



## MEMORANDUM

**TO:** Board of Trustees, Moreland School District

**FROM:** Mark Barmore, Superintendent; Denise Clay, Assistant Superintendent, Educational Services; Karen Jelcick, Assistant Superintendent, Business Services; Colette Zea, Assistant Superintendent, Human Resources; John R. Yeh, Burke, Williams & Sorensen, LLP

**DATE:** November 14, 2014

**RE:** Written Evaluation of Wei Yu International Charter School Petition

### **I. INTRODUCTION**

On September 15, 2014, the Moreland School District ("District") received a petition to form the Wei Yu International Charter School ("WYICS").

The Charter Schools Act of 1992 permits school districts, county boards, and the State Board of Education ("SBE") to grant charters for the operation of charter schools. (Education Code section 47600, *et seq.*) Charter schools "are part of the public school system," but "operate independently from the existing school district structure." (Education Code sections 47615(a)(1), 47601.) Charter schools are established through submission of a petition by proponents of the charter school to the governing board of a school district, county board, or to the SBE. The governing board must grant a charter "if it is satisfied that granting the charter is consistent with sound educational practice." (Education Code section 47605(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 adopts written findings in support of its decision to deny the charter. (*Ibid.*) Once a governing board grants a charter petition, the charter school becomes a separate legal entity.

Education Code section 47601 sets forth the following purposes behind the Charter Schools Act:

It is the intent of the Legislature, in enacting this part, to provide opportunities for teachers, parents, pupils, and community members to establish and maintain schools that operate independently from the existing school district structure, as a method to accomplish all of the following:

- (a) Improve pupil learning.
- (b) Increase learning opportunities for all pupils, with special emphasis on expanded learning experiences for pupils who are identified as academically low achieving.

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- (c) Encourage the use of different and innovative teaching methods.
- (d) Create new professional opportunities for teachers, including the opportunity to be responsible for the learning program at the schoolsite.
- (e) Provide parents and pupils with expanded choices in the types of educational opportunities that are available within the public school system.
- (f) Hold the schools established under this part accountable for meeting measurable pupil outcomes, and provide the schools with a method to change from rule-based to performance-based accountability systems.
- (g) Provide vigorous competition within the public school system to stimulate continual improvements in all public schools.

## II. PROCEDURAL BACKGROUND

Education Code section 47605(b) requires the District's Board of Education ("Board"), within 30 days of receiving a petition, to "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." Education Code section 47605(b) requires the board to "either grant or deny the charter within 60 days of receipt of the petition." The Board held the public hearing on October 14, 2014, and received input on the Petition from teachers, parents, and other community members. The Board will take action to grant or deny the Petition at its November 18, 2014 meeting.

## III. REVIEW OF THE PETITION

Education Code section 47605(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:

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- (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 (not applicable to renewal petitions).
- (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.

The Review Team consisted of the following individuals: Mark Barmore, Superintendent; Denise Clay, Assistant Superintendent, Educational Services; Karen Jelcick, Assistant Superintendent, Business Services; Colette Zea, Assistant Superintendent, Human Resources; and John Yeh, Burke, Williams & Sorensen, LLP, legal counsel. Maureen Evans and Brianna Garcia of School Services of California, Inc. also reviewed the Petition's budget and financial plan and provided input.

The Review Team was also guided in its analysis by the SBE regulations for the evaluation of charter petitions and renewal petitions (hereinafter "regulations"). Where relevant, the content of the Education Code and regulations are stated or paraphrased with respect to each required element of the Petition in italics.

The Review Team also notes that the Petitioners submitted a nearly identical Petition to form a Mandarin Immersion Charter School to the Menlo Park City School District on September 12, 2014. The Menlo Park Board denied the Petition on November 12, 2014. Since the Petitions and proposed programs were nearly identical, the Moreland and Menlo Park Districts agreed to mutually exchange staff evaluation of the common portions of the Petition, to share best practices, and defray and share certain legal costs in preparing their respective written evaluations. Because the petitions submitted to both districts propose nearly identical programs, the findings of the Menlo Park City School District School Board<sup>1</sup> are hereby referenced herein as part of the record of the Moreland School District's analysis.

#### **IV. REVIEW TEAM RECOMMENDATION**

The Review Team will present the following findings at the November 18, 2014 Board meeting based on its evaluation of the Petition against the 16 elements and other requirements in the Education

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<sup>1</sup> [https://mpcsd.csbaagendaonline.net/cgi-bin/WebObjects/mpcsd-eAgenda.woa/files/MTQxNTU3OTQ3NzkyMy9tcGNzZGVZ2ZVuZGEvMjA1NC84NzQ1L0ZpbGVz/final\\_leadership\\_team\\_evaluation\\_of\\_mmics\\_petition\\_for\\_posting\\_11-09-14\\_v2.pdf](https://mpcsd.csbaagendaonline.net/cgi-bin/WebObjects/mpcsd-eAgenda.woa/files/MTQxNTU3OTQ3NzkyMy9tcGNzZGVZ2ZVuZGEvMjA1NC84NzQ1L0ZpbGVz/final_leadership_team_evaluation_of_mmics_petition_for_posting_11-09-14_v2.pdf)

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Code.

## **V. FINDINGS OF REVIEW TEAM**

The Review Team's specific findings with respect to each element are described in numbered paragraphs below with reference to the applicable statutory and regulatory requirements.



Required Charter Element	Evaluation of Review Team																
Petition Signatures	<p><i>Requirements: Education Code section 47605(a)(1) contains the signature requirements for a charter petition: The petition may be submitted to the governing board of the school district for review after either of the following conditions is met:</i></p> <p><i>(A) The petition is signed by a number of parents or legal guardians of pupils that is equivalent to at least one-half of the number of pupils that the charter school estimates will enroll in the school for its first year of operation.</i></p> <p><i>(B) The petition is 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 ...</i></p> <p><i>... 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. The proposed charter shall be attached to the petition.</i></p> <p><u>Analysis:</u> District staff has been conducting follow-up calls to verify the extent to which the Petition signatories are “meaningfully interested” in enrolling their child in the proposed Charter School in 2015-2016, and have children that would be eligible to enter Kindergarten or Grade 1 during that school year. Following is a breakdown of the results:</p> <table border="1" data-bbox="401 1008 1566 1466"> <tbody> <tr> <td>• <b>Petition Signatures</b></td> <td><b>258</b></td> </tr> <tr> <td>• <b>Attempted phone calls</b></td> <td>258</td> </tr> <tr> <td>    ○ <b>Left messages</b></td> <td>106 (41%)</td> </tr> <tr> <td>    ○ <b>Successfully Contacted</b></td> <td>93 (36%)</td> </tr> <tr> <td>    ○ <b>Wrong Number/Disconnect Numbers/Hang Ups</b></td> <td>59 (23%)</td> </tr> <tr> <td>• <b>Address listed more than once in the petition</b></td> <td>16</td> </tr> <tr> <td>• <b>Confirmed to have no children or no children of eligible age to enter Grades K or 1 in 2015-2016 (Determined through information provided on Petition)</b></td> <td>80</td> </tr> <tr> <td>• <b>Had a meaningful interest to enroll their child</b></td> <td>38 of 93 (39%)</td> </tr> </tbody> </table>	• <b>Petition Signatures</b>	<b>258</b>	• <b>Attempted phone calls</b>	258	○ <b>Left messages</b>	106 (41%)	○ <b>Successfully Contacted</b>	93 (36%)	○ <b>Wrong Number/Disconnect Numbers/Hang Ups</b>	59 (23%)	• <b>Address listed more than once in the petition</b>	16	• <b>Confirmed to have no children or no children of eligible age to enter Grades K or 1 in 2015-2016 (Determined through information provided on Petition)</b>	80	• <b>Had a meaningful interest to enroll their child</b>	38 of 93 (39%)
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	<p>Staff has verified 38 of 93 Petition signers who were contacted (39%) who had a meaningful interest in enrolling their age-eligible child in the proposed charter school. Applying the 39% yield rate to the 106 signers for whom messages were left, but who did not respond, produces an extrapolated 41 potential signers who could have a meaningful interest in enrolling their age-eligible child in the proposed charter school. The total confirmed (38) and extrapolated (41) signers meeting the meaningfully interested requirement would exceed, with very little margin to spare, the 75 required signers (50% of the Charter School's projected first-year enrollment) to meet the threshold to have the Petition considered by the District.</p>
<p>A. Educational Program</p> <div data-bbox="113 764 371 824" style="border: 1px solid black; padding: 2px;"> <p>Meets Requirements ✓ No</p> </div>	<p><i>Requirements:</i> The Education Code requires a description of the educational program of the school, designed, among other things, to identify those whom the school is attempting to educate, what it means to be an “educated person” in the 21st century, and how learning best occurs. (Ed. Code, section 47605(b)(5)(A)(i).)</p> <p><i>Analysis:</i> The Petition proposes that the Charter School would start serving students in Kindergarten and First Grade with 150 students, growing to 375 students in Grades K-5, and eventually growing in Year 8 to 525 students in Grades K-8.</p> <p>The Petition contains a variety of research-based programs and curricula, such as blended learning, STEAM, Project Based Learning, in addition to the Mandarin Immersion Model. It also describes the ratio of Mandarin to English instructional time as starting as 90:10 in Kindergarten and Grade 1, transitioning to 30:70 in Grades 6-8. (Petition, pp. 47-48.)</p> <p>Staff has the following concerns about whether the Petitioners are demonstrably likely to successfully implement a comprehensive STEAM and Mandarin Immersion program as set forth in the Petition:</p> <ol style="list-style-type: none"> <li>1. <u>Instructional School Day/Scope and Sequence of Instruction:</u> The Petition contains a representative instructional day for the Charter School, from 8:15 a.m. through 3:15 p.m., including instructional blocks for Mandarin Language Arts, Social Science, English Language Arts, Mathematics, and Music/Art/Drama/Dance, and an “Elective Wheel” consisting of Home Sciences, Computer Skills, Coding, Design Thinking and Makerspace. (Petition, p. 43.) Appendix VI-A contains Mandarin Immersion curriculum maps for Kindergarten and First Grade, while Appendix IV-B contains curriculum maps for the same grade levels in English Language instruction. Both curriculum maps show the scope and sequence of instruction, from August through June. However, both curriculum maps depict a discrete and comprehensive curriculum for Kindergarten and First Grade, both in Mandarin Immersion and English. The Petition’s class schedule would not sufficiently accommodate the simultaneous teaching of two discrete and complete curricula. Therefore, the proposed curriculum maps depict a scope and sequence of instruction that is not realistic. The Petition does not contain a reasonably comprehensive description of how the Charter School would deliver two separate curricula simultaneously within the confines of its proposed instructional schedule. Moreover, 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</li> </ol>

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	<p>context of the proposed instructional school day.</p> <p>2. <u>Insufficient Staffing for Proposed Educational Program</u>: The Charter School's Budget anticipates hiring 6.75 FTE for 150 students in Year One, increasing to 19.5 FTE in Year Five. Following is the Charter School's proposed student to regular classroom teacher ratio, based upon its proposed staffing plan and projected enrollment:</p> <table border="1" data-bbox="401 605 2005 732"> <thead> <tr> <th>Year</th> <th>2015-2016</th> <th>2016-2017</th> <th>2017-2018</th> <th>2018-2019</th> <th>2019-2020</th> </tr> </thead> <tbody> <tr> <td>Classroom teachers</td> <td>6.0</td> <td>9.0</td> <td>11.0</td> <td>13.0</td> <td>15.0</td> </tr> <tr> <td>Students</td> <td>150</td> <td>225</td> <td>275</td> <td>325</td> <td>375</td> </tr> <tr> <td>Ratio</td> <td>25.0</td> <td>25.0</td> <td>25.0</td> <td>25.0</td> <td>25.0</td> </tr> </tbody> </table> <p>Following is a chart depicting the ratio of the school's enrichment teachers to its classroom teachers:</p> <table border="1" data-bbox="569 902 1837 1094"> <thead> <tr> <th>Year</th> <th>BCLAD FTE</th> <th>Enrichment Teacher FTE</th> <th>MS FTE per BCLAD</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>6.0</td> <td>0.75</td> <td>.125</td> </tr> <tr> <td>2</td> <td>9.0</td> <td>1.50</td> <td>.166</td> </tr> <tr> <td>3</td> <td>11.0</td> <td>2.00</td> <td>.181</td> </tr> <tr> <td>4</td> <td>13.0</td> <td>3.00</td> <td>.230</td> </tr> <tr> <td>5</td> <td>15.0</td> <td>4.50</td> <td>.300</td> </tr> </tbody> </table> <p>At most, in Year 5, each classroom teacher would only have access to a .3 FTE enrichment teacher. Since the staffing plan is premised upon an assumption of 25 students per classroom teacher, with each classroom teacher only having access to a .125-.300 FTE enrichment teacher, the level of staffing is insufficient to maintain some of the instructional strategies proposed in the Petition, such as small group instruction in mathematics, reading (Petition, p. 68) and English Learner instruction (Petition p. 72).</p> <p>3. <u>Lack of a Reasonably Comprehensive Description of Instructional Methods and Materials for Instruction in Mandarin</u>: The Petition lacks a reasonably comprehensive description of how it would implement the proposed instructional and assessment measures. In particular, the special education section states that "[a]ll special education services at WYICS will be delivered by individuals or agencies qualified to provide special education services" and that "the District will be responsible for the hiring, training and employment of site staff necessary to provide special education services its students." (Petition, pp. 76-77.) The Petition neglects to address in any manner how those services would be provided in the context of the Mandarin Immersion program. The Petition neglects to address how the District would find personnel delivering special education services with sufficient language proficiency to</p>	Year	2015-2016	2016-2017	2017-2018	2018-2019	2019-2020	Classroom teachers	6.0	9.0	11.0	13.0	15.0	Students	150	225	275	325	375	Ratio	25.0	25.0	25.0	25.0	25.0	Year	BCLAD FTE	Enrichment Teacher FTE	MS FTE per BCLAD	1	6.0	0.75	.125	2	9.0	1.50	.166	3	11.0	2.00	.181	4	13.0	3.00	.230	5	15.0	4.50	.300
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	<p>provide those services in Mandarin, and does not account for the additional cost of doing so in its budget. The Petition also neglects to address how it would provide training to its teaching personnel in the delivery of special education services in Mandarin</p> <p>The Petition addresses instructional strategies for English Learners (Petition, pp. 68-73), including a structured immersion model using of a number of strategies, such as the Sheltered English Observation Protocol (SIOP) Model, and Specifically designed Academic Instruction in English (SDIAE). What is lacking, however, is a reasonably comprehensive description of how the Charter School would fit English Language instruction within the context of its proposed instructional day (Petition, p. 43.) The Petition describes instructional strategies such as Constructivist, Inquiry-Based Teaching, Scaffolding, SDAIE and Literacy Support, including “small group lessons that will be delivered during the reading and writing workshops,” (Petition, p. 72) but does not describe where such instruction would occur within the proposed daily instructional schedule, which does not provide sufficient time for such English Learner instruction to occur within the time allocated for English Language Arts instruction. The Petition also fails to describe how English Learner students will meet the mandated one year of English proficiency progression on the CELDT/ELPAC since the Petition proposes to start the ratio of instruction in Mandarin to English at 90:10, and how the ELD standards would be incorporated into assessing progress in English Language Development. Therefore, as the schedule is currently structured, English Learner instruction would have to supplant instruction in another subject matter.</p> <p>4. <u>Inadequate Financial and Professional Support for Proposed Instructional Program</u>: The Petition proposes to deliver a comprehensive STEAM and Mandarin Immersion program, utilizing instructional strategies such as Project-Based Learning, Constructivism, Differentiated Instruction, as well as Social-Emotional Learning. (Petition, pp. 37-41.) The Petition proposes a starting teacher salary of \$55,000 in Year One, increasing to an average of \$60,000 in Year 3. (Petition, Appendix X-A, p. 85.)</p> <p>These starting salaries are not competitive, decreasing the likelihood that the Charter School would attract experienced teachers. (See, Sections E and “Fiscal/Budget; Exhibit A, No. 9 (“Compensation”).). However, the Petition only proposes to provide 9 teacher workdays a year. (Petition, p. 42.) Moreover, though the Petition’s budget allocates \$15,000 for workshops for teacher development in Year One, it only allocates \$6,000 in Years Two through Five, while the teaching staff grows 2-3 teachers a year, to 15.0 FTE in Year Five. Therefore, the professional development allocation does not grow commensurately with the teaching staff, which grows by 150% in five years. Moreover, one day of Professional Development, per teacher, can start at \$325 (in addition to the cost of a substitute teacher at \$125 a day and conferences at \$200 per day). Most of the comprehensive programs require 3 or more days of training. The Charter School’s budget is inadequate to cover these costs.</p> <p>In the area of textbooks, the District estimates that the Petitioners have under budgeted in the sum of \$21,116 in Year One, based on Moreland’s per-pupil cost for textbooks. (Exhibit A, No. 14 (“Textbooks”).) This deficit is likely to be higher due to the difficulty in finding instructional materials in Mandarin that are Common-Core aligned.</p>

