NOVEMBER 24, 2014

VIA: HAND DELIVERY

Mr. Leon Beauchman, Board of Education President
Jon R. Gundry, Superintendent of Schools
Santa Clara County Office of Education
1290 Ridder Park Drive
San Jose, CA 95131-2304

Re: Response to Moreland School District Findings for Denial of the Wei Yu International Charter School Petition

Dear Board President Beauchman and Superintendent Gundry:

The purpose of this letter is to demonstrate the factual and legal inaccuracies in the District staff report and respectfully request your support for approval of the Wei Yu International Charter School ("Charter School" or "WYICS") Charter.

At the outset, we point out that the Education Code provides specific guidance to governing boards to approve the establishment of charter schools. Education Code Section 47605(b) states:

> In reviewing petitions for the establishment of charter schools … 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 <u>and that establishment of charter schools should be encouraged.</u> (Emphasis added.)

Education Code Section 47605(b) also provides the legal basis for the denial of a charter petition as follows:

> The governing board of the school district 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 <u>shall not deny</u> a petition for the establishment of a charter school unless it makes <u>written factual findings, specific to the particular petition, setting forth specific facts</u> 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 subdivision (a) [of Education Code Section 47605].

(4) The petition does not contain an affirmation of each of the conditions described in subdivision (d) [of Education Code Section 47605].

(5) The petition does not contain reasonably comprehensive descriptions of [the 16 required elements]. (Emphasis added.)

Accordingly, the law is written such that the default position is for a school district board of education to approve a charter petition, unless it makes written factual findings to support a denial.

The District staff report contains findings that do not meet the legal standard for denial of a charter petition. As demonstrated herein, the findings are based on inaccurate facts, inaccurate legal interpretation, or go beyond the requirements set forth in law, and therefore the findings constitute an impermissible basis for denial of the WYICS Charter. Moreover, many of the findings concern matters that could have been resolved by a collaborative discussion with District staff, or through a separate memorandum of understanding with the District. We were disappointed that neither of these options was presented by the District.

Below, please find the summary of findings from the District staff report, in the order in which they were presented, immediately followed by the Charter School's response.

District Finding: Petition Signatures
WYICS Response: The finding that "the total…signers meeting the meaningfully interested requirement would exceed, with very little margin to spare, the 75 required signers" is factually inaccurate. As noted in the report, there were a total of 258 signatures submitted, but 80 were not eligible and 16 had their address listed more than once. Therefore, the remaining 162 signatures were from a parent who had meaningful interest to enroll their Grade K or 1 eligible child in 2015-2016. It is unclear why the District continued to contact all 258 signers when there were

only 162 eligible signers. Furthermore, the 162 signatures indicate meaningful interest at the time of signing*, and indicate that the Charter School greatly exceeded the minimum number of signatures required. In fact, 162 signatures represent 108% of the first year's projected enrollment of 150 students.

Approximately 130 of those 162 signatures were from Moreland residents with K or 1st grade eligible students in 2015-2016. Per Moreland School District's request, we were asked to provide signatures on a separate Moreland document for the Prop. 39 application which meant that eligible original petition signers had to restate their meaningful interest in enrolling on a Moreland specific document. The majority of the Moreland original signers of the petition re-signed for Prop 39 thus again stating their meaningful interest on multiple occasions. Therefore, we are confident that interest remains strong and since the submission of the petition, we have heard from dozens of parents with eligible children who missed signing the petition express interest in enrolling in the school.

* The Supreme Court of California has specifically stated that signatures may not be withdrawn from petitions filed with a public body. (*Uhl v. Collins*, 217 Cal. 1 (1932).) The underlying facts of the Supreme Court case dealt with initiative petitions filed with the Board of Supervisors of the city and county of San Francisco, and delivered to the Registrar. (*Id.*, 217 Cal. 1 at 2 (1932).) A large number of signers asked the Registrar to withdraw, i.e. not count, their signatures. The number of signers making this request would have changed the outcome of the initiative. (*Id.*, 217 Cal. 1 at 2 (1932).)

The court plainly asserted and relied upon California law to hold that "**the right of withdrawal [is restricted] to the period before the filing of the petition with the officer or body authorized to receive it.**" (*Id.*, 217 Cal. 1 at 3 (1932).) Articulating the policy behind such a rule, the court explained, "[i]n order to accomplish anything, the proponents of a measure must be able to rely upon signatures obtained, and if continually forced to seek new ones to take the place of withdrawals, may never be able to prepare a proper petition within the limited period which usually exists. To permit withdrawals after the petition is completed and filed, and the work of securing signatures abandoned, seems to us to make the system wholly unworkable." (*Id.*, 217 Cal. 1 at 4 (1932).) As a result of this, for example, the State Board of Education will disregard a parent's attempt to withdraw their signatures on a charter petition appeal. 5 CCR Section 11967.5.1(d).

The District must therefore consider the meaningful interest of parents at the time the charter petition was submitted and may not consider any parent who has actually changed their mind about their interest in attending the school or were not reachable by telephone. Please note that nothing in the law requires parents who express meaningful interest in attending the school to actually attend the school. Indeed, the actual makeup of the first-year enrollment will arguably be different than the people who express meaningful interest in supporting the charter petition.

What is important is that the original request was a "reasonable projection."

District Finding: A. Educational Program: Instructional School Day/Scope and Sequence of Instruction
WYICS Response: The finding that "the petition's class schedule would not sufficiently accommodate the simultaneous teaching of two discrete and complete curricula" is factually inaccurate. The Petition states on p. 47 that "Research also indicates that students can simultaneously master a rigorous academic curriculum using the target language as a means of delivering subject matter content, as well as mastering their native language.[1] Lessons are not repeated in one language after the other, but skills and knowledge taught in one language are reinforced in the other language." The Petition then states on p. 48 that "Mandarin Language Arts addresses the Common Core State Standards in English Language Arts, Foreign Language Framework for California Public Schools, 2003 as well as concepts that are unique to the Mandarin language." Many of the Common Core State Standards for English Language Arts will actually be covered in the Mandarin Language Arts time, so concepts do not need to be repeated in English Language Arts. Comparing the curriculum maps between Mandarin Language Arts and English Language Arts of Petition Appendices VI-A and VI-B (pp. 34-43), it is evident that there are fewer concepts covered in English Language Arts for kindergarten and 1st grade. As a result, the schedule is sufficient to accommodate both Mandarin Language Arts and English Language Arts as described in the curriculum maps and the Petition. This model is standard for any language immersion program where there is a high percentage of time spent in the target language, primarily in the early grades, which leads us to question the District's understanding of the language immersion model. Public language immersion programs such as River Glen School in San Jose Unified School District, Adelante Spanish Immersion School in Redwood City School District, Ohlone Elementary in Palo Alto Unified School District, Yu Ming Charter School in Alameda County, and Cupertino Language Immersion Program all provide content instruction in the target language without needing to repeat the same content in the English language. The finding that "the Petition does not account for how its strategies for instruction of students below grade level, such as small group instruction, monitoring and remediation (Petition, pp. 67-68), will take place within the context of the proposed instructional school day" is factually inaccurate.

