September 3, 2014

TO:       Santa Clara County Board of Education
FROM:    Toni Cordova
        Chief Strategy Officer
VIA:    Jon R. Gundry
        County Superintendent of Schools

SUBJECT:  Action on Request for a Material Revision to the Bullis Charter Petition

Background

On November 26, 2007 the County Board of Education approved a material revision to the Bullis Charter School which created an admissions preference for students who reside in the former Bullis-Purissima Elementary School attendance area ("Attendance Preference"). On July 28, 2014 the Los Altos School District and Bullis Charter School entered into a Settlement Agreement. The Settlement Agreement provides a 5 year plan for the allocation of facilities to BCS, the cessation of all current legal proceedings between the two parties, as well as other issues including phasing out the Admissions Preference.

As required by the Settlement Agreement, on August 6, 2014, the Santa Clara County Board of Education received a letter from Bullis Charter School requesting a material revision to the charter currently authorized by the Santa Clara County Board of Education. A letter in support of this revision was received from the Los Altos School District Board of Trustees on August 7, 2014. A public hearing on the requested revision was held on August 13, 2014.

The revision would add the following footnote on page 24 of the current charter petition, "Element VIII. Admission Requirements," with regard to lottery preference number 2:

1 During the 2015-2016 and 2016-2017 school years, lottery preference number 2 is modified with respect to kindergarten openings as follows:

- **2015-2016 School Year:** For incoming kindergarten classes, lottery preference 2 will be limited to 40% of total available openings.
- **2016-2017 School Year:** For incoming kindergarten classes, lottery preference 2 will be limited to 30% of total available openings.

The Settlement Agreement provides that if the County Board of Education does not approve the requested material revision, the parties may terminate the Settlement Agreement.
Consideration for Board Decision

Pursuant to Education Code § 47607(a)(1), the County Board must consider whether to approve the material revision. Education Code § 47607(a)(2) requires that “material revisions of charters” are to be “governed by the standards and criteria in Section 47605.” Therefore, if the County Board should decide to deny the Bullis Charter School material revision, the Board must make “written factual findings, specific to the particular petition, setting for specific facts to support one or more of the following findings:

(1) “The charter school presents an unsound education 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 [required] signatures.
(4) The petition does not contain the [required] affirmations.
(5) The petition does not contain reasonably comprehensive descriptions [of the required elements].”

Staff finds no basis for denial of this request.

Requested Action

The Administration recommends the County Board approve the material revision.