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	<p>Blended learning is also referenced as part of the instructional program, though the Petition does not identify which programs the Charter School would use. Blended learning programs could cost from \$3 to \$5 per student, while some of the reading programs are as much as \$150 per student. A site license for Mind Institute (i.e., JiJi) is \$34,000 a year. However, the Petition only budgets \$260 per student in curriculum costs, in addition to \$90 per student for supplemental materials, for all subject matter content areas of instruction. The per-student cost for instructional materials is insufficient to cover all of the proposed instructional strategies and curricula identified in the Petition, in addition to covering the cost of obtaining and/or translating Common-Core aligned instructional material in Mandarin.</p> <p>The Petition also under-budgets in the area of Special Education. For its first year of operation, the Petitioners budget a contribution to its special education encroachment of \$114,550. The Petitioners only assumed the potential encroachment, without consulting with the District first. The District calculated the 2014-2015 per-pupil special education encroachment (including the Charter School's projected 2015-2016 enrollment) at \$1,400.77 per pupil, resulting in the Charter School's pro-rated share of special education encroachment to be \$210,115. Therefore, Petitioners have under-budgeted its projected contribution to its encroachment in to the District's general fund by \$95,565.00. Moreover, the Petition states that, in Year Two, the Charter School would join the El Dorado SELPA. Yet, the Petition projects an increase in revenue, but not expenditures, for the provision of special education services, which is inherently infeasible, since, as an LEA as part of a SELPA, the Charter School would be solely responsible for its special education expenses. (See, Exhibit A, No. 6 ("Special Education").) The budget also lacks any expenditure for Extended School Year special education services. (See, Exhibit A, No. 3(b), ("School Year").)</p> <p>The Petition identifies a 17-day Voluntary Intersession. Depending on the level of participation, the cost of providing a Voluntary Intersession program could range anywhere from \$13,830 to \$71,916. (See, Exhibit A, No. 3(a), ("School Year").) The budget contains no expenditures related to the provision of Voluntary Intersession Days.</p> <p>5. <u>Targeted Student Population</u>: The Petition states that the Charter School would "aim to serve families who live in the MSD and surrounding communities." (Petition, p. 18.) Petitioners provide the racial and ethnic breakdown of the District, and the general population within the Moreland School District, as follows:</p> <table border="1" data-bbox="401 1252 2003 1349"> <thead> <tr> <th></th> <th>Hispanic/Latino</th> <th>White</th> <th>African American</th> <th>Native American</th> <th>Asian</th> <th>Pacific Islander</th> </tr> </thead> <tbody> <tr> <td>Moreland S.D.</td> <td>34.20%</td> <td>27.98%</td> <td>2.71%</td> <td>0.70%</td> <td>23.77%</td> <td>0.40%</td> </tr> <tr> <td>Population</td> <td>18.80%</td> <td>46.2%</td> <td>2.80%</td> <td>0.60%</td> <td>24.2%</td> <td>0.33%</td> </tr> </tbody> </table> <p>However, it is not clear how the Petitioners derived the ethnicity of the general population based on census data since the U.S. Census collects data by municipality, not school district.</p>		Hispanic/Latino	White	African American	Native American	Asian	Pacific Islander	Moreland S.D.	34.20%	27.98%	2.71%	0.70%	23.77%	0.40%	Population	18.80%	46.2%	2.80%	0.60%	24.2%	0.33%
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	<p>As noted above, below is the Charter School's projected five-year enrollment:</p> <table border="1" data-bbox="401 488 2005 553"> <thead> <tr> <th data-bbox="401 488 684 521">Year</th> <th data-bbox="684 488 926 521">2015-2016</th> <th data-bbox="926 488 1192 521">2016-2017</th> <th data-bbox="1192 488 1461 521">2017-2018</th> <th data-bbox="1461 488 1730 521">2018-2019</th> <th data-bbox="1730 488 2005 521">2019-2020</th> </tr> </thead> <tbody> <tr> <td data-bbox="401 521 684 553">Students</td> <td data-bbox="684 521 926 553">150</td> <td data-bbox="926 521 1192 553">225</td> <td data-bbox="1192 521 1461 553">275</td> <td data-bbox="1461 521 1730 553">325</td> <td data-bbox="1730 521 2005 553">375</td> </tr> </tbody> </table> <p>The Petitioners have not set forth a reasonably comprehensive plan to sustain a Mandarin Immersion program of this magnitude. The Cupertino Union School District enrolls approximately 18,000 students, and its language immersion program serves 400 students. The Moreland School District serves approximately 4,900 students, and yet, the Petitioners expect the local population to support a Mandarin Immersion program of approximately the same size.</p> <p>The Petition states that “[s]tudents applying for 2<sup>nd</sup> grade and higher must be proficient in Mandarin at the grade level to which they are applying.” (Petition, p. 129.) This requirement inherently limits the population of available students to backfill attrition at the higher grade levels. However, the Petition assumes that the Charter School would successfully backfill attrition at a 100% rate, which is necessary for the Charter School to attain its enrollment assumption that it will grow by 50 students a year (and 75 students between Years One and Two.)</p> <p>The Petition's targeted growth plan for the Charter School is also flawed in that it states that the Charter School seeks to retain and promote 75% of its students in Grades Six through Eight. (Petition, p. 62 (State Priority #5).) Yet, the Charter School would add one additional class at each of those grade levels. This would require the Charter School enroll potentially up to one-third of its incoming 6<sup>th</sup> graders from a program other than WYICS.</p>	Year	2015-2016	2016-2017	2017-2018	2018-2019	2019-2020	Students	150	225	275	325	375
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<p>B/C. Measurable Pupil Outcomes</p> <table border="1" data-bbox="113 1166 369 1224"> <tr> <td data-bbox="113 1166 369 1192">Meets Requirements</td> <td data-bbox="113 1192 369 1224">✓ No</td> </tr> </table>	Meets Requirements	✓ No	<p><b>Requirements:</b> <i>Regarding the descriptions of Measurable Pupil Outcomes and Measuring Pupil Progress, the Petition must meet the legal requirements of Education Code section 47605, subdivisions (b)(5)(B), (C) and California Code of Regulations, title 5, section 11967.5.1, subdivisions (f)(2), (3) regarding the identification of outcomes and assessment tools and plans. Pupil outcomes shall include outcomes that address increases in pupil academic achievement both schoolwide and for all groups of pupils served by the charter school, as that term is defined in subparagraph (B) of paragraph (3) of subdivision (a) of Section 47607. The pupil outcomes shall align with the state priorities, as described in subdivision (d) of Section 52060, that apply for the grade levels served, or the nature of the program operated, by the charter school.</i></p> <p><i>The SBE regulations provide that a petition should set out measurable student outcomes to be used by the charter school. (Cal. Code Regs., tit. 5, section 11967.5.1(f)(2)) The student outcomes should, at a minimum:</i></p> <p><i>(a) specify skills, knowledge, and attitudes that reflect the school's educational objectives and can be assessed by objective means that are frequent and sufficiently detailed enough to determine whether students are making satisfactory progress;</i></p>										
Meets Requirements	✓ No												

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	<p><i>(i) the frequency of the objective means of measuring student outcomes should vary according to such factors as grade level, subject matter, the outcome of previous objective measurements, and information that may be collected from anecdotal sources; and</i></p> <p><i>(ii) objective means of measuring student outcomes must be capable of being used readily to evaluate the effectiveness of and to modify instruction for individual students and groups of students.</i></p> <p><i>(b) include the school's API growth target, if applicable. (Ibid.)</i></p> <p><b>Analysis:</b> The Petition lists, under State Priorities 1 and 2, goals to align curriculum with Common Core State Standards. (Petition, pp. 58-59.) However, 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. Neither the instructional material nor the professional development budget identifies specific Common-Core aligned instructional materials in Mandarin, a process for translating such materials into Mandarin.</p> <p>The Petition also identifies Data Director and Vantage Learning Systems as potential student information database systems. (Petition, p. 100.) However, the Petition's budget only allocates \$8,650 in Year One, increasing to \$46,500 in Year Five, for a student database system. The District has used Edusoft as a student database system at a cost of \$35,000 a year. Moreover, the Petition lacks a reasonably comprehensive description of how the Charter School would provide its teaching staff professional development and training, or when it would conduct such assessments within the scheduled school day, in all of the assessment methods that it identifies, such as Dynamic Indicators of Basic Early Literacy Skills (DIBELS), Basic Phonics Skills Test levels I-III (BPST), Rigby Reads TERC, MARS or Tasks, Student Oral Proficiency Assessment. Moreover, DIBELS costs \$1 per student to administer, a cost that is not identified in the budget's expenditures.</p> <p>1. <b>Assessment Measures in Mandarin:</b> The Petition does not contain a reasonably comprehensive description of assessment measures to assess student academic progress in Mandarin. The Petition fails to specifically identify what language assessment would be conducted in, and identifies a number of assessments that are not available in Mandarin. Therefore, the Petition fails to contain a reasonably comprehensive description of whether the identified assessments are intended to assess progress in English or Mandarin. For example, the following assessments listed in the Petition are not available in Mandarin:</p> <ul style="list-style-type: none"> <li>● Dynamic Indicators of Basic Early Literacy Skills (DIBELS) Oral Reading Fluency Assessment (K-4)</li> <li>● Basic Phonics Skills Test levels I-III (BPST) (K-2)</li> <li>● Rigby Reads (the Petition does not identify whether the school would use the paper or software integrated assessment)</li> <li>● TERC (Math Investigation Curriculum) (Grade levels not specified)</li> <li>● MARS Tasks (Grade levels not specified)</li> <li>● Student Oral Proficiency Assessment (Oral Language proficiency tool designed by the Center for Applied Linguistics)</li> </ul> <p>Moreover, the Petition does not contain a reasonably comprehensive description of the professional development, training and</p>