[1] Met, Myriam, Improving Students' Capacity in Foreign Languages, Phi Delta Kappan, 2004.

The Petition states on p. 32 that "For Mandarin Language Arts, English Language Arts and Mathematics, the role of the teacher will be to design learning environments that allow students to move at their own pace toward competency in key topics in literacy and numeracy. Students who are struggling will get additional support through small group instruction and additional individual conferencing. Just as a gym allows athletes to exercise in a number of settings, including on equipment that adjusts to their ability level, so too will WYICS allow students to learn core skills using a combination of whole group, small group, one-on-one and customized independent learning."

The Petition goes on to state on the same page: "Mathematics and English Language Arts blocks will usually start with a whole group lesson. Following this, some students will go to a smaller teacher-led group for guided instruction and practice, other students will go to a computer-led group for independent on-line instruction and practice, and another group will go to a peer group for group independent practice."

Thus, as this finding is based on inaccurate facts and a wholesale misunderstanding of the language immersion model of instruction, it may not be used as a legal basis for denial of the Charter Petition.

District Finding: A. Educational Program: Insufficient Staffing for Proposed Educational Program

WYICS Response: This finding is factually inaccurate and extends beyond the requirement of the law. As stated on p. 112 of the Petition, "We will hire 6 full-time bilingual Mandarin-English teachers and 1 part-time English teacher for grades K and 1." Combined with our program design of 90% instruction in Mandarin and 10% instruction in English for grades K and 1 (see p. 47 of the Petition), the 6 full-time Mandarin-English bilingual teachers will only be responsible for 90% of the school day (each teacher being responsible for one self-contained classroom of 25 students) while the part-time English teacher will rotate across all 6 classrooms to teach 10% of the school day for each classroom.

Furthermore, as stated on p. 35 and p.121 of the Petition, we will hire Mandarin-English bilingual aides "starting in the first year of operation…to increase the intensity of Mandarin exposure and provide more opportunities for differentiated instruction" (p. 35 of the Petition). Finally, on p. 96 of the Petition Appendices, we specified we will have 3.0 FTE Mandarin-English bilingual teacher aides in Year One, increasing to 7.50 FTE Mandarin-English bilingual teacher aides in Year Five. Therefore, each classroom of 25 students will have access to a .50 FTE Mandarin-English bilingual teacher aide. To conclude, the level of staffing is sufficient to maintain the instructional strategies as proposed in the Petition.

Therefore, this finding may not be used as a legal basis for denial of the Charter Petition.

District Finding: A. Educational Program: Lack of a Reasonably Comprehensive Description of Instructional Methods and Materials for Instruction in Mandarin

WYICS Response: This finding is factually inaccurate and based on conjecture; therefore, it may not be used as a legal basis for denial of the Charter Petition.

First, the staff report did not provide any evidence to substantiate their claim of why special education services would need to be delivered in Mandarin. As stated on p. 21 of the Petition, "those interested in Mandarin immersion are not confined to any particular racial or ethnic heritage." Therefore, it is unfounded as to why the District believes that special education services would need to be delivered in Mandarin, when WYICS' student population would be diverse both racially and ethnically, in the same manner as the Moreland School District. As stated on pg. 21 of the Petition, "WYICS…seeks to recruit a student population that is reflective of the entire school district and surrounding areas." The purpose of an immersion program is for students to learn a second language in addition to their native language (most commonly English). For most students, this implies that they are more fluent in English than Mandarin and should receive their special education services in their most fluent language, English.

As a school of the District for special education purposes, the District has the responsibility to provide special education services in the same manner it provides them to regular public schools in the district. Under this model, the District would receive all state and federal special education revenue of the Charter School, plus an encroachment fee to account for excess costs incurred in providing such services. The District's finding regarding the petition's failure to account for additional costs is thus unfounded, and reflects the District's lack of understanding of its responsibilities regarding the provision of special education services to charter schools.

Second, the finding that "[the Petition lacks] a reasonably comprehensive description of how the Charter School would fit English Language instruction within the context of its proposed instructional day" is factually inaccurate.

We will deliver integrated and designated English Learner instruction every week. As specified on p. 51 of the Petition, we will follow the new 2014 state adopted English Language Arts/English Language Development framework that requires only integrated and designated instruction during English Language Arts instruction time. Grade level staff will work in professional learning communities to determine the best way to address designated English Learner time. We therefore disagree with the assessment that English language instruction would have to supplant instruction in another subject matter.

On pp. 51-52 of the Petition, it also states that for English Language Arts, "…we will be highly strategic and focused with our time and will implement a rigorous literacy program beginning with a strong focus on foundation skills (i.e., concepts of print, phonemic awareness, phonics, word study, etc.). Although students in an immersion program may initially lag behind their monolingual peers in English language development, studies have repeatedly confirmed that immersion students eventually perform as well as, or better than, their monolingual peers." All children will benefit from focused instructional time on foundational skills, regardless of their native language.

We further believe that our English Learner students will be able to meet the "mandated one year of English progression on the CELDT/ELPAC" because a language immersion environment does not necessarily cause "detriment to English language development…children in language immersion programs reach higher levels of language proficiency than those in other types of world language programs while also demonstrating increased English vocabulary and better understanding of the symbolic representation of print, which facilitates decoding abilities and reading skills"[2] (p. 24 of the Petition).

District Finding: A. Educational Program: Inadequate Financial and Professional Support for Proposed Instructional Program

WYICS Response: The finding that "starting [teacher] salaries are not competitive" is factually inaccurate. Per the Cupertino Union School District salary schedule, which has a Mandarin immersion program, the salary for a Step 3) teacher ranges between $54,279-$57,489. Redwood City and San Mateo-Foster City School Districts, who will be/are operating Mandarin immersion programs, a $55,000 salary would fall between Step 4-7 depending on the number of post-graduate units earned. For the Moreland School District, $55,000 could attract a credentialed teacher between Step 3 and Step 5 depending on the number of post-graduate units earned. http://www.moreland.org/documents/2014-2015SalaryScheduleCertificated052714.pdf. Historically, teachers joining charter schools tend to join at the earlier years of their teaching career so we continue to find that our pay is competitive.

