Common Core:** Although the Petition makes numerous general references to the Common Core, such as the Charter School’s intent to comply with the Common Core State Standards in instructional delivery, the Petition does not adequately describe specifically how the Charter School will apply the Common Core in a dual language context/classroom.
Element 2/3 – Measurable Pupil Outcomes and Methods of Student Assessment

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, include the annual assessment results from the Statewide Testing and Reporting ("STAR") program, 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).)

Staff finds that the Petition requires further comprehensive description of the Charter School's measurable student outcomes and methods of measurement for the following reasons: The Petition proposes pupil outcomes that are not quantifiable or measurable. For example, under State Priority No. 8, "Student Performance," the Petition states the following as pupil outcomes: "All students will become proficient bilingual speakers, readers and writers; All students will reach high standards in mathematical skills and content; All students will reach high standards in science concepts and scientific thinking; All students will reach high standards in social science practices and content; All students will become proficient users of technology; All students will show growth on the PFT." (p. 86.) The Petition does not otherwise define what it means to be "proficient," to "reach high standards," or to "show growth." Such terms are vague and incapable of being measured. Accordingly, it is impossible to hold the Charter School accountable against unquantifiable outcomes.

While the Petition does provide, under the "Additional Voices MP Student Outcomes" section, some quantifiable figures to measure outcomes, the descriptions provided are vague and therefore the outcomes are rendered nearly meaningless. For example, the Petition states that "70% of students will show growth on their internal benchmark assessments for math." (p. 87.) However, the Petition does not further describe these internal benchmarks, and does not define the term "growth." Accordingly, it is impossible to hold the Charter School accountable, for example, for potentially developing non-rigorous internal benchmarks and claiming students have experienced growth.

Element 4 – Governance

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 Education Code and Regulations also provide for evidence that parental involvement is encouraged in various ways. (Ibid.)

Staff finds that the Petition requires further comprehensive description of the Charter School’s proposed governance for the following reasons:

1. **Conflict of Interest:** As detailed above under section IV.B, the Charter School’s governing board is centralized and operates at a corporate level. However, the Petition does not account for the fact that corporate-level personnel will have conflicts between other Voices campuses and the proposed Charter School on such critical matters as budgeting, financing, staffing, allocation of resources, and other important operations. Indeed, the Petition does not provide safeguards to protect the proposed site, such as procedures against the commingling of funds. As proposed, the governance structure makes it impossible for board members to act in the best interests of the proposed campus if and when conflicts with the other Voices campuses arise. Moreover, the governance structure does not require or ensure representation on the board or the SAC from the Mt. Pleasant community because it operates at the corporate level. Accordingly, the governance structure is inadequately described.

2. **Roles:** The Petition indicates that Frances Teso is the Chief Executive Officer, and therefore the Executive Director, of the Voices College-Bound Language Academies, the non-profit corporation. (p. ii, 100.) However, Ms. Teso also serves as the principal of the Voices charter school in Franklin-Mckinley. (Exh. C.) Accordingly, the Petition reflects the conflation of these two roles by the Charter School, demonstrates the Charter School’s inattention to issues relating to conflicts of interest, and inadequately describes how the Charter School and its nonprofit corporation will operate in the future with respect to these positions. The Petition does not clarify whether or how Ms. Teso will continue serving as both the principal of the Franklin-Mckinley Voice campus and the CEO of the corporation, or identify who will serve as the principal of the proposed Voices school.

3. **Charter Management Organization:** The Petition states that the Charter School will contract with a Charter Management Organization ("CMO") to support the instructional and operational needs of the Charter School. However, the Petition does not identify which specific CMO will be, or has been, selected to perform these tasks, nor the Charter School’s criteria for selecting CMOs.

In addition, the Petition does not adequately describe the CMO’s role and responsibilities as it relates to the Charter School. Although the Petition provides a chart indicating broad and undefined categories in which the Charter School and the CMO will share responsibilities, the chart only indicates the relative quantity of responsibilities to be shared through imprecise and vague bar graphs. (p. 100.) For example, the chart appears to show that the Charter School will bear the majority of the responsibility for instruction, but the Petition does not identify or specify the exact instruction-related responsibilities to be performed by the CMO. As another example, the chart states that the Charter School and the CMO will share responsibilities regarding "school culture," but this category is undefined and does not further elaborate what duties are associated with the "school culture" function. In sum, the chart presents a visual/conceptual understanding of the relationship.
between the Charter School and the CMO, without any express written provisions or specific language to allow the District to hold the Charter School accountable for its responsibilities.

Moreover, the relationship between the Charter School and the CMO is made further unclear by the Petition’s organizational chart. Specifically, the organizational chart reflects that the Charter School board will govern the CMO, and the CMO will govern the Charter School. In other words, the organizational charter reflects that the CMO will operate the Charter School and no direct link exists between the board and the Charter School. Accordingly, the Charter School’s governance with respect to CMO is inadequately described.