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	<p>additional time required to conduct the listed assessments, within the context of the nine (9) teacher work days. (Petition, p. 42.) For example, the DIBELS and BPST assessments are one-on-one assessments with scoring systems that require significant training, calibration, preparation time for materials, and approximately 30 minutes per student to administer and score. Additional time would be needed to import scores into a data management system. No time for these processes appear to be allocated in the Petition’s proposed Instructional Day or workday. (Petition, p. 42-43.)</p> <p>It is also not clear whether the charter school would use BPST, which is aligned to the 1998 standards, or BPST II, which has been aligned to Common Core State Standards.</p> <p>The Petition identifies Chinese Children’s Competency Certificate (CCCC) (Grades 2-4) as a Mandarin assessment program. However, the Petition does not identify specific skills assessed by CCCC. The CCCC assessment focuses on life experiences (Social/ Environmental Language), and assesses competency levels for general skills, not content area skills students would be learning in Mandarin.</p> <p>The Petition also identifies Hanu Shuiping Kaoshi (HSK), the only International Standardized test for Non-Chinese learners of Chinese Language. However, this Assessment is designed for Adult Learners. The Petition does not identify an assessment for children.</p> <p>2. <u>Other Assessments</u>: The Petition references other assessments, such as Writing Rubrics, Smarter Balanced (Grades 3-8) and Internal Benchmark Assessments. However, the Petition lacks a reasonably comprehensive description of the professional development, training and timing provided to teachers to create such assessments. For example, the Petition states that teachers will develop writing rubrics to measure student progress. However, creation of writing prompts and measures can take up to a full year to develop before implementation in the first year of instruction. The Petition only allocates \$15,000 for professional development in Year 1, for a first-year teaching staff of 6.0 teachers, and \$6,000 per year in Years Two through Four, when the teaching staff increases by 2.0-3.0 FTE a year, until it reaches 15.0 FTE in Year Five (Appendices to Petition, pp. 95-96.) Moreover, the Petition only provides 9 teacher work days a year. (<i>Id.</i> at 42.)</p> <p>While the Charter School would be required to use Smarter Balanced assessments, the necessary infrastructure for the Smarter Balanced assessment would exceed the technology budget in the Petition. While the Petition allocates \$225 per student in Year One for “Chromebooks and Elmo projectors,” (Petition, Appendix X-A, p. 84, No. 13), it contains no other expenditures for technology infrastructure or personnel. The Petition identifies no personnel that would specialize in implementing the technological component of Smarter Balanced assessments. Smarter Balanced requires assessment and technology coordination with the California Department of Education. It also requires compatible devices and software installation to be administered, monitoring and updating of CALPADS data during the test, as well as coordinating accommodations and support for all students. There is also necessary training for the coordinators and anyone who will be administering the assessment. The Petition lacks a reasonably comprehensive description of</p>

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	<p>who at the charter school would be responsible for such implementation and oversight of Smarter Balanced assessment, since the non-instructional personnel at the Charter School would be limited to the Principal and part-time Office Administrator. (“Staff Needs,” p. 96.)</p> <p>The Petition states that internal benchmark assessments would be teacher-created, or would use a published item bank. However, Mandarin translations are not available in available item banks. CCSS-aligned item banks that are currently available (such as Key Data Systems) do not have Mandarin translations and are protected by copyright against translation for school use. Therefore, the Charter School’s benchmarks would need to be teacher-created. However, the Petition does not contain a reasonably comprehensive description of the teacher training or professional development that would support creation of internal benchmarks assessments in Mandarin. It is also not clear from the description of responsibilities and duties of the key positions of the charter school that would be responsible for developing such benchmarks.</p>				
<p>D. Governance</p> <table border="1" data-bbox="113 919 371 977"> <tr> <td>Meets Requirements</td> <td></td> </tr> <tr> <td>✓</td> <td>No</td> </tr> </table>	Meets Requirements		✓	No	<p><i>Requirements: Education Code section 47605(b)(5)(D) requires the Petition to describe the governance structure of the school, including, but not limited to, the process to be followed by the school to ensure parental involvement. The regulations consider whether the proposed governance structure evidences that the charter school will become and remain a viable enterprise through organizational and technical designs, whether there will be active and effective representation of interested parties, including, but not limited to parents and guardians, and whether the educational program will be successful and parental involvement encouraged in a variety of ways at all levels of the program. (Cal. Code Regs., tit. 5, section 11967.5(f)(4).)</i></p> <p><i>Analysis:</i> The Charter School would be governed and operated by the governing board of the Bay Area Language Immersion Schools (“BALIS”) a California nonprofit benefit corporation formed in August 2014. (Petition, p 147.) While operation as, or by, a nonprofit public benefit corporation is contemplated under Education Code section 47604(a), the Petition does not acknowledge that the BALIS board could also potentially also govern at least one other charter school, the Menlo Mandarin Immersion Charter School (“MMICS”), for which BALIS is also seeking approval. In fact, the Articles of Incorporation place no limits on how many charter schools/programs could come under the jurisdiction of the BALIS board. Yet, none of the initial BALIS Board members have experience in California public school administration. After submission of the Petition, the District received notice that one Board member, Ching-Pei Hu, was withdrawing her involvement. She was the only original board member listed on the Petition with professional experience in public school administration. Therefore, the organization has no track record of operating charter schools.</p> <p>Although the Petition states that the fully-constituted board “shall include a minimum of one (1) community member representing each school operated by BALIS” (Petition, p. 148), since the BALIS board would be potentially governing at least one other charter school, the Petition lacks a reasonably comprehensive description of any governance measures that the board would take to ensure that each</p>
Meets Requirements					
✓	No				

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	<p>charter school under the board’s governance receives fair and equitable representation by the BALIS board. In fact, the allocation of governance resources between the two charter schools is a significant concern. The Petition to form the WYICS, submitted to the Moreland School District on September 15, 2014, states that the BALIS “Executive Director will also act as the Principal of WYICS until our budget allows for the hiring of a full-time Executive Director.” (Moreland Petition, p. 113.) The Petition submitted to the Menlo Park City School District (“MPCSD”) on September 12, 2014, states that the BALIS “Executive Director will also act as the Principal of MMICS in year one.” (MPCSD Petition, p. 158.) The Petition fails to disclose that the BALIS Executive Director could potentially both as the Executive Director of the BALIS non-profit corporation, as well as Principal of the WYICS and the MMICS, though the WYICS Petitioners have subsequently verified that the BALIS Executive Director would only also co-serve as the WYICS Principal. It would be nearly impossible for a single individual to serve as the CEO of the nonprofit corporation while serving as a Principal and starting up not just one, but two, charter schools in two different locations.</p>				
<p>E. Employee Qualifications</p> <table border="1" data-bbox="113 829 369 886"> <tr> <td>Meets Requirements</td> <td></td> </tr> <tr> <td>✓</td> <td>No</td> </tr> </table>	Meets Requirements		✓	No	<p><i>Requirements: The regulations governing charter school petitions consider whether general qualifications for the various categories of employees (e.g., administrative, instructional, instructional support, non-instructional support) are identified, whether the qualifications ensure the health and safety of the school’s faculty, staff, and students, and the academic success of the students; whether positions that the charter school regards as key in each category are identified and specify the additional qualifications expected of individuals assigned to those positions; and whether all requirements for employment set forth in applicable provisions of law will be met, including, but not limited to credentials as necessary. (Cal. Code Regs., tit. 5, section 11967.5(f)(5))</i></p> <p><u>Analysis:</u></p> <ol style="list-style-type: none"> <li>1. <u>Credentialing:</u> Because the Charter School would deliver its proposed educational program both in English and Mandarin, most, if not all, teachers must hold a Bilingual Authorization in Mandarin. Therefore, the Petition’s requirement that the teachers “hired to teach Mandarin would preferentially hold a Bilingual Authorization in Mandarin” (Petition, p. 120) is inadequate. In fact, almost all of the Charter School’s teaching staff would have to hold BCLAD authorization under the staffing plan set forth in the Petition. Moreover, depending on the subject matter content taught, the teachers would have additional credentialing requirements: either a Multiple Subject credential for a teacher teaching elementary-grade subject matter content; a single-subject credential in Mandarin for a teacher teaching students to speak Mandarin, and a single-subject credential in English for a teacher teaching students to speak in English. Moreover, the Petition’s proposed class schedule (Petition, pp. 43-44) suggests that the Charter School would offer instruction in “core” areas requiring single subject credentials. Therefore, the Petition lacks a reasonably comprehensive description of the credentialing requirements and staffing configuration for its proposed educational program. Moreover, although the Petition states that the Charter School will become a member of the El Dorado SELPA starting in Year Two, no reference is made to the qualifications of teaching personnel to provide special education services starting in Year Two.</li> <li>2. <u>Ability to Recruit and Retain Teachers:</u> The Petition’s proposed starting salaries for teachers and other employees are not</li> </ol>
Meets Requirements					
✓	No				

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	<p>competitive. An analysis of the Petition’s proposed starting salaries for the Charter School’s Principal, teachers, instructional aides, and office administrator shows that the Charter School’s employees would be called upon to work a longer school year (potentially up to 216 work days), at lower pay, than their counterparts in the Moreland School District. (See, Exhibit A, No. 3 (“School Year”) and 9 (“Compensation”).) The Charter School Principal, who potentially could be serving as the Executive Director of BALIS and the Principal of WYICS in Year One, is only budgeted a salary of \$80,000, which is nearly \$30,000 lower than the beginning step of the Moreland School District Principal Salary Schedule. The starting teacher salary for the Charter School, at \$55,000, calculates to \$276.38 per day (with the Charter School’s 199-day workyear.) The per-diem average on the Moreland School District Salary Schedule for a 185-day work year is \$278.88 - \$520.78 per diem. Moreover, only 18% of Moreland teachers would make less than the \$55,000 starting salary for all Charter School teachers, regardless of experience. (See, Exhibit, A, No. 9, Compensation.) Also of significant concern is the proposed salary of the Charter School’s Office Administrator, which is also below comparable positions at the Moreland School District, and which also, based on the Charter School’s staffing plan, would have responsibility for performing all administrative and clerical tasks not performed by the Principal.</p> <p>Exacerbating the impact of the proposed Charter School’s below-market salaries is the limited and competitive market for teachers holding authorization to teach in Mandarin. The supply of teachers authorized to teach in Mandarin is extremely limited and competitive, as shown by the number of authorizations conferred by Bay Area Universities, and by the California Commission on Teacher Credentialing, on an annual basis. (See, e.g., Exhibit B.)</p> <p>3. <u>Lack of a Reasonably Comprehensive Staffing Plan</u>: The Petition also states that “[s]ubjects taught in Mandarin will be taught by bilingual teachers with native proficiency in Mandarin. Subjects taught in English will be taught by teachers with native English proficiency.” (Petition, p. 47.) As noted above (Section A), because of the Charter School’s tight student to teacher ratio, all the Charter School’s classroom teachers would have to hold authorization to teach in Mandarin to deliver instruction in that language. While not specified in the Petition, those teachers providing instruction in English could be required to hold a single subject credential in English. Because the Petition does not specify the exact credentialing requirements of its teachers, nor the Charter School’s exact staffing configuration, it is not possible to determine whether the Charter School could make good on its promise that “[s]ubjects taught in Mandarin will be taught by bilingual teachers with native proficiency in Mandarin. Subjects taught in English will be taught by teachers with native English proficiency.”</p> <p>Moreover, one of the job duties of the Principal would be to “[s]upervise improvement of teaching by annually reviewing goals and objectives, observing instruction, and conference with teachers ...” (Petition. p. 116.) However, both the qualifications for the BALIS Executive Director (who would be serving as the Charter School Principal in its first year of operation) and the Charter School’s Principal state as a requirement “[p]roiciency in written and oral Mandarin and English (preferred).” (Petition, pp. 115, 117.) The Petition fails to contain a reasonably comprehensive description of how the Executive Director/Principal would evaluate teachers without proficiency in both the English and Mandarin languages.</p>

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	<p>4. <u>Lack of Reasonably Comprehensive Plan to Obtaining Substitute Teachers</u>: Since the market for teachers authorized to teach Mandarin is limited, the Charter School would struggle to find appropriately qualified substitute teachers to deliver the proposed Mandarin Instruction program. The Petition lacks a reasonably comprehensive description of how the Charter School would find such substitutes, both for certificated and classified personnel.</p>
<p>F. Health and Safety</p> <div data-bbox="113 708 369 764" style="border: 1px solid black; padding: 2px;">                     Meets Requirements                      ✓ No                 </div>	<p><i>Requirements: Education Code section 47605(b)(5)(F) requires the Petition to describe the procedures that the school will follow to ensure the health and safety of pupils and staff, including the requirement that each employee of the school furnish the school with a criminal record summary as described in section 44237. Among other items, the regulations consider whether health and safety procedures require criminal record summaries from employees, tuberculosis examinations of employees, student immunizations, and vision, hearing and scoliosis screening for students. (Cal. Code Regs., tit. 5, section 11967.5(f)(6).)</i></p> <p><u>Analysis</u>: The Petition contains brief descriptions (at most 1-2 paragraphs) of intended policies in the following areas: background checks; mandated child abuse reporting; Tuberculosis Testing; Immunizations; Medication; Vision, Hearing and Oral Health Screening; Diabetes; Bloodborne Pathogens; Drug/Alcohol-Free Environment; Discrimination and Harassment; Facility Safety; Fire and Earthquake evaluation; Emergency Preparedness; CPR Training; and School Safety Plan. While this section of the Petition contains a list of the primary areas of school operation impacting health and safety, it fails to contain a reasonably comprehensive description of any of the particulars of the proposed policies or procedures. Given the increased awareness placed on school safety in recent years, including the areas of child abuse reporting, sexual harassment and school site security, the Petition lacks a reasonably comprehensive description of the proposed policies, procedure or training under any of the listed areas, and attaches no sample or representative policies.</p> <p>The proposed staffing plan for the Charter School is also unlikely to successfully maintain the required level of safety at the site. In the first two years of operation, the only non-classroom (teachers, instructional aides) personnel that the Charter School would employ would be the Principal (who could potentially also be serving as the Executive Director of BALIS) and half-time administrator. With his/her other duties, the Principal is likely to be off-site frequently, leaving only a .5 FTE Office Administrator to answer telephone calls, greet and screen visitors, manage parent and student issues, and perform the myriad of other administrative tasks to safely and proficiently operate a Charter School. The budget does not identify expenditures for noon-duty aides, nurses, and significantly under budgets for custodial services.</p> <p>The Petition also lacks a reasonably comprehensive description of the procedure for background checks. It does not explain why the Charter School would require two sets of fingerprints from employees, and does not specify who would be the Custodian of Records for the fingerprints.</p>