Regardless, we recognize the importance of attracting and retaining high quality teachers, so included is a bonus in our budget starting in Year 3. Another point worth noting is that there are many soft benefits that will attract teachers to a charter school, such as a smaller school community where the teachers get to know their students and colleagues well. Teachers would also have more autonomy and influence at a small charter school than a larger District operated

[2] Bialystok, E. 1997. "Effects of Bilingualism and Biliteracy on Children's Emergent Concepts of Print." Developmental Psychology 30 (3): 429–440

school.

The finding that "The Charter School's budget is inadequate to cover [professional development costs] is factually inaccurate and based on conjecture.

The District Staff Report failed to recognize the breakdown of expenses under Budget Series 5000. Under "Teacher Conference Fees and Travel", the budget indicated a $1000 conference fee per teacher each year plus additional travel expenses should that be required. As stated by the District Staff Report, the conference fee is usually around $200 per day at about 3 days. Thus we believe the originally submitted budget is sufficient to cover teaching conferences.

Line Item	2015-2016	2016-2017	2017-2018	2018-2019	2019-2020
Travel and Conferences					
Teacher Conference Fees	$ 6,000	$ 9,000	$ 11,000	$ 13,000	$ 15,000
Teacher Travel	$ 2,000	$ 3,000	$ 3,667	$ 4,333	$ 5,000

As for the budget of $15,000 during the first year, the budget was reserved for other special workshops which we might bring a specialist inhouse.

Lastly, on teacher training, subsequent to the submission of the original budget, we have now received notice from the CDE that we have passed peer review of the Public Charter Schools Grant Program (PCSGP). With the inclusion of the PCSGP funding of $275,000, just in our startup year alone, we are now budgeted over $25K in special workshops for teachers, $25K in governance trainings, and related stipends for teachers during the training time.

Partnerships with other Mandarin immersion programs will also provide economies of scale to help reduce training costs, by allowing us to invite an on-site trainer instead of sending individual teachers. In addition, strategies like "train the trainer" can also help us maximize our training budget.

The finding that "in the area of textbooks, the District estimates that the Petitioners have under budgeted" and "the per-student cost for instructional materials is insufficient to cover all of the proposed instructional strategies and curricula identified in the petition" is factually inaccurate.

The District curriculum cost model and WYICS cost model are quite different. Firstly, the District believes we have underbudgeted because they inaccurately assume that our educational program would require two full sets of textbooks, one in English and one in Mandarin. However, as we stated in our earlier response about having "two discrete and separate curricula," this is not the case. Therefore, our textbooks needs are such that we need only one set of textbooks per content area and whether they need to be in English or Mandarin depends on the Charter School's determination of which subject would be taught in which language (see pp. 47-48 of the Petition). Second, we are able to keep our textbook costs low because some of the Mandarin

materials can be obtained free of cost. The Sheng Huo Hua Yu, as mentioned on p. 48 of the Petition, is free from the Taiwanese government. Also, our partnerships with other Mandarin immersion programs around the Bay Area will allow us to leverage curriculum already developed/translated and helps to defray costs. Third, with blended learning resources such as Accelerated Math and Accelerated Reader – the per student fee to access this online system is merely few dollars/student. Even with a one-time license fee of $1,500 to $3,000, WYCIS should be able to achieve the budget level of $260/student. Finally, with the passage of PCSGP peer review, we are able to procure these items with PCSGP funding. Please refer to the revised budget (attached under **Binder Tab 6**) for more details.

The finding that "the Petition also under-budgets in the area of Special Education" is factually inaccurate.

We have rolled all special education costs into the line item "Transfer to LEAs for Special Education (Object Code 7221). This is based upon El Dorado County Office of Education SELPA guidance, including setting aside $100 per student in encroachment costs.

First year special education encroachment costs of $1400.77 per ADA to Moreland School District is based upon an average of what other charter schools pay in encroachment costs to their local school districts in a "public school of the district" arrangement for the purposes of special education.

Special education funding of $500 per ADA is based upon EDCOE SELPA guidance for 2015-16.

If approved by the County, as a school of the County for the purposes of special education, if we assume a $678 encroachment rate that will yield approximately $99,000 in the budget, below the $114,550 that was originally budgeted. In addition, after the second year, as we join a SELPA as an independent LEA, as stated in the revised budget, we would seek to hire a part-time Resource Specialist Teacher/Special Education Coordinator.

The finding that "the budget contains no expenditures related to the provision of voluntary intersession days" in factually inaccurate. As WYICS teachers are not paid on a per-diem rate but are exempt employees, we plan to staff intersession with our own teaching staff. However, as we do not expect all of our students to attend intersession, we anticipate being able to allow some of our teachers to take time off during intersession. If needed, we also can hire substitute teachers to cover intersession to allow our regular teaching staff time off. Our budget allows for 203 substitute days (at $125/day) in the first year.

Thus, as these finding are based on inaccurate facts, it may not be used as a legal basis for denial of the Charter Petition.

District Finding: A. Educational Program: Targeted Student Population

WYICS Response: The finding that "the U.S. Census collects data by municipality" is factually inaccurate. U.S. Census data can be as fine-grained to the street block level. We were able to derive the ethnicity of the general population of the Moreland School District by analyzing data at the Census tract level.

The finding that "The Petitioners have not set forth a reasonably comprehensive plan to sustain a Mandarin Immersion program of this magnitude" is factually inaccurate. The District cites the Cupertino Union School District as enrolling approximately 18,000 students and serves 400 students in its language immersion program. The staff report fails to account for the wait list, or actual demand, for the Cupertino Language Immersion Program (CLIP). CLIP at its last enrollment period had 30 spots available by lottery (the other 30 were reserved for siblings) and yet there were 90 applications for 30 spots. Furthermore, parents who are dissatisfied with the lack of public Mandarin immersion choices are sending their children to private day schools (e.g., Mandarin Academy in Cupertino, Yew Chung International School of Silicon Valley in Mountain View, and International School of the Peninsula in Palo Alto), after schools, including Saturday schools in the areas surrounding Moreland. If more public Mandarin immersion choices became available, we feel confident that parents would willingly participate in public education. Based on the above, and the large number of meaningfully interested signatures collected, the Charter School believes there is more than adequate interest to sustain a school of the size proposed in the Petition.

The finding that "[language proficiency review for 2nd grade or higher]…inherently limits the population of available students to backfill attrition at the higher grade levels" is factually inaccurate.