**Element 5 – Employee Qualifications**

The Education Code and Regulations provide for a charter petition to identify general qualifications for various categories of employees the school anticipates, identify those positions that the charter school regards as key in each category and specify the additional qualifications expected of individuals assigned to those positions, and specify that all employment requirements set forth in applicable provisions of law will be met, including but not limited to credentials as necessary. (Ed. Code, § 47605, subd. (b)(5)(E); Regulations, § 11967.5.1, subd. (f)(5).)

Staff finds that the Petition requires further comprehensive description of the Charter School’s employee qualifications for the following reasons:

1. **Responsibilities:** The Petition sets forth an introductory provision stating that “[r]esponsibilities are subject to change at any time. A single individual may assume the responsibilities of more than one position, or staff may be shared between Voices MP and Voices Flagship, especially during the Charter School’s early years.” (p. 114.) This overbroad provision renders the employee qualifications and responsibilities set forth in the Petition meaningless, as it gives the Charter School a blank check to change employee qualifications and duties at any time.

2. **Principal:** The Petition does not set forth the appropriate qualifications for the Charter School principal. According to the Petition, “charter school experience, English/Spanish bilingualism, an MA, and Tier II Administrative Credential are desirable qualifications,” not mandatory. (p. 115.) The Petition allows for the possibility that the Charter School may hire an individual with no prior charter school experience and with no Spanish language skills to operate and serve as the day-to-day administrator of a Spanish-English dual language charter school. Moreover, although all staff are expected to have bilingual skills due to the nature of the program, the principal is not required to hold a Bilingual Crosscultural, Language and Academic Development (“BCLAD”) or other bilingual authorization.

3. **Associate Teachers:** The Petition states that “Voices reserves the right to hire or retain non-credentialed instructional support staff (Associate Teacher) to support core or college prep subjects.” (p. 118.) Specifically, the Charter School may hire “associate teachers,” who are not certificated but who are expected to provide instruction. (Exh. AJ.) The Petition, as written, suggests that the Charter School does not currently have a plan on using associate teachers, and reserves the right to employ them in the future. Thus, the Petition raises concerns about the inadequate description of the associate teachers and how they will fit into the dual immersion program.
4. **Job Descriptions:** The Charter School seeks to hire a principal, regular teachers, educational specialist, associate teachers, special education associate teacher, intervention teacher, and academic coach. (p. Budget Narrative, p. 4.) However, the Petition does not include job descriptions for the educational specialist, special education associate teacher, intervention teacher, and academic coach. (Exh. A1.) Additionally, the job descriptions for the teachers do not reflect how the Charter School will assess their proficiency levels of bilingualism.

**Element 7 – Means to Achieve Racial and Ethnic Balance**

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).)

Staff finds that the Petition requires further comprehensive description of the Charter School's plan to achieve an appropriate racial and ethnic balance for the following reasons: The proposed racial and ethnic balance plan is general and vague, and the Petition does not set forth with adequate specificity its plans to achieve a racial and ethnic balance that is reflective of the District's general population. (p. 135.) For example, the Petition states that the Charter School will conduct outreach efforts via neighborhood groups, community organizations, churches, and other leadership organizations. However, "outreach efforts" is undefined, and the Petition does not otherwise identify specifically which groups, organizations, and churches that the Charter School will target. The Petition also states that the Charter School will engage in "community walks through neighborhoods and door to door campaigns," but does not describe what a community walk or campaign entails. The Petition states as a strategy, "attendance and participation at local events and activities to promote the Charter School," but again fails to identify which specific events and activities in which it seeks to participate. In sum, the proposed plan to achieve racial and ethnic balance comprises of a listing of generalized and vague strategies that lack the specificity required to persuasively demonstrate an actual intent to implement the plan. The District finds the proposal inadequate and concerning, especially in light of the fact that the Voices campus at Franklin-Mckinley has failed to achieve the appropriate racial and ethnic balance of its own authorizing agency, as further detailed above under section IV.B.

**Element 8 – Admission Requirements**

The Education Code and Regulations 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).)

Staff finds that the Petition requires further comprehensive description of the Charter School's admission requirements for the following reasons: The Petition exempts siblings of students already enrolled at or admitted to the Charter School and children of teachers and staff from the public random drawing. These students receive exemption from the lottery and are granted admission ahead of students who reside in the District and who qualify for free or reduced price meals. In light of Petitioners' claim that the current waiting list for Voices exceeds 500 students, the admissions policy as described in the Petition makes unrealistic the Charter School's promise to "admit all pupils who wish to attend the Charter School." (p. ix, 137-39.) Moreover, the exemption for siblings and children of staff will make it more difficult for the Charter School to "achieve a racial and ethnic balance among its pupils that is reflective of the general population residing within the territorial jurisdiction of
the school district" as is required by Education Code section 47605(b)(5)(G), since it
narrow the number of seats available to the general population.