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<p>G. Racial/Ethnic Balance</p> <table border="1" data-bbox="113 521 369 578"> <tr> <td>Meets Requirements</td> <td></td> </tr> <tr> <td>✓ No</td> <td></td> </tr> </table>	Meets Requirements		✓ No		<p><b>Requirements:</b> <i>The Petition must contain a description of the means by which the school will 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. (Cal. Code Regs., tit. 5, section 11967.5(f)(7).)</i></p> <p><b>Analysis:</b> The Petitioners do not provide a reasonably comprehensive methodology for reaching a student population with the same ethnic and racial background as the District. (See, Section G.) The Petition states that “[t]hose interested in Mandarin Immersion are not confined to any particular racial or ethnic heritage,” and cites anecdotal data regarding instances of African-American and Hispanic students enrolling in programs offering instruction in Mandarin in New York City and Chicago, as well as a greater percentage of non-Asian than Asian students enrolling in Mandarin Immersion programs in San Francisco. (Petition, p 21.) However, these anecdotal instances are unpersuasive. The Moreland School District enrolls approximately 4,900 students in a suburban setting, can cannot be meaningfully compared to a densely populated, urban school district in New York City or Chicago. Moreover, the examples cited by Petitioners are factually distinguishable, and, in some cases, incorrect. For example, the school cited in Chicago, McCormick, is not a Mandarin Immersion program, but a “Chinese World Language Magnet Program,” according to the school’s website. (<a href="http://www.cps.edu/Schools/Pages/school.aspx?SchoolId=610063">http://www.cps.edu/Schools/Pages/school.aspx?SchoolId=610063</a>) in which students living within the neighborhood attendance boundary can attend without submitting an application, with enrollment priority over non-neighborhood students, who must apply. The Chinese American International School (“CAIS”) in San Francisco, cited by Petitioners, is a private school. Petitioners also represent that, at CAIS, “the percentage of non-Asian students enrolling at the school outnumbers that of Asians.” (Petition, p. 21.) However, Petitioners fail to take into account the fact that the school identifies 40% of its students as “Multiethnic,” without divulging what percentage of students in this category are of either partial Asian heritage, and/or identify as “Asian.” (See, e.g., <a href="http://www.cais.org/about_cais">http://www.cais.org/about_cais</a> (CAIS reports enrollment of 40% Multiethnic, 38% Asian American, 19% Caucasian, 1% Hispanic and 2% African American students.)) Moreover, the Shuang Wen Public School in New York City, cited as an example of a “magnet for African-American students” (Petition, p. 21) according to a 2002 New York Times article, turned out to be anything but that, as of the school, according to a 2010 New York Times article, “remained about 80 percent Chinese for a decade,” and was being investigated by the New York City Department of Education for violating admissions rules (<a href="http://www.nytimes.com/2010/11/02/nyregion/02shuang.html?pagewanted=1&amp;_r=3&amp;hpw.">http://www.nytimes.com/2010/11/02/nyregion/02shuang.html?pagewanted=1&amp;_r=3&amp;hpw.</a>) According to the New York City Public Schools website, the school remains 74.74% Asian, while schools Citywide are at 15.90% Asian (<a href="http://schools.nyc.gov/Common/Templates/MainTemplate/CommonMainTemplate.aspx?NRMODE=Published&amp;NRNODEGUID=%7b6102EA85-B4BD-4731-9838-42B227C3D8A2%7d&amp;NRORIGINALURL=%2fSchoolPortals%2f01%2fm184%2fAboutUs%2fStatistics%2fregister%2ehmt&amp;NRCACHEHINT=Guest.">http://schools.nyc.gov/Common/Templates/MainTemplate/CommonMainTemplate.aspx?NRMODE=Published&amp;NRNODEGUID=%7b6102EA85-B4BD-4731-9838-42B227C3D8A2%7d&amp;NRORIGINALURL=%2fSchoolPortals%2f01%2fm184%2fAboutUs%2fStatistics%2fregister%2ehmt&amp;NRCACHEHINT=Guest.</a>)</p> <p>Therefore, none of the anecdotal examples cited by Petitioners support the proposition that Mandarin Immersion Charter School in Moreland would achieve the racial and ethnic balance of the District.</p>
Meets Requirements					
✓ No					
<p>H. Admissions</p>	<p><b>Requirements:</b> <i>The Petition must contain a reasonably comprehensive description of admissions requirements in compliance with the</i></p>				

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<p>Lottery</p> <div style="border: 1px solid black; padding: 2px; width: fit-content;">                     Meets Requirements                      ✓ No                 </div>	<p><i>requirements of law. (Cal. Code Regs., tit. 5, section 11967.5(f)(8).)</i></p> <ol style="list-style-type: none"> <li><b>Admissions Procedure:</b> Education Code section 47605(2)(A) states that “a charter school shall admit all pupils who wish to attend the school,” subject to the lottery provision should the number of applicants exceed the number of available slots. However, the Petition states that “[s]tudents applying for 2nd grade and higher will be tested for their Mandarin proficiency and must be proficient in Mandarin at the grade level to which they are applying.” (Petition, p. 130.) The rule that “a charter school shall admit all pupils who wish to attend the school” universally applies to all charter schools, and no exemption or exemption exists for specialized program, such as language immersion programs. The Petition fails to contain a reasonably comprehensive description of how it would reconcile the open admission requirement in Education Code section 47605(2)(A) with the proposed Charter School’s immersion program. The categorical assertion that “entering students must have a level of Mandarin proficiency similar to current students in their grade” (Petition, p. 130) is inconsistent with Education Code section 47605(2)(A).</li> <li><b>Admissions Preference:</b> The admission lottery also gives preference to the following category of students, in the following order: Siblings of current Charter School students; children of Charter School employees, children of Charter School founders, and children of Moreland School District residents. While not on unlawful on their face, the preference for siblings, children of employees/founders 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 narrows the number of seats available to the general population. (See, Section I, supra.)</li> </ol>
<p>I. Financial Audits</p> <div style="border: 1px solid black; padding: 2px; width: fit-content;">                     Meets Requirements                      ✓ Yes                 </div>	<p><i>Requirements: Education Code section 47605(b)(5)(I) requires the Petition to describe the manner in which annual, independent financial audits shall be conducted, which shall employ generally accepted accounting principles, and the manner in which audit exceptions and deficiencies shall be resolved to the satisfaction of the chartering authority. The regulations consider whether audits will employ generally accepted accounting principles, and whether the Petition specifies who is responsible for contracting and overseeing the independent audit; whether the auditor will have experience in education finance; whether the process of providing audit reports to the chartering district, or other agency as the district may direct, is addressed, including timelines and procedures for addressing findings and/or resolving any audit exceptions. (Cal. Code Regs., tit. 5, section 11967.5(f)(9).)</i></p> <p><b>Analysis:</b> The Petition sets forth a process for conducting an annual, independent fiscal audit of the charter school’s finances according to generally accepted accounting principles, including selection of an independent auditor with experience in auditing educational institutions and approved by the State Controller, completion of the audit by December 15 of each year, review of audit exceptions by the BALIS Board finance committee, development of a plan and timeline to resolve audit exceptions to the satisfaction of the authorizing agency, and referral of audit appeals to an Education Audit Appeals Panel. (Petition, p. 132.) This section of the Petition appears to meet minimal legal requirements.</p>

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<p>J. Suspension/Expulsion</p> <div data-bbox="113 550 371 610" style="border: 1px solid black; padding: 2px;">                     Meets Requirements                      ✓ Yes                 </div>	<p><i>Requirements: Education Code section 47605(b)(5)(J) requires the Petition to describe the procedures by which pupils can be suspended or expelled. The regulations consider numerous factors related to this charter petition element. Procedures must minimally identify a preliminary list of offenses for which students may (or must, where discipline is non-discretionary) be suspended or expelled; identify the procedures by which students can be suspended or expelled; identify the procedures by which parents, guardians, and students will be informed about reasons for suspension or expulsion and of their due process rights in regard to suspension or expulsion; provide evidence that the petitioners reviewed the lists of offenses and discipline procedures and believe their lists provide adequate safety for students, staff, and visitors to the school and serve the best interests of the school's students and their parents/guardians; and provide due process for all students and demonstrate an understanding of the rights of students with disabilities in regard to suspension and expulsion; and outline how detailed policies and procedures will be developed and periodically reviewed and modified, as necessary. (Cal. Code Regs., tit. 5, section 11967.5(f)(10).)</i></p> <p><u>Analysis:</u> This section meets minimal legal standards.</p>
<p>K. STRS/PERS</p> <div data-bbox="113 919 371 979" style="border: 1px solid black; padding: 2px;">                     Meets Requirements                      ✓ No                 </div>	<p><i>Requirements: Education Code section 47605(b)(5)(K) requires the Petition to describe the manner by which staff members of the charter school will be covered by the State Teachers' Retirement System, the Public Employees' Retirement System, or federal social security. This requires, at a minimum, that the charter specify the positions to be covered under each system and identify the staff who will be responsible for arranging coverage.</i></p> <p>The Petition states that the Charter School will offer STRS to teachers, while non-certificated employees will not participate in PERS, but will contribute to federal social security. The Petition underestimates the costs of STRS participation (See, Exhibit A. No. 10 ("Compensation and Benefits").) The STRS compensation rate will start at 10.73%, rising to 16.28% in 2018-2019. (<i>Id.</i>) The Petitioners have underbudgeted for the STRS contribution in the sum of \$92,755 in Year One, to \$314,444 in Year Five. The Budget also has not budgeted for Medicare.</p> <p>Moreover, although the Petition states that the Office Administrator shall be responsible for processing all deductions and contributions made for participating employees, since that position is the only position, besides the Principal, who is not directly involved in classroom instruction, and is also a half-time position in the first two years of the Charter School's operation (Petition, Appendix X-E, p. 96), it is unlikely that the Office Administrator will have the capacity to perform these functions.</p>
<p>L. Public School Attendance Alternatives</p>	<p><i>Requirements: The Petition shall address the public school attendance alternatives for pupils residing within the school district who choose not to attend charter schools. (Cal. Code Regs., tit. 5, section 11967.5(f)(12).)</i></p> <p><u>Analysis:</u> The Petition states that no student will be required to attend the Charter School, and that students residing within the District</p>

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Required Charter Element	Evaluation of Review Team
<p>Meets Requirements ✓ Yes</p>	<p>may attend a Moreland School District school, or another District or school in accordance with the District's inter and intradistrict transfer policy. (Petition, p. 144.) The Petition also states that parents will be notified on the Charter School's admissions form that admission into the Charter School does not by itself confer a right to enroll in a MSD school. This section of the Petition meets minimal legal standards.</p>
<p>M. Employee Return Rights</p> <p>Meets Requirements ✓ Yes</p>	<p><i>Requirements: The Petition shall contain a description of the rights of any employees of the school district upon leaving the employment of the school district to work in a charter school, and of any rights of return to the school district after employment at a charter school. (Cal. Code Regs., tit. 5, section 11967.5(f)(13).)</i></p> <p><b>Analysis:</b> The Petition states that no District employee shall be required to work at the Charter School, and that Moreland employees leaving the District's employment to work for the Charter School would not have any automatic return rights to the District unless specifically granted through a leave of absence or other agreement by the District. It also states that the Charter School employees will be considered employees of BALIS and not the District, unless otherwise agreed to in writing, and that employment at BALIS does not confer any rights of employment with any other entity. (Petition, p. 204.) This section of the Petition meets minimal legal requirements.</p>
<p>N. Dispute Resolution</p> <p>Meets Requirements ✓ Yes</p>	<p><i>Requirements: The Petition must contain the procedures to be followed by the charter school and the chartering authority to resolve disputes relating to provisions of the charter. (Subd. (b)(5)(N)) The procedures shall, at a minimum:</i></p> <p><i>(a) describe how the costs of the dispute resolution process, if needed, would be funded; and</i> <i>(b) 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 chartering district's discretion in accordance with that provision of law and any regulations pertaining thereto. (5 C.C.R. section 11967.5.1(f)(14).)</i></p> <p><b>Analysis:</b> The Petition's dispute resolution procedure is initiated through the parties framing the issue in a "dispute statement." The District Superintendent and Charter School Principal shall meet within ten 10 business days from receipt of the dispute statement. (Petition, p. 146.) If the dispute is not resolved, then a group of two Charter School board members will meet with to District designees, the Charter School Principal and the District Superintendent to attempt to resolve the dispute, within 20 business days of receipt of the dispute statement. Should the parties not resolve the dispute, the parties will jointly select a neutral third party mediator to conduct a mediation session, to be held within 60 business days of receipt of the dispute statement. The parties shall bear equally the costs of the mediator.</p> <p>It is noted that the Charter Petition should provide District Superintendent the discretion to appoint a designee to perform the functions of the Superintendent under the procedure. Otherwise, this section of the Petition meets minimal legal requirements.</p>

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Required Charter Element	Evaluation of Review Team
<p>O. Exclusive Public School Employer</p> <div data-bbox="113 548 371 610" style="border: 1px solid black; padding: 2px;">                     Meets Requirements                      ✓ Yes                 </div>	<p><i><b>Requirements:</b> The Petition must also contain a “declaration of whether or not the charter school shall be deemed the exclusive public school employer of the employees of the charter school for the purposes of the Rodda Act.” (5 C.C.R. section 11967.5.1(f)(15).)</i></p> <p><i><b>Analysis:</b> Education Code section 47605(b)(5)(O) requires a charter petition to identify whether the Charter School or the school district shall be considered the exclusive employer of the Charter School’s employees for the purposes of the Rodda Act, California collective bargaining law for public school districts (Government Code section 3540 et seq.) The Petition states that BALIS shall be the exclusive employer of the WYICS’ employees for the purposes of the Rodda Act. (Petition, p. 147.) This election is consistent with the proposed structure of the charter school, under which the WYICS employees would be employed by BALIS, though, technically, the statute calls for the Petition to make the exclusive employer designation between the Charter School (not the parent nonprofit organization) and the District. The Petition also fails to address the obligations that BALIC/ WYICS would incur under the Rodda Act as an exclusive employer. However, because the Petition substantially complies with the minimal declaration required under the Education Code, this section of the Petition meets minimal legal requirements.</i></p>
<p>P. Closure Procedure</p> <div data-bbox="113 979 371 1040" style="border: 1px solid black; padding: 2px;">                     Meets Requirements                      ✓ Yes                 </div>	<p><i><b>Requirements:</b> The Petition must include a description of closure procedures, including a plan for disposing of any net assets and for the maintenance and transfer of student records.</i></p> <p><i><b>Analysis:</b> The Petition sets forth a closure procedure in the event that the Charter School closes. The procedure is initiated by official action of the BALIS board identifying the reason for closure and the person responsible for closure-related activities. The procedure also includes the required notification to the Charter School’s parents and students, the District, County Office of Education, SELPA, retirement systems, and the California Department of Education. The Charter School board would also notify parents of suitable alternative programs. The Charter School would also compile a list of students, completed courses and school districts of residence, and would also provide the District with all copies of pupil records. The closure procedure also calls for an independent audit to be completed within six months of closure, and distribution of remaining assets in the manner set forth in the Articles of Incorporation (which call for any remaining assets to be distributed to a nonprofit entity “organized and operated exclusively for educational, public or charitable purposes.”) (Appendices, p. 65.) The Charter School would remain solely responsible for all liabilities arising out of its obligations. (Petition, pp. 149.) This section of the Petition meets minimal legal requirements.</i></p>
<p>Fiscal/Budget</p> <div data-bbox="113 1409 371 1471" style="border: 1px solid black; padding: 2px;">                     Meets Requirements                      ✓ No                 </div>	<p><i><b>Requirements:</b> The regulations require consideration of whether a charter petition has presented a realistic financial and operational plan in determining whether petitioners are likely to be successful in implementing the charter program, including the areas of administrative services, financial administration, insurance and facilities. (Cal. Code Regs., tit. 5, section 11967.5(c))</i></p>