Research does not provide any conclusive evidence of attrition rates for immersion programs, but does indicate that attrition rates appear to be less than that of traditional programs. (http://www.carla.umn.edu/immersion/acie/vol8/May2005_research_attrition.html).

In sampling Mandarin immersion programs around the Bay Area, it is clear that attrition is not an automatic assumption. Yu Ming Charter School in Alameda County has experienced very little attrition in its 4 years of operation and was able to backfill almost all of those spaces. In addition, Cupertino Language Immersion Program and College Park Elementary in San Mateo have also experienced very little attrition.

Also, we are not limited to backfilling from only within the District and can accept students from outside the District if the parents and student feel that they wish to participate in a Mandarin

immersion program (see response on p. 19 of this letter on Admissions Procedures). Based on the growing number of Mandarin immersion programs (both as day-schools, after-schools, including Saturday schools) in our neighboring communities, we are confident that we will be able to backfill most, if not all, spaces.

The finding that "the Petitioners targeted growth plan is also flawed in that the Charter School seeks to retain and promote 75% of its students in Grades Six through Eight" is factually inaccurate. While we will educate parents on the benefits of Mandarin immersion even in middle school in order to achieve true native-like fluency, we understand that some parents will take advantage of the natural transition from elementary school to middle school as an opportunity to switch schools in order to prepare for high school and college. For some parents, they will decide that the six years of Mandarin immersion from Grades K -5 is sufficient for their goals of learning another language. We wish to honor parental choice in determining whether to continue in an immersion program. However, for the same reasons as stated above, the Charter School is confident its ability to backfill spaces.

Thus, as this finding is based on inaccurate facts, it may not be used as a legal basis for denial of the Charter Petition.

District Finding: B/C: Measurable Pupil Outcomes: Lack of a Reasonably Comprehensive Description of How the Charter School Will Develop Instructional Materials That are Common-Core aligned in Mandarin

WYICS Response: The finding that "the Petition fails to contain a reasonably comprehensive description of how the Charter School will develop instructional materials that are Common Core-aligned in Mandarin" is factually inaccurate. On p. 47 of the Petition, we state that "The Mandarin teachers at WYICS will develop California Common Core State Standards-aligned curriculum for the core subject taught in Mandarin. Teachers at WYICS will meet once per month during the early release days or during the day-long teacher work day to collaborate and develop Mandarin curricula for Mandarin Language Arts, Mathematics, Social Science, and Science by using instructional materials adopted by the California State Board of Education. The principal will participate in the process by reviewing the developed curricula and provide guidance and suggestions for refinement."

Furthermore, we are in the process of creating partnerships with the other public Mandarin immersion programs in the Bay Area to share teaching materials and resources.

Thus, as this finding is based on inaccurate facts, it may not be used as a legal basis for denial of the Charter Petition.

District Finding: B/C: Measurable Pupil Outcomes: Student Information Systems
WYICS Response: The finding that the Petitioner's budget for Student Information Systems is smaller than that of the District's goes beyond the requirements of the law. As WYICS will have far fewer students than the Moreland School District to manage in the information system, we are fully confident that $8,650 will cover the costs for 150 students, and $46,500 will cover 375 students. As this finding goes beyond the requirement of the law, it may not be used as a legal basis for denial of the Charter Petition.

District Finding: B/C: Measurable Pupil Outcomes: When Charter School Would Provide Teaching Staff Professional Development and Training
WYICS Response: The finding that "the Petition lacks a reasonably comprehensive description of how the Charter School would provide its teaching staff professional development and training" is factually inaccurate. As specified on pp. 56-58 of the Petition, we have a detailed professional development plan for our teaching staff at WYICS. Our teaching staff will have professional development time for a week over the summer, weekly collaboration times after school, and on the early release day each month. Finally, there are also four designated whole-group professional development days throughout the year. The specific days which our teaching staff will be in professional development can be found in our Draft Instructional Calendar 2015-2016 (Appendix V, p. 33 of the Appendices). Thus, as this finding is based on inaccurate facts, it may not be used as a legal basis for denial of the Charter Petition.

District Finding: B/C: Measurable Pupil Outcomes: Lack of a Reasonably Comprehensive Description of Assessment Methods
WYICS Response: The finding that "the Petition lacks a reasonably comprehensive description of when it would conduct such assessments within the school day" is factually inaccurate. As specified on pp. 100-102 of the Petition, we will administer formative and summative

assessments during the school day, when appropriate. The assessments we have described are common to many public schools, including all state-mandated assessments and we will administer them in the same manner as other public schools.

We wish to note that the DIBELS assessment is available free of charge and does not cost $1 per student to administer, as stated in the District staff report.

Thus, as this finding is based on inaccurate facts, it may not be used as a legal basis for denial of the Charter Petition.

District Finding: B/C: Measurable Pupil Outcomes: Assessment Measures in Mandarin

WYICS Response: The finding that "the Petition does not contain a reasonably comprehensive description of assessment measures to assess student academic progress in Mandarin. The Petition fails to identify what language assessment would be conducted in, and identifies a number of assessments that are not available in Mandarin" is factually inaccurate.

The District response seems to indicate that the Petition was not carefully reviewed and that the language immersion model is not fully understood. In the Petition, there is a Mandarin Proficiency Assessment section starting on p. 139 that describes the various assessments WYICS will implement to measure students' progress in developing listening, speaking, reading and writing proficiency in Mandarin. All of the other assessments to measure students' progress in academic content areas that are described in this section and listed in the table on pp. 101-102 would be conducted in English.

This is actually one of the compelling results of language immersion programs based on academic achievement data comparing the performance of immersion and non-immersion students on tests that are conducted in English, which consistently confirms that students in immersion programs perform as well as, and sometimes better than, their non-immersion peers, even on tests *administered in English* and of the English language, so these tests do not need to be administered in Mandarin. These academic achievement results are described in detail in Appendices II and III.

Regarding the time it would take to "administer and score assessments…such as DIBELS and BPST", we will administer them in the frequency as stated on pp. 100-101 of the Petition. Teachers will pull out students one at a time to administer these assessments while other students work independently on other tasks.

We will be using BPST-II. We thank the District for pointing out this small but important detail.

The Chinese Children's Competency Certificate (CCCC) assessment will assess Mandarin proficiency in listening and reading, as noted in the table on p. 143 of the Petition. In terms of the HSK, the Petitioners selected this assessment because the language level was better suited for students in an immersion class. Also, students will not start taking the Hanyu Shuiping Kaoshi (HSK) until 5th grade, so will have reached a proficiency and maturity level to be able to take this test.