Element 10 – Suspension and Expulsion Procedures

The Education Code and Regulations require a charter petition to specify procedures by
which students can be suspended or expelled that provides due process for all pupils. These
shall include, at a minimum, identification of a preliminary list of offenses for which students
must and may be disciplined, the procedures for suspending and expelling pupils who have
committed such offenses, and how parents, guardians and students will be informed of the
grounds and their due process rights. (Regulations, tit. 5, § 11967.5.1, subd. (f)(10)). A
petition must also provide evidence that in preparing the list of offenses and the
procedures, the petitioners reviewed the lists of offenses and procedures that apply to
students attending non-charter public schools, as well as evidence that petitioners have
reviewed their list and believe it provides for adequate safety for students, staff and visitors.
(Ibid.). The charter petition must also include a description of due process for and
understanding of the rights of students with disabilities with regard to suspensions and
expulsion and how discipline policies and procedures will be periodically reviewed and
modified. Finally, the petition must outline how detailed policies and procedures regarding
suspension and expulsion will be developed and periodically reviewed, including, but not
limited to, periodic review and (as necessary) modification of the lists of offenses for which
students are subject to suspension or expulsion. (Ed. Code, § 47605, subd. (b)(5)(j);
Regulations, § 11967.5.1, subd. (f)(10).)

Staff finds that the Petition requires further comprehensive description of the Charter
School’s suspension and expulsion procedures for the following reasons:

1. Discretionary Offenses: The Petition states that “the Charter School has reviewed
Education Code section 48900 et seq. which describes the noncharter schools’ list of
offenses” and that the list of offenses “closely mirrors the language of Education
Code section 48900 et seq.” (p. 141.) However, the Petition does not accurately
reflect Education Code requirements and is not appropriate for the grade levels that
the Charter School seeks to serve. For example, Assembly Bill 420, which was
signed September 27, 2014, amends Education Code section 48900(k) and limits the
use of school discipline for the catch-all category known as “willful defiance.”
Specifically, a K-3 student cannot be suspended, and a K-12 student cannot be
recommended for expulsion, for having “disrupted school activities or otherwise
willfully defied the valid authority of supervisors, teachers, administrators, school
officials, or other school personnel engaged in the performance of their duties.”
However, the Petition continues to identify willful disruption as grounds for
suspension or expulsion. (p. 143, 147.)

2. Appeal Rights: The suspension and expulsion procedures do not provide for
appealing an expulsion or suspension, which may infringe upon students’ due
process rights.

3. Notice: The Petition does not describe any protocols for informing the District of any
student expulsions or disenrollment, which may place the District at risk of
unknowingly enrolling former students of the Charter School without adequate
information of significant behavioral issues.
Element 14 – Dispute Resolution Procedures

The Education Code and Regulations require a charter petition to specify the procedures to be followed by the charter school and the entity granting the charter to resolve disputes relating to provisions of the charter. Such procedures should include how the costs of the dispute resolution process, if needed, would be funded, and recognize that if the substance of a dispute is a matter that could result in the taking of appropriate action, including, but not limited to, revocation of the charter, the matter will be addressed at the District’s discretion. (Ed. Code, § 47605, subd. (b)(5)(N); Regulations, § 11967.5.1, subd. (f)(14).)

Staff finds that the Petition requires further comprehensive description of the Charter School’s dispute resolution procedures for the following reasons: Although the Petition sets forth the Charter School’s dispute resolution procedures, the Petition fails to clarify that disputes that may result in revocation must be addressed at the District’s discretion. The Petition fails to clarify that disputes relating to or that may result in revocation are exempt from the dispute resolution procedure, and instead makes a blanket assertion that “the District shall not intervene in any such internal disputes without the consent of the Board of the Charter School.” (p. 163.) Accordingly, the Petition’s dispute resolution procedures are not adequately described.

Miscellaneous

Insurance: The Petition states that the Charter School will retain “standard insurance policies” but does not identify the specific policies to be retained or their specific coverage limits. Moreover, the Petition does not assure that the District will be a named insured on all insurance policies.

V. CONCLUSION

For the reasons stated above, staff finds that the Petition does not meet the petition signature requirement; Petitioners are demonstrably unlikely to successfully implement the program as presented in the Petition and its supporting documents; and the Petition fails to provide a reasonably comprehensive description of all required elements of a charter petition. Accordingly, staff recommends that the Board deny the Petition and adopt this Staff Report as its written findings in support of its denial.