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Required Charter Element	Evaluation of Review Team
	<p><b>Analysis:</b> The Petition assumes a LCFF base funding rate of \$6,624 in 2015-2016. (Petition, Appendix X-A, p. 83, No. 2.) However, the Petition fails to demonstrate how it reached the Charter School’s estimated LCFF funding rate. The Petitioners also fail to use the appropriate funding rate for the different grade spans, as called for under the LCFF. The Petition also utilizes a 1.6% COLA in the out years, using a methodology not called for in the LCFF statute. The Petition also incorrectly doubles, triples and quadruples GAP funding in subsequent years of the budget. However, GAP funding will be determined on a year-to-year basis as part of the State Budget Adoption. (See, Exhibit A, No. 13 (“Sources of Funds”), Subpart A.)</p> <p>The Petition contains contradictory information regarding the Charter School’s projected ADA (Average Daily Attendance) rate. The Petition states that the Charter School would maintain an ADA rate of 95%. (Petition, p. 62 (State Priority #5).) However, the Budget is premised upon an assumption that the Charter School would maintain a 97% ADA rate. (Petition, Appendix X-A, p. 83.) The financial difference between the two rates is potentially significant: as much as \$25,000 in Year One, up to \$78,000 in Year Five. (See, Exhibit A, No. 4 (“ADA Rate”).)</p> <p>The Petition states that “WYICS will provide ‘each needy pupil one nutritionally adequate free or reduced-price meal during each school day.’” (Petition, pp. 154.) The Petitioners project a 34% proportion of students eligible to participate in the Free and Reduced Lunch program. (Petition, Appendix X-A, p. 83, No. 5.) Yet, the Petition’s budget does not reflect any revenues received as part of this program. Moreover, the Petition significantly under budgets for student meals. The District’s average direct cost per meal is \$3.17 (including labor for preparation and service.) (See, Exhibit A, No. 12 (“Food Services”).) By contrast, Petitioners budget a range of \$.24 to \$.27 per meal. (<i>Id.</i>)</p> <p>The Petition also uses the incorrect methodology to determine its reserve. The Petition bases its reserve on 3% of 2015-2016 expenditures, and adds 1% per year. (Petition, Appendix X-A, p. 89.) However, the correct method is to base the reserve on 3% of current year expenditures and transfers out. (See, Exhibit A, No. 15 (“Reserves”).)</p> <p>The Petition’s budget depends considerably on private fundraising. (Petition, Appendices X-H; See <i>also</i>, Exhibit A, No. 13(B) (“Fundraising”).) Because private fundraising revenues are one-time sources, it is considered “soft funding.” However, the Petition’s budget includes loan operating revenues and expenditures. They should be identified as “Other Sources of Funds.” (See, Exhibit A, No. 16.) If these loans are excluded from operating revenues, the Charter School would operate with a negative fund balance until Year Four. (<i>Id.</i>)</p> <p>The Petitioners also claim that they have obtained “up to \$625,000 in approved funding” from Charter School Capital. (Petition, Appendix X-A, p. 84, No. 15; Appendix X-H.) The Charter School Capital website (<a href="https://charterschoolcapital.org/">https://charterschoolcapital.org/</a>) is ambiguous as to how it would provide financing to the Charter School, and, more importantly, what the terms of that financing would be. Since the Petitioners have not budgeted any financing from Charter Schools Revenue in its budget (or any financing costs as revenues), it appears that</p>

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Required Charter Element	Evaluation of Review Team
	Charter Schools Capital purchases the receivables of charter schools to secure what essentially amounts to a line of credit. It is inappropriate, however, 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 of partaking in this service are not accounted for in the Petition or its budget.
Facilities <div style="border: 1px solid black; padding: 2px; display: inline-block;">                         Meets Requirements                          ✓ No                     </div>	The Petition states that the Charter School intends to seek a facility from the District under Proposition 39, though it asserts that its facilities budget exceeds the costs of obtaining facilities from the District under that statute. (Petition, Appendix X-A, p. 84, Nos. 19-20.) Using the District's average market rate of \$2.36 PSF for non-District use of facilities, 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. (See, Exhibit A, No. 17 ("Facilities Costs").)



## EXHIBIT A

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**Bullets:**

1. P18 Target Student Population  
P129 Open Enrollment Process  
P63 Middle School Dropout Rate

These elements seem to be in conflict with one another. Admission is open to any Kindergarten or First Grade Student. From Second Grade on, to be admitted requires that the student be proficient in mandarin at their grade level. At full capacity there will be one additional class at the 6th through 8th grade levels. This would require that one third of their incoming 6th graders come from a school other than WYICS and be proficient in Mandarin at the 6th grade level. This is also the point at which the instruction in Mandarin is 50% in 6th grade and only 30% in 7th and 8th grade. The statement was made in the petition that WYICS would retain and promote only 75% of their 6th-8th grade students. This would imply an even higher turnover rate for Middle School age pupils. If the model reflected strictly matriculation through WYICS, the school would only serve 450 students. This small level of enrollment could prove to be economically infeasible.

2. Given the large number of programs integrated into the curriculum, coupled with the recruitment challenges due to the required skill set and below market salary schedule, the ability to successfully deliver the cited programs concurrently by beginning teachers is questionable.  
*Mandarin Immersion*  
*Common Core*  
*Self-Science Curriculum*  
*Experiential Learning (i.e. community service)*  
*Project Based Learning*  
*Differentiated Instruction*  
*Advisory (40 minutes per month)*  
*STEAM*

Exhibit A  
Page 2



3. School Year

	School Year	Regular	Optional Intersession	Inservice	Total:
P42					
P33	Teacher	190	17	9	216
	Student	190	17		207

a. There appears to be no provision in the budget for staffing the voluntary Intersession Days

	30%	50%	70%	Percent of students opting to attend
Teachers	\$ 11,068	\$ 22,136	\$ 27,670	
Aides	\$ 13,830	\$ 22,128	\$ 30,426	

Depending on the adult to child ratio for the intersession program, and the percentage of students attending the intersession the cost of the intersession can range in the first year from \$11,000 to \$30,000. Assuming the the use of Instructional Aides, program costs could be as follows:

	15-16	16-17	17-18	18-19	19-20
30% participation	\$ 13,830	\$ 19,362	\$ 22,128	\$ 27,660	\$ 30,426
50% participation	\$ 22,128	\$ 30,426	\$ 38,724	\$ 44,256	\$ 52,554
70% participation	\$ 30,426	\$ 44,256	\$ 52,554	\$ 63,618	\$ 71,916

b.

There appears to be no provision in the budget for Special Education extended year (program in IEP to assure grade level performance with no regression). Given the nature of the program, this would be a separate program from that run by the Moreland School District. Assuming 3% of their population would require ESY (based on 10% demographic assumption for Special Needs Students), program staffing costs could be as follows.

	15-16	16-17	17-18	18-19	19-20
	\$ 6,185	\$ 9,422	\$ 10,233	\$ 20,786	\$ 21,110

4. ADA Rate

P62	95%
P83	97%

Petition states on page 62 that at 95% ADA rate will be maintained, but the financial data reflects a 97% ADA rate. The financial implications reflect a possible revenue difference as follows:

	15-16	16-17	17-18	18-19	19-20
ADA	3	4.5	5.5	6.5	7.5
LCFF + GAP	\$ 6,624	\$ 7,249	\$ 7,892	\$ 8,552	\$ 9,234
\$ Difference	\$ 19,872	\$ 32,621	\$ 43,406	\$ 55,588	\$ 69,255

*Using figures in Petition*

Exhibit A  
Page 3



5. P68 Intervention Services  
There appears to be no provision in the budget for staffing the after school tutoring (Homework Club)
6. Special Education  
Year 1: School of the District - WYICS plans to contract with Moreland School District to provide Special Education services pursuant to Ed Code 47641(b)  
P77 Employees providing Special Education services would be employees of the District and paid in accordance with the District Salary Schedule. Given the immersion program, staff may have language requirements atypical for the District and as such could prove challenging to fill.  
P78 Special Education revenues would flow to and remain with the District, district would pay for all services  
P79 Charter would assume a prorata share of excess Special Education Costs  
  
Calculation using 14-15 excess costs, adjusted for enrollment  
  
\$ 1,400.77 14-15 per pupil excess costs (inclusive of WYICS projected 15-16 enrollment)  
\$ 210,115 Pro-rata share of excess costs WYICS  
P89 \$ 114,550 Budgeted  
\$ (95,565) Costs in excess of budget  
  
After year 1 the Charter intends to join a SELPA (El Dorado County) and will receive AB602 funding through the SELPA and will need to budget for all staff required to provide services. The budget shows the increase in revenue, but continues to show the expenditures as if in an agreement with either a District or a Selpa to provide the services. If they join the El Dorado SELPA, it raises significant questions as to which agency will actually be providing the services.
7. P105 WYICS will be operated by Bay Area Language Immersion Schools (BALIS)  
BALIS is a not-profit entity established in August of 2014. The organization has not operated any Charter Schools. This non-profit was established by the parties submitting the Charter Petitions to Moreland and Menlo Park School Districts.
8. P 108 & 109 Describes the positions of Executive Director and Principal as separate positions.  
The position of Executive Director is compared to that of a superintendent of a district, responsible for the effective operation of all schools governed by BALIS. The position of Principal is that of the academic leader of a school, responsible for the daily operations, employee supervision and management of program development as well as professional development activities.  
P 112 Conflicts with the delineation of two separate jobs. For the first academic year, the Principal shall also act as Executive Director of BALIS.

Exhibit A  
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9. P 112

**Compensation**

States that the school will offer salary that is competitive with local school districts

Budget does not reflect parity with Moreland School District and could result in difficulty recruiting and retaining staff meeting qualifications as specified in the petition

		<u>WYICS</u>	<u>Moreland</u>
P116	Principal	\$ 80,000	K-5 Principal on Moreland Schedule ranges from \$109,957 to \$147,352. Principals work 209 days Qualifications include proficiency in written and oral Mandarin and English, previous administration of a language immersion program, minimum of 3 years leadership
P119	Teacher	\$ 55,000	<b><i>The teacher work year for WYICS is 199 days, the teacher work year for Moreland is 185 days</i></b> Teacher on Moreland Schedule ranges from \$278.88 to \$520.78 per diem Only 18% of Moreland School District teachers make less than \$55,000 working 185 days Qualifications include Bilingual Authorization in Mandarin, at least 2 years teaching experience, preferably in a bilingual classroom
	(per diem)	\$ 276.38	
P121	Aides	\$ 27,500	Fee Based Preschool teachers requiring AA or 60 units in ECE range from \$27,111 to \$38,823 on salary schedule <b><i>Only work 175 days per year</i></b> Special Ed Instructional Aides Range from \$17.89 to \$22.83 per hour on Salary Schedule Qualifications include Associates Degree or 60 college credit hours in Early Childhood Education or Child Development, Bachelors degree preferred Bilingual in Mandarin and English, preferably one year teaching experience
	(per hour)	\$ 17.27	
P118	Office Administrator	\$ 50,000	Administrative Assistant Ranges from \$25.91 to \$33.07 per hour on Moreland Schedule Bilingual School Site Secretary Ranges from \$21 to \$26.81 per hour on Moreland Schedule
	(per hour)	\$ 24.04	

Exhibit A  
Page 5



- 9. P33 190 Instructional Days Calendar excludes the months of January and July. Instructional days shown total only 168
- P42

P123  
P96

**Health and Safety**

**Administrative Staffing:** The first two years there will only be a half time Office Administrator and the Principal to staff the office. The principal is also filling the position of the Executive Director of BALIS. This implies the Principal will be off site on a somewhat frequent basis. As the instructional leader of the campus, the Principal will be in classrooms observing and supervising instruction. This would imply that in general, there will be only one person in the office to handle all phone calls, parent inquiries, or student issues typically managed in the office. In the event that one of the two individuals is ill, or takes a planned vacation coverage would be even less. This ratio is a concern for the Health and Safety of the students and staff. There is no provision in the budget for clerical substitutes.

**Noon Duty Supervision**

Budget does not provide for any noon duty (lunch time) supervision assuming teachers are entitled to a duty free lunch. Possible costs based upon two 40 minute lunch periods (K-3 and 4-8) 190 days (excludes intersessions)

	15-16	16-17	17-18	18-19	19-20
Number of adults	2	3	4	4	5
Hourly Rate of \$12	\$ 6,080	\$ 9,120	\$ 12,160	\$ 12,160	\$ 15,200
SRB	\$ 1,080	\$ 1,620	\$ 2,160	\$ 2,160	\$ 2,700
Total Costs	\$ 7,160	\$ 10,740	\$ 14,320	\$ 14,320	\$ 17,900

**Nursing Services**

Budget does not provide for any nursing services unless within contracted services (Medication management, diabetes, scoliosis, vision & hearing screening)

Exhibit A  
Page 6



P95

**Custodial Services**

The budget appears to be significantly understated. Budget specifies contracting out for custodial services and purchase of janitorial supplies. School sites typically have a day custodian to respond to any day to day operational issues and a night custodian to clean the facility in preparation for the following day.