Thus, as these findings are based on inaccurate facts, it may not be used as a legal basis for denial of the Charter Petition.

District Finding: B/C: Measurable Pupil Outcomes: Other Assessments

WYICS Response: The finding that "the Petition lacks a reasonably comprehensive description of the professional development, training and timing provided to teachers to create [other assessments, such as Writing Rubrics, Smarter Balanced (Grades 3 – 8) and Internal Benchmark assessments]" is factually inaccurate.

These other assessments do not need to be created from scratch and we have partnered with other schools to leverage assessments that have already been created and/or to jointly develop these assessments. WYICS will only be starting with kindergarten and 1st grade in the first year of operation, so there is time to ramp up, including learning the Smarter Balanced testing protocols and identifying personnel to assist with implementation. In addition to staff development days, there are weekly collaboration times after school and on the early release days each month to develop curriculum and assessments, and to evaluate student progress.

In terms of the Smarter Balanced assessment, this assessment is not administered until the 3rd grade, so WYICS will have an additional two years before we need to implement it. The State will also provide training, so we do not need to budget separately for this training. Although some schools will have the budget to hire a technology specialist to implement the technological component of Smarter Balanced assessments, it is not beyond the capabilities of a Principal.

For internal benchmark assessments, the CCSS-aligned item banks do not require Mandarin translation. As explained, the students will be tested on CCSS in English and the Mandarin assessments will be used to measure students' proficiency in the Mandarin language only, not academic content.

In terms of IT infrastructure, under the original budget in the 5000 series account code, we had budgeted expense for IT infrastructure. In addition, with the passage of PCGSP peer review, we had now budgeted almost $55,000 for teachers and students' iPads, software, laptops and we also budgeted $10,000 on IT infrastructure and website development. With students coming from the

heart of Silicon Valley, we are also confident to continue to leverage our community for its support on improving our IT infrastructure and providing technological resources as needed.

Thus, as these findings are based on inaccurate facts, it may not be used as a legal basis for denial of the Charter Petition.

District Finding: D: Governance

WYICS Response: The finding that "the initial BALIS Board members have no experience in California public school administration" goes beyond the requirement of the law.

There is no requirement that the governing board of a charter school hold California public school administration experience. For example, the recently approved Spark Charter school in Sunnyvale does not have any initial board members who have California public school administration experience. We recognize that it is essential to have individuals who have educational administration experience to serve on the governing board. One of our board members is Helen Wong, who has extensive administration experience, in addition to experience successfully launching and growing schools based on the Mandarin immersion model. Whitney Clay, reading instructor at West Valley college and Thomas Sudhoff, Professor of Molecular and Cellular Physiology at Stanford University also have educational administration experience. Roy Stanley, attorney at law at Wikerson Stanley also possesses governance experience. Thus, the BALIS Board consists of individuals experienced in school administration, governance, and other areas of expertise such as finance and nonprofit organizations, to ensure the successful operation and governance of WYICS.

We believe there would be "fair and equitable representation" of each charter school by the BALIS board. The requirement that there is a "minimum of one (1) community member representing each school operated by BALIS" would indicate that each charter school would be represented on the BALIS board.

We appreciate that the staff report correctly noted that BALIS executive director would potentially only co-serve as the WYICS principal. As stated in our Petition on p. 112, it is our intention to hire a separate full-time BALIS executive director as soon as our budget allows.

As these finding are factually inaccurate and goes beyond the legal requirements set forth in Education Code, it may not be used as a legal basis for denial of the Charter Petition.

District Finding: E: Employee Qualifications: Credentialing

WYICS Response: The finding that "the Petition's requirement that the teachers "hired to teach Mandarin would preferentially hold a Bilingual Authorization in Mandarin" (Petition, p. 120) is inadequate" is factually inaccurate.

There is no credentialing requirement beyond holding a single-subject or multiple-subject credential for teaching in an immersion classroom. Therefore, the analysis that all teachers must hold a Bilingual Authorization is factually inaccurate. We stated in the petition that we prefer bilingual teachers to hold such authorization because it is an additional qualification to show they are proficient in Mandarin. However, we can also assess whether they are fluent in Mandarin by examining their resumes for language tests taken, or education completed in Mandarin.

We also disagree with the finding that we would require teachers with single-subject credentials to deliver instruction in "core" areas. The Mandarin immersion program is designed for self-contained classrooms.

Moreover, staff report is factually in accurate in claiming that "no reference is made to the qualifications of teaching personnel to provide special education services starting in Year Two." In fact, the charter petition includes the following assurance on p. 76, "All special education services at WYICS will be delivered by individuals or agencies qualified to provide special education services as required by California Education Code and the IDEIA."

As these finding are factually inaccurate and goes beyond the legal requirements set forth in Education Code, it may not be used as a legal basis for denial of the Charter Petition.

District Finding: E: Employee Qualifications: Ability to Recruit and Retain Teachers

WYICS Response: The finding that "the Petition's proposed starting salaries for teachers and other employees are not competitive" is factually inaccurate. As stated earlier, we find that our salary for teachers is competitive, based on a number of comparisons with districts that have/will have Mandarin immersion programs.

We have increased the salary for the principal to 120K in the revised budget.

We disagree with the per-diem analysis of salaries. Teachers at WYICS are not paid on a per-diem rate but are exempt employees.

The Office Administrator will be supported by a third-party back office/financial services provider that we have budgeted for and therefore will not be responsible for "performing all administrative and clerical tasks not performed by the Principal".

Regarding the finding that there is scarce supply for certificated Mandarin teachers does not represent the complete situation. Due to generous scholarships offered by Cal State Northridge and the on-line availability of the Bilingual Authorization courses, enrollment has increased in the Cal State Consortium, and even doubled at the Long Beach campus.

Also, we would not be restricted to hiring new graduates only, so the number of new authorizations issued or applicants on EdJoin.org does not reflect the entire pool of available candidates. There are currently employed teachers who may be looking to move Districts or to seek additional professional development opportunities and the new challenges of joining a charter school.

As these findings are factually inaccurate, it may not be used as a legal basis for denial of the Charter Petition.

District Finding: E: Employee Qualifications: Lack of a Reasonably Comprehensive Staffing Plan

WYICS Response: The finding that "the Petition does not specify the exact credentialing requirements of its teachers, nor the Charter School's exact staffing configuration" is factually inaccurate. On pp. 119-121 of the Petition, we state the exact credentialing requirements of our teachers, and an exact staffing configuration can be found on p. 96 of the Appendices.