	15-16	16-17	17-18	18-19	19-20	
\$	6,600	\$ 9,900	\$ 12,100	\$ 14,300	\$ 16,500	Annual Budget
\$	30.56	\$ 45.83	\$ 56.02	\$ 66.20	\$ 76.39	Daily @ 199 per annum plus 17 intersession days

10. P143

**Compensation and Benefits**

Salary related benefits (STRS, Social Security, Medicare, Unemployment, Workers Compensation, 401K) have been underestimated in the budget. All employees are subject to Medicare. Using wages and benefit rate percentages provided in petition, annual differences are significant. The STRS rate will increase each year starting at 10.73% rising to an estimated 16.28% in 2018-19

**Wages & SRB**

	15-16	16-17	17-18	18-19	19-20
Budgeted	\$ 671,324	\$ 991,734	\$ 1,391,959	\$ 1,727,293	\$ 2,091,124
Calculated	\$ 764,079	\$ 1,155,033	\$ 1,612,457	\$ 2,007,531	\$ 2,405,568
Difference	\$ (92,755)	\$ (163,299)	\$ (220,498)	\$ (280,238)	\$ (314,444)

**Health Benefits**

Budgeted 15-16 Per FTE

\$ 7,000	Least expensive Blue Cross Plan through CalPERS 2015 Plan Year
	\$ 7,949 Employee Only
	\$ 15,898 Two Party
	\$ 20,667 Family

11. P145

**Employee Rights**

Sick or vacation leave or years of service credit at the District or any other school district will not be transferred to the Charter School. This in all probability would have an adverse impact on recruiting and hiring experienced teachers.

Exhibit A  
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12.

P154

**Food Services**

The budget appears to be significantly understated

WYICS will provide "each needy pupil one nutritionally adequate free or reduced-price meal during each school day". The petition shows no income from Federal Child Nutrition. The demographic data in the petition assumes the same percentage of free and reduced meals as that of the District - 36%. The analysis below shows the amount budgeted, the number of meals required over 190 instructional days and the resulting cost per meal

	15-16	16-17	17-18	18-19	19-20
Budgeted	\$ 3,000	\$ 4,000	\$ 5,000	\$ 6,000	\$ 7,000
# Meals Required	10,746	16,119	19,701	23,283	26,865
Per Meal Cost	\$ 0.2792	\$ 0.2482	\$ 0.2538	\$ 0.2577	\$ 0.2606

*Average direct cost per meal for Moreland is \$3.17 inclusive of labor to prepare, and serve/distribute*

13. P87-89

**Sources of Funds**

**A. LCFF**

No detail calculations provided in Petition. No data with which to project beyond 16-17 available from DOF. LCFF was calculated using an average base grant as opposed to utilizing the discrete grade span grants and applies an annual COLA of 1.6%. As there is no statutory COLA in law, this may or may not materialize. GAP funding for the LCFF phase in period was calculated as a separate figure beginning in 16-17 (not differentiated in 15-16). The same COLA of 1.6% seems to have been applied, and the GAP funding doubled, tripled, and quadrupled in subsequent years. GAP funding will actually be determined on a year to year basis as part of the State Budget Adoption and is dependent upon the State's economy. The Department of Finance (DOF) has only projected through 16-17, for Moreland this funding is approximated at \$313-\$338. Supplemental grants are not segregated from base grants. School Services of California performed an approximate analysis using the FCMAT LCFF calculator as a comparison, using data in the petition, WYICS projections for the first two years fall within those so derived.

**B. Fundraising**

Charter petition relies on donations as a significant portion of its total revenue sources. Annual donations vary widely from school to school within Moreland School District, none of which support core programs with the exception of donations from the Education Foundation.

	15-16	16-17	17-18	18-19	19-20
Fundraising	\$ 100,000	\$ 112,500	\$ 137,500	\$ 162,500	\$ 187,500
Per Student equivalent	\$ 667	\$ 500	\$ 500	\$ 500	\$ 500
Percent of Total Revenue	9.4003%	6.0790%	5.6936%	5.2972%	4.9437%

Exhibit A  
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14. P49  
P89

**Textbooks**

The Mei Zhou Hua Yu curriculum although developed in the U.S. does not reference alignment with the common core curriculum. Other sources of textbooks from Taiwan and the People's Republic of China would in all probability not be in alignment with the common core curriculum. Recent textbooks purchased by Moreland School District in the areas of English/Language Arts, Math, Social Science and Science range in cost as shown below. Costs reflect enrollment of 150. In addition to costs below, Chinese textbooks in the same core areas of instruction would need to be purchased (unable to estimate costs).

	Unit Price	# required	15-16 Cost	15-16 Budget
Teachers Edition Math	\$ 262.61	\$ 6	\$ 1,576	
Student Edition Math	\$ 32.28	\$ 150	\$ 4,842	
Teachers Edition ELA	\$ 740.75	\$ 6	\$ 4,445	
Student Edition & Consumables ELA	\$ 201.80	\$ 150	\$ 30,270	
Teachers Edition Social Science	\$ 229.07	\$ 6	\$ 1,374	
Student Edition & Consumables Social Science	\$ 60.83	\$ 150	\$ 9,125	
Teachers Edition Science	\$ 211.06	\$ 6	\$ 1,266	
Student Edition & Consumables Science	\$ 48.12	\$ 150	\$ 7,218	
			\$ 60,116	\$ 39,000
				\$ (21,116)

15. P89

**Reserves**

The reserve calculations are incorrect in the Petition. The minimum required reserves are 3% of current year expenditures and transfers out. Instead the petition begins with 3% of 15-16 expenditures and only increases by 1% per annum, resulting in a significant understatement.

	15-16	16-17	17-18	18-19	19-20
Budgeted	\$ 39,305	\$ 34,359	\$ 45,552	\$ 56,908	\$ 70,254
Calculated	\$ 39,305	\$ 53,748	\$ 70,030	\$ 85,062	\$ 101,091
Understatement	\$ 0	\$ (19,389)	\$ (24,478)	\$ (28,154)	\$ (30,837)

16. P89

**Fund Balance**

The petition has included the loan operating revenues and expenditures. Instead these transactions should be isolated as Other Sources of Funds. If the loan and its subsequent repayment are excluded from operating revenues, operating results demonstrate that the school will not break even and meet mandated reserve requirements until its fourth year of operation.

Exhibit A  
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	Start-up	15-16	16-17	17-18	18-19	19-20
Operating Revenues	\$ 75,000	\$ 1,063,792	\$ 1,850,633	\$ 2,415,010	\$ 3,067,651	\$ 3,792,696
Operating Expenditures	\$ 58,047	\$ 1,310,162	\$ 1,791,598	\$ 2,334,323	\$ 2,835,403	\$ 3,369,695
Net Increase(Decrease) from Operations	\$ 16,953	\$ (246,370)	\$ 59,035	\$ 80,687	\$ 232,248	\$ 423,001
<b>Other Financing Sources (Uses)</b>						
Loan		\$ 350,000	\$ -	\$ -	\$ -	\$ -
Loan Repayment			\$ (50,000)	\$ (50,000)	\$ (100,000)	\$ (150,000)
Net Increase(Decrease) in Fund Balance		\$ 103,630	\$ 9,035	\$ 30,687	\$ 132,248	\$ 273,001
Total fund balance	\$ 16,953	\$ 120,583	\$ 129,618	\$ 160,305	\$ 292,553	\$ 565,554
<b>Components of Fund Balance</b>						
Required Economic Reserve		\$ 39,305	\$ 53,748	\$ 70,030	\$ 85,062	\$ 101,091
Fund Balance above reserve	\$ 16,953	\$ 39,305	\$ 75,870	\$ 90,275	\$ 207,491	\$ 464,463
Financial Statement Fund Balance	\$ 16,953	\$ 120,582	\$ 129,618	\$ 160,304	\$ 292,552	\$ 565,553
Fund balance excluding other sources/uses:		\$ (229,417)	\$ (170,382)	\$ (89,695)	\$ 142,553	\$ 565,554
<b>Costs Not included or underestimated in budget:</b>						
Intercession (50% participation)		\$ 22,128	\$ 30,426	\$ 38,724	\$ 44,256	\$ 52,554
Special Education ESY		\$ 6,185	\$ 9,422	\$ 10,233	\$ 20,786	\$ 21,110
Noon Duty Supervision		\$ 7,160	\$ 10,740	\$ 14,320	\$ 14,320	\$ 17,900
Correct statutory benefit costs		\$ 92,755	\$ 163,299	\$ 220,498	\$ 280,238	\$ 314,444
Pro-rata excess costs		\$ 95,565				
Food Service costs						
Textbooks		\$ 21,116				
Total:		\$ 244,909	\$ 213,887	\$ 283,775	\$ 359,600	\$ 406,008
Additional required reserves:		\$ 7,347	\$ 6,417	\$ 8,513	\$ 10,788	\$ 12,180
Adjusted ending fund balance:		\$ (481,673)	\$ (390,686)	\$ (381,983)	\$ (227,835)	\$ 147,366



17.

P97

**Facilities Costs:** Budget reflects a rate of \$1.25 per square foot. Petition does not identify the anticipated percentage of students who are Moreland residents.

P95

Assuming the requisite number of 80 ADA to qualify for a Prop 39 request, the percentage in the first year is approximately 55%. The District would be required to provide space for the 82 students at the pro-rata share of the facilities costs which the district pays for with unrestricted general fund revenues. For students enrolled in WYICS residing outside of Moreland School District, the district is allowed to charge "market rate". For it's year to year facilities agreements, the District receives \$2.36 per square foot which would establish the "market rate". Utilizing the rate established in 2010-11 for the Discovery Charter School, and adjusting each year by the May CPI (per the agreement) a current prorata rate of .31 can be approximated. Each discrete rate is then increased by an annual CPI estimated at 2.5%. The budgeted rent is close to what is approximated in the first two years, but then becomes underestimated as no increase in rent was budgeted. Any variance in the ratio of students who are Moreland residents and students who come from outside the Moreland School District would change the annual rent in each year.

	15-16	16-17	17-18	18-19	19-20
Percentage Moreland Students	55%	55%	55%	55%	55%
Prorated Square Footage	5,764	7,546	8,734	9,922	11,110
Lease rate per mo per sq ft	0.31	0.32	0.33	0.34	0.35
Annual Cost - In District	21,442	28,977	34,587	40,482	46,662
Percentage out of district	45%	45%	45%	45%	45%
Prorated Square Footage	4,716	6,174	7,146	8,118	9,090
Lease rate per mo per sq ft	2.36	2.42	2.48	2.54	2.6
Annual Cost-Out of District	133,557	179,293	212,665	247,437	283,608
Total Lease Cost	154,999	208,270	247,252	287,919	330,270
Lease Difference	2,201	(2,470)	(9,052)	(17,319)	(27,270)

Facilities repairs budget is adequate for the portion of facilities requested above the Prop 39 requirements. Tenants of the District cover day to day repairs, while District covers larger, deferred maintenance issues.

Exhibit A  
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**18. Cash Flow Y1** Cash flow needs are predominantly met in Year 1 by the \$350,000 loan. If loan can not be secured, significant cash flow problems would exist.

**LCFF** LCFF funding comes from three sources. Local Property Tax, the Education Protection Account, and State Aid. Petition does not segregate EPA and State Aid.

**Local Property tax:** Cash flow has errors. The petition shows receipts beginning in July, when receipts the first year will begin in August under Ed Code. The percentages computed are correct with the exception of February.

	July (2015)	Aug	Sept	Oct	Nov	Dec	Jan	Feb	March	April	May	June	July (2016)	Total
Ed Code	0%		6%	12%	8%	8%	8%	8%	7%	7%	7%	7%	14%	100%
Petition Cf	6%		12%	8%	8%	8%	8%	14%	7%	7%	7%	7%	14%	100%

**EPA & State Aid:** Cash flow has errors. EPA funds come in quarterly, and state aid comes on a formula basis. There is no provision in the cash flow for the timing differences. For Moreland 30%-50% of LCFF comes as EPA funds

	July (2015)	Aug	Sept	Oct	Nov	Dec	Jan	Feb	March	April	May	June	July (2016)	Total
EPA				25%			25%		25%				25%	100%
Petition Cf				0%			0%		0%				0%	
State Aid	5%	5%	9%		9%	9%	9%	9%	9%	9%	9%	9%	6%	3%
Petition Cf					37%		9%	9%	9%	9%	9%	9%	9%	100%

**Fund Raising** Cash flow shows 100% of fundraising goals met in July prior to the opening of school. As these are donations as opposed to a loan, or tuition this soft money could create a cash flow problem.

**Lottery** Lottery apportionments are received one quarter after the quarter closes. The petition correctly assumes no Lottery cash in the first year, but underestimates the Sept apportionment in Year 2, not including the 15-16 apportionment they would receive as a lump sum. This apportionment albeit received in 16-17 was not included in the 15-16 budget. In any given year, two quarters of the prior year apportionment and two quarters of the current year apportionment are received. Budget will not equal cash flow due to the fiscal crossover.

**Expenditures** No expenditures are shown for the month of July. As school starts in July at a minimum there will be facilities rent, administrative staff, and textbooks will need to be purchased in advance of students attending.

**19. Loan Repayment** Budget does not reflect payment of any interest, simply principal.

Exhibit A  
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	15-16	16-17	17-18	18-19	19-20
ADA @ 97%					
Grades K-3	145.5	218.25	266.75	242.5	218.25
Grades 4-6	0	0	0	72.75	145.5
Total ADA	145.5	218.25	266.75	315.25	363.75

	15-16	16-17	17-18	18-19	19-20
ADA @ 95%					
Grades K-3	142.5	213.75	261.25	237.5	213.75
Grades 4-6	0	0	0	71.25	142.5
Total ADA	142.5	213.75	261.25	308.75	356.25
<i>Difference</i>	3	4.5	5.5	6.5	7.5

	15-16	16-17	17-18	18-19	19-20
Operating Revenues	\$ 1,063,792	\$ 1,850,633	\$ 2,415,010	\$ 3,067,651	\$ 3,792,696
Operating Expenditures	\$ 1,310,162	\$ 1,791,598	\$ 2,334,323	\$ 2,835,403	\$ 3,369,695
Loan Financing	\$ 350,000				
Loan Repayment		\$ (50,000)	\$ (50,000)	\$ (100,000)	\$ (150,000)

**Loans impact cash flow only, not a source of revenue**  
**Loans are carried as a liability on balance sheet as opposed to a revenue on an income statement**

	15-16	16-17	17-18	18-19	19-20
Revenue Sources		0,016	0,016	0,016	0,016
LCFF	\$ 6,624	\$ 6,730	\$ 6,838	\$ 6,947	\$ 7,058
ADA	145.5	218.25	266.75	315.25	363.75
Base LCFF Funding	\$ 963,792	\$ 1,468,823	\$ 1,824,037	\$ 2,190,042	\$ 2,567,348
Budget	\$ 963,792	\$ 1,468,819	\$ 1,823,947	\$ 2,190,063	\$ 2,567,427
	\$ -	\$ 4	\$ 90	\$ (21)	\$ (79)
GAP Funding per ADA		\$ 519	\$ 527	\$ 535	\$ 544
GAP Funding per ADA		\$ 519	\$ 1,054	\$ 1,605	\$ 2,176
Total GAP funding		\$ 113,272	\$ 281,155	\$ 505,976	\$ 791,520
Budget		\$ 115,084	\$ 285,818	\$ 514,784	\$ 804,647
	\$ -	\$ (1,812)	\$ (4,663)	\$ (8,808)	\$ (13,127)

Exhibit A  
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**Special Education**

SELPA Revenue	\$	109,125	\$	133,375	\$	157,625	\$	181,875
Calculated amount per ADA	\$	500	\$	500	\$	500	\$	500
Budgeted Costs	\$	130,950	\$	160,050	\$	189,150	\$	218,250
Special Education Students		23		28		33		38 @ 10% of enrollment
Special Day Class @ 31%		7		9		10		12
Resource @ 38.5%		9		11		13		15
Speech @ 70%		16		20		23		27
Possible Staffing Costs								

**State Lottery (SSC)**

Per ADA	\$	156	\$	156	\$	156	\$	156	1.044446	
Total:	\$	35,560	\$	43,463	\$	51,365	\$	59,267		
Budgeted	\$	0	\$	45,105	\$	34,370	\$	42,680	\$	51,247
	\$	(9,545)	\$	9,093	\$	8,685	\$	8,020		

**Fundraising**

	\$	100,000	\$	112,500	\$	137,500	\$	162,500	\$	187,500
Per Student equivalent	\$	666.67	\$	500.00	\$	500.00	\$	500.00	\$	500.00
Percent of Total Revenue		9.4003%		6.0790%		5.6936%		5.2972%		4.9437%

**Food Costs**

	\$	3,000	\$	4,000	\$	5,000	\$	6,000	\$	7,000	Moreland Sodexo Contract fixed price
Meals required (36% FR)		10,746		16,119		19,701		23,283		26,865	
Per Meal Cost	\$	0.2792	\$	0.2482	\$	0.2538	\$	0.2577	\$	0.2606	

**Textbooks/Core Curricula Materials**

Teachers Edition	Math	\$	262.61		6	\$	1,576		
Student Edition	Math	\$	32.28		150	\$	4,842		
Teachers Edition	ELA	\$	740.75		6	\$	4,445		
Student Edition & Consumables	ELA	\$	201.80		150	\$	30,270		
Teachers Edition	Social Science	\$	229.07		6	\$	1,374		
Student Edition & Consumables	Social Science	\$	60.83		150	\$	9,125		
Teachers Edition	Science	\$	211.06		6	\$	1,266		
Student Edition & Consumables	Science	\$	48.12		150	\$	7,218		
						\$	60,116	\$	120,232
Budget						\$	39,000		

Exhibit A  
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**Special Education**

Budget Narrative specifies Charter will be an LEA in the El Dorado SELPA beginning year two

	15-16	16-17	17-18	18-19	19-20	
Special Education Revenues	\$ -	\$ 109,125	\$ 133,375	\$ 157,625	\$ 181,875	
Special Education Expenditures	\$ 114,550	\$ 130,950	\$ 160,050	\$ 189,150	\$ 218,250	<i>Transfers of Apportionments to Other LEA's</i>

Budget demonstrates increase of revenue but no increase or shift in expenditures for Charter to provide all Special Education Services, once an LEA

Targeted Enrollment

K-3	200	
4-6	150	
7-8	<u>100</u>	
Total:	450	18 Classrooms

14-15 Excess Costs	\$ 6,970,219
14-15 Enrollment	4,826
15-16 Charter Enrollment	150
Adjusted Enrollment	4,976
Per Pupil Excess Cost	\$ 1,400.77
Charter Excess Costs	\$ 210,115

Moreland 14-15 LCFF (Projected)	\$ 31,776,554
14-15 ADA (Projected)	\$ 4,724.85
14-15 Moreland Base (Projected)	\$ 6,725.41



	15-16	16-17	17-18	18-19	19-20	Notes
<b>Enrollment</b>						
Grades K-2	150	222	275	259	225	
Grades 4-6				75	190	
Grades 7-8						
<b>Total</b>	<b>150</b>	<b>222</b>	<b>275</b>	<b>334</b>	<b>415</b>	
<b>Staffing Analysis</b>						
<b>Principal</b>						
FTE	1	1	1	1	1	
Budget	\$ 80,000	\$ 81,248	\$ 100,000	\$ 101,500	\$ 103,144	
Average	\$ 80,000	\$ 81,248	\$ 100,000	\$ 101,500	\$ 103,144	K-5 Principal on Moreland Schedule ranges from \$308,357 to \$347,262
COLA		1.56%	23.06%	1.26%	1.56%	
<b>Classroom Teachers</b>						
FTE	6	9	11	13	15	2.9 day contract. No provision for special education extended year
Budget	\$ 300,000	\$ 392,722	\$ 600,000	\$ 732,188	\$ 728,239	
Average	\$ 50,000	\$ 55,858	\$ 60,000	\$ 60,936	\$ 61,867	Per Diem Equivalent to Steps One and Two on Moreland Schedule
Per Diem	\$ 276.38	\$ 280.40	\$ 301.21	\$ 306.21	\$ 319.89	
COLA		1.56%	7.42%	1.86%	1.86%	
<b>Classified Enrichment</b>						
FTE	0.75	1.5	2	3	4.5	
Budget	\$ 41,250	\$ 83,784	\$ 120,000	\$ 182,638	\$ 278,490	
Average	\$ 55,000	\$ 55,858	\$ 60,000	\$ 60,936	\$ 61,867	Per Diem Equivalent to Steps One and Two on Moreland Schedule
COLA		1.56%	7.42%	1.86%	1.56%	
<b>Substitutes/Paras</b>						
Budget	\$ 23,100	\$ 35,181	\$ 86,000	\$ 97,452	\$ 113,261	
<b>Office Administrator</b>						
FTE	0.5	0.8	1	1	1	7:30-4:00 p.m.
Budget	\$ 25,000	\$ 25,330	\$ 34,000	\$ 34,884	\$ 35,698	Administrative Assistant Ranges from \$29.92 to \$33.07 per hour on Moreland Schedule \$ 46,431 \$ 55,051
Average	\$ 50,000	\$ 50,780	\$ 54,000	\$ 54,842	\$ 55,698	Biqual. School Site Secretary Ranges from \$21 to \$26.43 per hour on Moreland Schedule \$ 37,632 \$ 48,044
<b>Clerk</b>						
FTE	0	0	0	1	1	7:00-4:00 p.m.
Budget				\$ 26,188	\$ 26,537	Office Assistant Ranges from \$18.24 to \$23.30 per hour on Moreland Schedule \$ 32,880 \$ 41,754
Average				\$ 26,188	\$ 26,537	
<b>Instructional Assistants (1.5 FTE per classroom)</b>						
FTE	0	4.5	3.5	6.5	7.5	No provision for classified substitutes
Budget	\$ 82,500	\$ 126,681	\$ 170,500	\$ 204,643	\$ 219,811	Madam speaking teacher aides (page 35)
Average	\$ 27,500	\$ 27,520	\$ 31,000	\$ 31,484	\$ 31,278	Special Ed Instructional Aides Range from \$17.89 to \$22.83 per hour on Salary Schedule \$ 29,481 \$ 36,343
Per Diem	\$ 136.19	\$ 140.36	\$ 155.78	\$ 161.21	\$ 160.66	no requirement for degree, teaching experience or bilingual
Per Hour	\$ 17.37	\$ 17.34	\$ 19.47	\$ 19.78	\$ 20.08	Per Diem Equivalent \$ 26,163 \$ 41,761
<b>Other</b>						
<b>Health &amp; Welfare Benefits</b>						
Budget	\$ 78,750	\$ 136,125	\$ 174,250	\$ 229,125	\$ 270,000	No provision for Non-Duty Supervision
FTE (coverage @ .75 or greater)	11.25	16.50	20.50	26.50	30.00	No provision for Nursing Services
Per FTE	\$ 7,000	\$ 8,250	\$ 8,500	\$ 8,750	\$ 9,000	Contract out for Custodial Services - Covers nightly cleaning, what about daily issues? Custodial Services Budget
<b>Regulatory Benefits</b>						
TRS	0.1073					Least expensive Blue Cross Plan through CalPERS 2015 Plan Year \$ 6,600 \$ 9,600 \$ 12,100 \$ 14,700 \$ 16,200 Annual Budget
401K		0.045				\$ 7,949 Employee Only \$ 33.17 \$ 43.78 \$ 60.80 \$ 71.86 \$ 82.91 Daily @ 13% per annum
Social Security			0.002			\$ 15,898 Two Party \$ 8.29 \$ 12.44 \$ 7.60 \$ 8.98 \$ 10.36 Hourly @ 4 or 8 Hours
Medicare	0.0145					\$ 20,687 Family
Unemployment	0.0161					
Workers Compensation	0.04					
<b>Total Salary Related Benefit %</b>	<b>0.1773</b>	<b>0.1776</b>				

Exhibit A  
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	15-16	16-17	17-18	18-19	19-20
Certificated Wages	\$ 474,350	\$ 702,948	\$ 966,200	\$ 1,173,988	\$ 1,423,914
Certificated SRB	\$ 84,387	\$ 138,059	\$ 207,636	\$ 274,009	\$ 332,342
Classified Wages	\$ 107,500	\$ 151,071	\$ 224,500	\$ 285,673	\$ 322,106
Classified SRB	\$ 19,092	\$ 26,830	\$ 39,871	\$ 50,736	\$ 57,206
Wages	\$ 581,850	\$ 854,019	\$ 1,190,700	\$ 1,459,661	\$ 1,746,020
Benefits	\$ 182,229	\$ 301,014	\$ 421,757	\$ 547,870	\$ 659,548
Subtotal (excludes H&W):	\$ 764,079	\$ 1,155,033	\$ 1,612,457	\$ 2,007,531	\$ 2,405,568
Budgeted excluding H&W	\$ 671,324	\$ 991,734	\$ 1,391,959	\$ 1,727,293	\$ 2,091,124
<b>Shortfall</b>	<b>\$ (92,755)</b>	<b>\$ (163,299)</b>	<b>\$ (220,498)</b>	<b>\$ (280,238)</b>	<b>\$ (314,444)</b>

STRS Rates	<b>SSC Dartboard</b>				
Charter Budget	15-16	16-17	17-18	18-19	19-20
Certificated Salaries	\$ 474,350	\$ 702,948	\$ 966,200	\$ 1,173,988	\$ 1,423,914
STRS (Budgeted)	\$ 43,771	\$ 71,450	\$ 107,184	\$ 151,038	\$ 208,017
Calculated STRS Rate	9.2276%	10.1643%	11.0934%	12.8654%	14.6088%
Projected STRS Rate	10.7300%	12.5800%	14.4300%	16.2800%	16.2800%
% Shortfall	1.5024%	2.4157%	3.3366%	3.4146%	
\$ Shortfall	\$ (7,127)	\$ (16,981)	\$ (32,239)	\$ (40,087)	

**Possible Intersession Costs**

Intersession	Days	Per Diem	Bse Pay	SRB	Total Pay
Cost per teacher	17	\$ 276.38	\$ 4,698.00	\$ 836.00	\$ 5,534.00
Cost per aide	17	\$ 138.19	\$ 2,349.00	\$ 417.00	\$ 2,766.00

30% Attendance	15-16	16-17	17-18	18-19	19-20
Students Attending	45	67.5	82.5	97.5	112.5
Teacher Staffing ratio	2.25	3.375	4.125	4.875	5.625
Teacher Cost	\$ 11,068	\$ 16,602	\$ 22,136	\$ 27,670	\$ 33,204
Aide Staffing ratio	4.5	6.75	8.25	9.75	11.25

Exhibit A  
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Aide Cost	\$	13,830	\$	19,362	\$	22,128	\$	27,660	\$	30,426
		<b>15-16</b>		<b>16-17</b>		<b>17-18</b>		<b>18-19</b>		<b>19-20</b>
Students Attending @ 50%		75		112.5		137.5		162.5		187.5
Teacher Staffing ratio		3.75		5.625		6.875		8.125		9.375
Teacher Cost	\$	22,136	\$	33,204	\$	38,738	\$	44,272	\$	49,806
Aide Staffing ratio		7.5		11.25		13.75		16.25		18.75
Aide Cost	\$	22,128	\$	30,426	\$	38,724	\$	44,256	\$	52,554
		<b>15-16</b>		<b>16-17</b>		<b>17-18</b>		<b>18-19</b>		<b>19-20</b>
Students Attending @ 70%		105		157.5		192.5		227.5		262.5
Teacher Staffing ratio		5.25		7.875		9.625		11.375		13.125
Teacher Cost	\$	27,670	\$	44,272	\$	55,340	\$	60,874	\$	71,942
Aide Staffing ratio		10.5		15.75		19.25		22.75		26.25
Aide Cost	\$	30,426	\$	44,256	\$	52,554	\$	63,618	\$	71,916
		<b>15-16</b>		<b>16-17</b>		<b>17-18</b>		<b>18-19</b>		<b>19-20</b>
Noon Duty Supervision Costs 40 minutes per lunch period 2 lunch periods (K-3 & 4-8)										
Adult/Child Ratio		1:75								
Number of Positions		2		3		4		4		5
Hourly Rate of \$12	\$	6,080	\$	9,120	\$	12,160	\$	12,160	\$	15,200
SRB	\$	1,080	\$	1,620	\$	2,160	\$	2,160	\$	2,700
Total Costs	\$	7,160	\$	10,740	\$	14,320	\$	14,320	\$	17,900
		<b>15-16</b>		<b>16-17</b>		<b>17-18</b>		<b>18-19</b>		<b>19-20</b>
Extended Year Costs										
Student rate		0.03		0.03		0.03		0.03		0.03
Teacher Staffing ratio		4.5		6.75		8.25		9.75		11.25
Aide Staffing ratio		1		1		1		2		2
Teacher Costs	\$	6,185	\$	6,282	\$	6,748	\$	13,706	\$	13,920
Aide Costs	\$		\$	3,140	\$	3,485	\$	7,080	\$	7,190