The finding that "the Petition fails to contain a reasonably comprehensive description of the Executive Director/Principal would evaluate teachers without proficiency in both the English and Mandarin languages" is factually inaccurate. Most of the Mandarin immersion programs in the Bay Area do not have a Mandarin-speaking principal. The principals at Mandarin immersion programs at Ohlone Elementary, College Park Elementary, Azevada Elementary do not speak Mandarin. The principal of the Cupertino Language Immersion Program (CLIP) at Meyerholz Elementary is bilingual, though she is the first CLIP principal to do so. Although having a bilingual principal would obviously be a benefit, it is not a requirement to successfully operate the program. Principals are able to employ a variety of tools and strategies to evaluate teachers, even if they cannot understand the language. For example, the teacher can observe the interaction between the teacher and students, as well as the students' level of engagement. Peer reviews conducted by other Mandarin-speaking teachers may also serve as additional data points in the evaluation process. If necessary, parent volunteers could provide some translation services or a translator could be hired during the evaluation process.

As this finding is factually inaccurate and goes beyond legal requirements, it may not be used as a legal basis for denial of the Charter Petition.

District Finding: E: Employee Qualifications: Lack of a Reasonably Comprehensive Plan to Obtaining Substitute Teachers
WYICS Response: The finding that "the Petition lacks a reasonably comprehensive description of how the Charter School would find…substitute[s] [teachers]" is factually inaccurate and goes beyond the requirements of the Education Code. Pursuant to Education Code Section 4605(b)(5), the charter petition is not required to include information regarding substitute teachers. Moreover, the law does not require us to find a substitute teacher who speaks Mandarin. However, it is our intention to find bilingual substitute teachers. We will have made initial arrangements to share a substitute pool with the closest Mandarin immersion school: Cupertino Language Immersion Program. It should be noted that we also budgeted 7% of teachers' salaries on substitute teachers. For the first year, the budget will allow 203 substitute teacher days (at $125/day) to cover any illness and vacation time of teachers and even for intersession days as needed. This finding extends beyond the requirement of the law and thus may not be used as a legal basis for denial of the Charter Petition.

District Finding: F: Health and Safety: Lack of a Reasonably Comprehensive Description of Proposed Policies and Procedures
WYICS Response: The finding that "the Petition lacks a reasonably comprehensive description of the proposed policies, procedure or training under any of the listed areas" is factually inaccurate. As stated at the beginning of the Health and Safety section on p. 123 of the Petition: "WYICS will follow clear procedures to ensure the health and safety of students and staff. WYICS will adopt and implement full health and safety procedures and risk management policies at our school site in consultation with insurance carriers and risk management experts prior to the school's opening. Health and safety policies will be annually updated and reviewed, in consultation with staff and families. This policy will be distributed to all staff and families. WYICS shall ensure that the staff is trained annually on the health and safety policies. A full draft will be provided to the District for review at least 30 days prior to operation or as otherwise agreed upon by the District and WYICS. The following is a summary of the health and safety policies of WYICS." In the section that follows the above text, we specifically list the laws that the Charter School must be in compliance with. These are the rules and regulations we will abide by as we develop

our full health and safety procedures. It should be noted that the development of these plans need to be made in concert with our Principal, insurance provider and risk management experts, and with knowing the location of our facilities. Without the input of our main administrator and providers and not knowing the crucial features of our facility (i.e., safe location for evacuation), it is not feasible to develop all health and safety procedures at this time.

The charter petition meets the requirements of a reasonably comprehensive description of the school's health and safety procedures as required by Education Code Section 47605(b)(5)(F) Thus, this finding may not be used as a legal basis for denial of the Charter Petition.

District Finding: F: Health and Safety: Unlikely to Successfully Maintain the Required Level of Safety

WYICS Response: The finding that "the Charter School is unlikely to successful maintain the required level of safety at the site" is factually inaccurate and based on conjecture. The report cites that the Principal will most likely be off-site frequently, leaving only a .50 FTE Office Administrator. We disagree with the assessment that the Principal has any reason to be off-site during school hours, and believe that the Principal and .50 FTE Office Administrator are sufficient non-teaching employees to maintain safety at the site during the first two years of operation. Furthermore, our classroom staff also have some latitude to assist with maintaining safety as our bilingual Mandarin-Chinese teachers only teach for 90% of the school day, our 0.75 FTE English teacher only teaches for 60% of the school day.

This finding is factually inaccurate and based on conjecture; therefore, it may not be used as a legal basis for denial of the Charter Petition.

District Finding: F: Health and Safety: Lack of a Reasonably Comprehensive Description of the Procedure for Background Checks

WYICS Response: This finding is based on inaccurate facts and a misunderstanding of the law. Education Code Section 47605(b)(5)(F) requires charter schools to include procedures by which the charter will comply with Education Code Section 44237 regarding criminal background checks of employees. The District staff report questions why the WYICS charter petition would include a requirement for two sets of fingerprints of employees; however, this requirement is specifically included in Education Code Section 44237(a):

> "(a) Every person, firm, association, partnership, or corporation offering or conducting private school instruction on the elementary or high school level shall require each applicant for employment in a position requiring contact with minor pupils to submit **two sets**

> **of fingerprints** prepared for submittal by the employer to the Department of Justice for the purpose of obtaining criminal record summary information from the Department of Justice and the Federal Bureau of Investigation." (Emphasis added.)

The District staff report also goes beyond Education Code requirements by assuming the Charter Petition must identify a custodian of records. No such requirement exists in Education Code Section 47605; however, the charter petition identifies the Principal and Office Manager as responsible for monitoring compliance with the school's policy on criminal background checks.

Thus, this finding may not be used as a legal basis for denial of the charter petition.

District Finding: G: Racial/Ethnic Balance

WYICS Response: The finding that "The Petitioners do not provide a reasonably comprehensive methodology for reaching a student population with the same ethnic and racial background as the District" is factually inaccurate.

Part of the inaccurate finding is based on the District's dissatisfaction with the research presented in the Petition to illustrate that Mandarin immersion programs attract non-Chinese families as well. However, we note that the staff report did not take issue with the example of The Chinese School in St. Louis (p. 21), where "about two dozen [students] are from predominantly suburb white communities and more than half are African-American."

This finding is also irrelevant because the Education Code requires a charter petition to identify "The means by which the school will achieve a racial and ethnic balance" and does not require evidence of actual attainment of racial and ethnic balance. This would be impossible to prove as the Charter School has not opened yet. The finding does not reference our Community Outreach and Recruitment Plan to achieve a racial and ethnic balance. Thus, the finding is based on conjecture that the Charter School will in fact not be able to achieve a racial and ethnic balance reflective of the District, when the District has failed to base its finding on the merits of the WYICS Community Outreach and Recruitment Plan.

We also believe that the District is unfamiliar with organizations in the community that would allow us to reach a student population reflective of the District. In our Community Outreach and Recruitment Plan on p. 127 of the Petition, we state that we have existing relationships with Telemundo KSTS 48 and the Starbird Youth Center. Telemundo KSTS 48 is a television station that has a primary audience of Hispanic/Latinos in the Bay Area. Starbird Youth Center, located at 1050 Boynton Ave, San Jose CA 95117 primarily serves Hispanic/Latino youth in and around the Moreland School District area. Both of these organizations are effective at reaching out to the

34.20% Hispanic/Latino population in the Moreland School District.

Finally, the finding also does not take into account that WYICS is intentionally designed around a one-way immersion model, in order to provide equal opportunity for access, regardless of language background, unlike two-way immersion models that must give preference to native speakers. The WYICS program is also more than just Mandarin immersion, so it would be attractive to any racial group with the added bonus of the language.

Regardless, it is illegal to discriminate based on race, ethnicity and other factors, so we cannot force alignment, but can only target our outreach, education and recruiting efforts to attract a balance that is reflective of the community. The Charter Petition meets the requirements of Education Code Section 47504(b)(5)(G) and thus this finding may not be used as a legal basis for denial of the Charter Petition.

District Finding: H: Admissions Lottery: Admission Procedure

WYICS Response: The finding that "[the admission procedure] is inconsistent with Education Code Section 47605(2)(1)"is factually inaccurate. This finding regarding admissions preference extends beyond the requirement of the law and seems to indicate unfamiliarity with language immersion and a misinterpretation of the Education Code. The law does not prohibit schools with unique educational missions (in this case, language immersion) to apply admissions procedures essential to the education program. Indeed the law states that a charter school must admit all students who wish to attend the school, but Education Code Section 47605(b)(5)(H) also requires a charter petition to include a reasonably comprehensive description of "admission requirements, if applicable." Thus, the Education Code permits charter schools to establish certain admission requirements, as long as such admission requirements are not discriminatory to any group of students per Education Code Section 220.

At WYICS, by Grade 2, students at the Charter School would have received between 1-2 years of high Mandarin exposure (for 90% of each school year). A new student in Grade 2 who does not have a level of Mandarin proficiency similar to his/her peers in the same grade would not be able to function in the class. This is the inherent nature of any language immersion program and is not specific to WYICS. Yu Ming Charter School in Alameda County, a Mandarin immersion charter school, also assesses for Mandarin proficiency for entry, and in fact assesses for proficiency starting from entry for Grade 1. Students applying to Bachrodt Charter Academy, a Spanish dual-immersion charter school in San Jose, must score at a certain benchmark on language assessments to be admitted after the beginning of 1st grade. Furthermore, the same Grade 1 proficiency requirement is also used at Cupertino Language Immersion Program and various other public school language immersion programs.

We will use the findings from the Mandarin Language Review to inform parents about the level of Mandarin proficiency their child possesses compared to other students in the class they are seeking admission to. As a school of choice, we will honor parents' wishes and accept all students who wish to attend.

As this finding is based on a misunderstanding of the laws governing charter schools, it may not be used as a legal basis for denial of the charter petition.

District Finding: H: Admissions Lottery: Admissions Preference

WYICS Response: The finding that "[the admissions preference]…narrows the number of seats available to the general population" is factually inaccurate and based on conjecture. The staff report acknowledges that the preferences are not unlawful, yet assumes that the preferences will result in difficulty for the Charter School to achieve a racial and ethnic balance of the District. The District has no basis for this finding, as the race and ethnicity of WYICS students and their siblings, and WYICS employees, is yet undetermined.

The staff report also did not consider that it is common practice among many public schools to give preferences to siblings. Furthermore, the staff report did not consider that employees may not have children of eligible age to attend the Charter School, or that they may not be interested in sending their children to the Charter School. For founders, there is a finite number of them (see p. 10 of the Petition). Moreover, the admissions preference for children of employees and children of founders is also capped at 10% of total WYICS enrollment during the PCSGP grant period (see p. 130 of the Petition).

District Finding: K: STRS/PERS: Underestimated Cost of STRS Participation

WYICS Response: The District Staff Report stated that the gap "due to the under budgeted for the STRS contribution … to $314,444 in Year 5" is factually inaccurate. With the revised rate as submitted in the revised budget, keeping certified employees' annual salary the same as the model submitted on September 15 2014, the gap for Year 5 was only $48,000.

	Original Budget Rate	Revised Budget Rate	Delta Rate	Classified Salaries (as in Original Budget)	Delta
Year One	8.250%	10.730%	2.480%	$ 451,250	11,191
Year Two	9.250%	12.580%	3.330%	$ 667,757	22,236
Year Three	10.730%	14.430%	3.700%	$ 880,000	32,560
Year Four	12.580%	16.280%	3.700%	$ 1,076,536	39,832
Year Five	14.430%	18.130%	3.700%	$ 1,309,933	48,468

In addition, it is also factually inaccurate that Medicare was not budgeted. Medicare for Certified Salaries was budgeted under 3101-3302 account code. Social Security, 401(k), and Medicare were also budgeted for Classified Salaries, with a label clearly indicated.

The District did not reach out to the Petitioners for a formula driven Excel workbook. We would have been more than happy to comply with the request in order to avoid such large misunderstandings.

District Finding: K: STRS/PERS: Insufficient Capacity of Office Administrator

WYICS Response: The finding that "it is unlikely that the Office Administrator will have the capacity to perform [deductions and contributions] functions" is factually inaccurate.

The Office Administrator's duties would include coordinating a small part of deductions and contributions. As budgeted under Series 5000 account code, we also would contract with a back office provider such as CSMC on all finance and payroll related functions. As stated on p. 118 of the Petition, the accounting responsibilities of the Office Administrator include: "work with outsourced back office operations for financial reporting, payroll management, and other retirement benefit related issues".

Thus, as this finding is based on inaccurate facts, it may not be used as a legal basis for denial of the Charter Petition.

District Finding: Fiscal/Budget: LCFF Funding

WYICS Response: The finding that "the Petition fails to demonstrate how it reached the Charter School's estimated LCFF funding rate" is factually inaccurate.

Neither School Services of California nor FCMAT has a formula or methodology for

determining gap closure rates beyond 2016-17. We have used FCMAT's LCFF calculator to determine the gap closure rate between 2015-16 and 2016-17. That Calculator gave us the gap closure rate of $519 per ADA.

Based upon Department of Finance forecasts, LCFF will fully fund by 2020-21. Therefore, the gap will close by an average multiplier of two times $519 per year in each of the out years of the WYICS budget.

Thus, as this finding is based on inaccurate facts, it may not be used as a legal basis for denial of the Charter Petition.

District Finding: Fiscal/Budget: ADA

WYICS Response: This is a clerical error that was not synchronized between the Petition and the Budget and we appreciate the District's identification of our mistake. The correct ADA should be 97%, as presented in all of our Budget documents and Prop. 39 requests. Our team would have welcomed the opportunity to work with the District to address errors such as this.

District Finding: Fiscal/Budget: Free and Reduced Lunch Program

WYICS Response: This is a clerical error that was not synchronized between the Petition and the Budget and we appreciate the District's identification of our mistake. We will not provide free and reduced-price meals. The nominal amount of money set aside in the Budget for food is intended for snacks only and not for providing free and reduced-price meals. Our team would have welcomed the opportunity to work with the District to address errors such as this.

District Finding: Fiscal/Budget: Reserve

WYICS Response: The finding that "the Petition uses the inaccurate methodology to determine its reserve" is factually inaccurate.

The Education Code does not require charter schools to maintain a specific reserve level. However, WYICS has included an increasing reserve as a means to ensure a sustainable and healthy budget outlook. The important points to consider are the following:

(1) WYCIS continued to increase its reserve percentage from 3 % of current year expenditure in Year 1 to 7% of current year expenditure in Year 5.
(2) Not only a reserve is set apart truly for "reserve" purpose, additionally,

WYCIS ends Year 5 with excess of revenue over expenditure and reserve.

(3) Per Moreland School District 2013 – 14 Unaudited Actual Financial Statements provided in the September 23, 2014 board meeting, Moreland School District General Reserve History from 2001-02 through 2013-14, Moreland School District also had experienced a reserve percentage of 3% for a few years during this period.

(4) In the cash flow model, cash flow remains positive month after month.

As this finding is factually inaccurate and goes beyond the legal requirements set forth in Education Code, it may not be used as a legal basis for denial of the Charter Petition.

District Finding: Fiscal/Budget: Private Fundraising

WYICS Response: The finding that "the Petition's budget includes loan operating revenues and expenditures. They should be identified as "Other Sources of Funds." If these loans are excluded from operating revenues, the Charter School would operate with a negative fund balance until Year Four." is factually inaccurate.

$250,000 of the $350,000 loan amount was intended to be secured with the California School Finance Authority. Our strategic partner, CSMC had spoken with the Executive Director of California School Finance Authority about the Charter School Revolving Loan Fund (CSRL). The Executive Director had confirmed that all CSRL applications were granted and everyone that requested the full amount received it. In addition, $100,000 of the $350,000 loan can be drawn with either Charter School Capital or privately with the founding team who had collectively signed and documented their commitment to finance the school operations, as needed. Many government agencies, both at the state and federal level, want charter schools to be successful. These agencies recognize the need for charter schools to use grants and loans to meet schools' needs during their first few years of operations. It is not unusual for charter schools to find alternative funding sources. In addition, in our five year operating budget, it was fully disclosed that the $350,000 was for loan financing. There are many wonderful programs such as the "Charter School Facility Grant Program", "Charter School Facilities Credit Enhancement Grant Program", "State Charter School Facilities Incentive Grants Program", and the aforementioned CSRL and PCSGP. WYCIS has successfully passed the peer review of PCSGP and remain confident we can seek out more grants and low cost loans to meet needs.

Thus, as this finding is based on inaccurate facts, it may not be used as a legal basis for denial of the Charter Petition.

District Finding: Fiscal/Budget: Charter School Capital
WYICS Response: The finding that "it is inappropriate…for the Petitioners to treat this source of potential credit as a source of revenue, especially since the terms and cost to the Charter School partaking in this service are not accounted for in the Petition or its budget" is factually inaccurate. The Charter School Capital line of credit of up to $625,000 was intended to be another source of funding for month to month cash flow as needed. WYCIS does not plan to fully utilize this amount and would only utilize the line as needed. The District Report also failed to recognize that interest expense was budgeted under account code 7438. Thus, as this finding is based on inaccurate facts, it may not be used as a legal basis for denial of the Charter Petition.

District Finding: Facilities
WYICS Response: The finding that "the Charter School's budget for non-Proposition 39 facilities is sufficient for years one and two, but, because no increase was budgeted, is insufficient for years three and four" is factually inaccurate. The District staff report had assumed 55% of the WYICS student body would be Moreland School District students. However, with the Prop. 39 information provided to the District on October 31 2014, WYICS obtained enough signatures to request 127.0 in-district ADA. This represents approximately 87% of the total ADA, or in other words, 87% of the WYICS student body would be comprised of Moreland School District students. Even with the in-district ADA adjusted downwards from 87% to 66%, a slightly higher number than the 55% asserted by the staff report, WYCIS will be about $170,000 under the original budget provided. Thus, as this finding is based on inaccurate facts, it may not be used as a legal basis for denial of the Charter Petition.

	15-16	16-17	17-18	18-19	19-20
Percentage Moreland Students	0.66	0.66	0.66	0.66	0.66
Prorated Squre Footage	6,917	9,055	10,481	11,906	13,332
Lease rate per mo per sq ft	0.31	0.32	0.33	0.34	0.35
Annual Cost - In District	$25,730	$34,772	$41,504	$48,578	$55,994
Percentage out of district	0.34	0.34	0.34	0.34	0.34
Prorate Squre Footage	3,563	4,665	5,399	6,134	6,868
Lease rate per mo per sq ft	2.36	2.42	2.48	2.54	2.6
Annual Cost - Out of District	$100,910	$135,466	$160,680	$186,952	$214,282
Total Lease Cost	$126,640	$170,238	$202,184	$235,530	$270,276
Over/(Under) Original Budget	-$30,560	-$35,562	-$36,016	-$35,070	-$32,724

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Wei Yu International Charter School looks forward to any additional questions from the Santa Clara Office of Education, and collaboration with your office regarding its Charter Petition. Should you wish to discuss our responses to any of the above findings or require additional information, please do not hesitate to contact me at (408) 533-2518 or ted.dong@gmail.com anytime.

Sincerely,

Jun Dong
Lead Petitioner
Wei Yu International Charter School