Exhibit A  
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		16-17	17-18	18-19	19-20	
Total Staff Costs ESY	\$	6,185	\$ 9,422	\$ 10,233	\$ 20,786	\$ 21,110
RSP		0.30	0.40	0.50	0.50	
Speech		0.30	0.40	0.40	0.50	
Psychologist						
Teacher Salaries	\$	33,515	\$ 48,000	\$ 54,842	\$ 61,887	
SRB	\$	5,962	\$ 8,539	\$ 9,756	\$ 11,010	
H&W	\$	4,950	\$ 6,800	\$ 7,875	\$ 9,000	
Total Certificated	\$	44,427	\$ 63,339	\$ 72,473	\$ 81,897	
Resource Aide	\$	8,379	\$ 12,400	\$ 15,742	\$ 15,987	
SRB	\$	1,488	\$ 2,202	\$ 2,796	\$ 2,839	
H&W	\$	2,475	\$ 3,400	\$ 4,375	\$ 4,500	
Total Classified	\$	12,342	\$ 18,002	\$ 22,913	\$ 23,326	
Total Special Ed Staff	\$	56,769	\$ 81,341	\$ 95,386	\$ 105,223	

Exhibit A  
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<b>Square Footage Requirements</b>	<b>15-16</b>	<b>16-17</b>	<b>17-18</b>	<b>18-19</b>	<b>19-20</b>	
Classrooms	5,400	8,100	9,900	11,700	13,500	
Support Areas	1,080	1,620	1,980	2,340	2,700	
Specialty Rooms	4,000	4,000	4,000	4,000	4,000	
<b>Total Square Footage</b>	<b>10,480</b>	<b>13,720</b>	<b>15,880</b>	<b>18,040</b>	<b>20,200</b>	
Lease rate per mo per sq ft	1.25	1.25	1.25	1.25	1.25	
Total Cost	\$ 157,200	\$ 205,800	\$ 238,200	\$ 270,600	\$ 303,000	<b>Amount Budgeted</b>

Lease budget assumes no inflationary adjustments

Lease rate may assume same rate for all students vs. two tiered rate, one for in-district students and one for out-of district students

Percentage Moreland Students	55%	55%	55%	55%	55%	
Prorated Square Footage	5,764	7,546	8,734	9,922	11,110	
Lease rate per mo per sq ft	\$ 0.31	\$ 0.32	\$ 0.33	\$ 0.34	\$ 0.35	
Annual Cost - In District	\$ 21,442	\$ 28,977	\$ 34,587	\$ 40,482	\$ 46,662	
Percentage out of district	45%	45%	45%	45%	45%	
Prorated Square Footage	4,716	6,174	7,146	8,118	9,090	
Lease rate per mo per sq ft	\$ 2.36	\$ 2.42	\$ 2.48	\$ 2.54	\$ 2.60	
Annual Cost-Out of District	\$ 133,557	\$ 179,293	\$ 212,665	\$ 247,437	\$ 283,608	
Total Lease Cost	\$ 154,999	\$ 208,270	\$ 247,252	\$ 287,919	\$ 330,270	
Lease Difference	\$ 2,201	\$ (2,470)	\$ (9,052)	\$ (17,319)	\$ (27,270)	

2.500% inflationary factor of December CPI included for out of district lease rate

At least a 75% in-district 25% out of district would be required to make budget

**No estimate of the percentage of Charter students would be Morland Residents is in the petition**

DCS Lease Rates	Pro-rata	CPI	
2010-11	0.278		
2011-12	0.286	2.80%	3.00%
2012-13	0.295	2.10%	3.00%
2013-14	0.304	2.40%	3.00%

Exhibit A  
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2014-15	0.313	2.40%	3.00%				
2015-16	0.322	0.00%	3.00%				
<b>Percentage Moreland Students</b>	55%	55%	55%	55%	55%		
Prorated Square Footage	5,764	7,546	8,734	9,922	11,110		
Lease rate per mo per sq ft	0.322	0.322	0.322	0.322	0.322		
Annual Cost - In District	\$ 22,272	\$ 29,158	\$ 33,748	\$ 38,339	\$ 42,929		
<b>Percentage out of district</b>	45%	45%	45%	45%	45%		
Prorated Square Footage	4,716	6,174	7,146	8,118	9,090		
Lease rate per mo per sq ft	\$ 2.36	\$ 2.42	\$ 2.48	\$ 2.54	\$ 2.60	2.500% inflationary factor of December CPI included for out of district lease rate	
Annual Cost-Out of District	\$ 133,557	\$ 179,219	\$ 212,620	\$ 247,579	\$ 284,153		
Total Lease Cost	\$ 155,829	\$ 208,377	\$ 246,368	\$ 285,918	\$ 327,082		
Total Lease Budget	\$ 157,200	\$ 205,800	\$ 238,200	\$ 270,600	\$ 303,000		
	\$ 1,371	\$ (2,577)	\$ (8,168)	\$ (15,318)	\$ (24,082)		



## EXHIBIT B

Following is the number of such authorizations issued by the California Commission on Teacher Credentialing over the past four years:

<b>Single Subject credentials (TC1) with Bilingual authorizations</b>					
<b>Single subject credentials (New Bilingual Program) - Initial issuance only</b>					
<b>Authorization Code</b>	<b>Description</b>	<b>2009-10</b>	<b>2010-11</b>	<b>2011-12</b>	<b>2012-13</b>
BAAR	Bilingual: Armenian				1
BACA	Bilingual: Cantonese			1	
BAFI	Bilingual: Filipino		1		1
BAGR	Bilingual: German				1
BAHM	Bilingual: Hmong				3
BAJA	Bilingual: Japanese		1		
BAKO	Bilingual: Korean			3	
<b>BAMA</b>	<b>Bilingual: Mandarin</b>	<b>1</b>	<b>2</b>	<b>5</b>	<b>4</b>
BASP	Bilingual: Spanish	3	27	96	144
BAVI	Bilingual: Vietnamese				1
<b>Total</b>		<b>4</b>	<b>31</b>	<b>105</b>	<b>155</b>
<b>Single subject credentials (BCLAD Program) - Initial issuance only</b>					
<b>Authorization Code</b>	<b>Description</b>	<b>2009-10</b>	<b>2010-11</b>	<b>2011-12</b>	<b>2012-13</b>
R1B4	BCLAD: American Sign Language	1	1		
R1B4	BCLAD: Spanish				6
R1BL	BCLAD: Cantonese		1	1	
	BCLAD: Chinese		1		1
	BCLAD: Hmong		2		2
	BCLAD: Korean	3		1	
	<b>BCLAD: Mandarin</b>	<b>3</b>	<b>5</b>		
	BCLAD: Spanish	194	176	92	11
	BCLAD: Vietnamese	1	1		
<b>Total</b>		<b>202</b>	<b>187</b>	<b>94</b>	<b>20</b>
<b>Single Subject credentials (New Bilingual Program) - added authorizations only</b>					
<b>Authorization Code</b>	<b>Description</b>	<b>2009-10</b>	<b>2010-11</b>	<b>2011-12</b>	<b>2012-13</b>
BAAB	Bilingual: Arabic				1
BAAR	Bilingual: Armenian			2	1
BACA	Bilingual: Cantonese		3		2
BAFR	Bilingual: French	1			2
BAGR	Bilingual: German				1
BAJA	Bilingual: Japanese		3		2
BAKO	Bilingual: Korean			1	2
<b>BAMA</b>	<b>Bilingual: Mandarin</b>		<b>6</b>	<b>5</b>	<b>11</b>
BAPO	Bilingual: Portuguese		1		

Exhibit B  
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BASP	Bilingual: Spanish	1	46	69	75
BAVI	Bilingual: Vietnamese				1
<b>Total</b>	<b>Total</b>	<b>2</b>	<b>59</b>	<b>77</b>	<b>98</b>

<b>Single Subject credentials (BCLAD Program) - added authorizations only</b>					
Authorization Code	Description				
		2009-10	2010-11	2011-12	2012-13
R1B4	BCLAD: Cantonese			1	
R1B4	BCLAD: Spanish				8
R1BL	BCLAD: Korean	1			
	<b>BCLAD: Mandarin</b>	<b>1</b>		<b>1</b>	
	BCLAD: Spanish	38	40	45	13
	BCLAD: Vietnamese	1	1		
	<b>Total</b>	<b>41</b>	<b>41</b>	<b>47</b>	<b>21</b>

\*Includes Terms P5 and CL

<b>Multiple Subject credentials (TC2) with Bilingual authorizations</b>					
<b>Multiple subject credentials (New Bilingual Program) - Initial Issuance only</b>					
Authorization Code	Description				
		2009-10	2010-11	2011-12	2012-13
BAAS	Bilingual: American Sign Language				2
BACA	Bilingual: Cantonese		1		3
BAGR	Bilingual: German				1
BAHM	Bilingual: Hmong				6
BAKO	Bilingual: Korean		1	1	
BAJA	Bilingual: Japanese				1
<b>BAMA</b>	<b>Bilingual: Mandarin</b>		<b>2</b>	<b>6</b>	<b>4</b>
BASP	Bilingual: Spanish		33	116	219
	<b>Total</b>		<b>37</b>	<b>123</b>	<b>236</b>

<b>Multiple subject credentials (BCLAD Program) - Initial issuance only</b>					
Authorization Code	Description				
		2009-10	2010-11	2011-12	2012-13
R2B4	BCLAD: American Sign Language	3	3	2	3
R2B4	BCLAD: Spanish				12
R2BL	BCLAD: American Sign Language				1
	BCLAD: Cantonese	5	1	2	
	BCLAD: Filipino	1			
	BCLAD: Hmong	11	8	5	1
	BCLAD: Japanese	1			
	BCLAD: Korean	9	6		
	<b>BCLAD: Mandarin</b>	<b>6</b>	<b>6</b>	<b>2</b>	
	BCLAD: Spanish	503	376	168	11
	BCLAD: Tagalog		1		
	BCLAD: Vietnamese	7	0	2	
	<b>Total</b>	<b>546</b>	<b>401</b>	<b>181</b>	<b>28</b>

Exhibit B  
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**Multiple Subject credentials (New Bilingual Program) - added authorizations only**

Authorization Code	Description				
		2009-10	2010-11	2011-12	2012-13
BAAR	Bilingual: Armenian		3	2	3
BACA	Bilingual: Cantonese		2	3	1
BAFI	Bilingual: Filipino		1	1	1
BAFR	Bilingual: French		1		2
BAGR	Bilingual: German				2
BAHM	Bilingual: Hmong				1
BAJA	Bilingual: Japanese		6	5	2
BAKO	Bilingual: Korean		7	4	8
<b>BAMA</b>	<b>Bilingual: Mandarin</b>	<b>1</b>	<b>13</b>	<b>22</b>	<b>12</b>
BAPO	Bilingual: Portuguese				1
BARU	Bilingual: Russian		1		
BASP	Bilingual: Spanish	12	150	144	180
<b>Total</b>		<b>13</b>	<b>184</b>	<b>181</b>	<b>213</b>

**Multiple Subject credentials (BCLAD Program) - added authorizations only**

Authorization Code	Description				
		2009-10	2010-11	2011-12	2012-13
R2B4	BCLAD: American Sign Language			1	
R2B4	BCLAD: Hmong				1
R2B4	BCLAD: Spanish				8
R2BL	BCLAD: Cantonese	1		2	
	BCLAD: Cantonese	1	2	2	
	BCLAD: Hmong	1			
	BCLAD: Khmer		1		
	BCLAD: Korean	1			
	<b>BCLAD: Mandarin</b>	<b>1</b>	<b>4</b>	<b>0</b>	<b>1</b>
	BCLAD: Punjabi		1		
	BCLAD: Spanish	89	73	63	20
	BCLAD: Vietnamese	1			
<b>Total</b>		<b>95</b>	<b>81</b>	<b>68</b>	<b>30</b>

There are only two universities in the Bay Area that offer a Mandarin bilingual authorization: San Francisco State University and San Jose State University. In the last 4 years, SFSU graduated 2 multiple subject teachers a year with Mandarin bilingual authorization. (Source: SFSU Credential & Graduate Services Center.) SJSU has graduated only one, due to the limited staff to continue operating the program. (Source: San Jose State University.)

A survey of the teacher job search website EdJoin.org showed that, since January 2014, only 40 applicants in the entire State possessed the credentialing (Multiple Subject with BCLAD Mandarin authorization) to qualify for employment at the Charter School.

\*Includes Terms P5 and CL



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 and that establishment of charter schools should be encouraged. (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 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:



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EMAIL | WEIYUCHARTER@GMAIL.COM

- (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.

<b>District Finding:</b> Petition Signatures
<b>WYICS Response:</b> 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



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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.



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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.<sup>1</sup> 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.

<sup>1</sup> Met, Myriam, Improving Students’ Capacity in Foreign Languages, Phi Delta Kappan, 2004.



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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.



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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.



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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"<sup>2</sup> (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

<sup>2</sup> Bialystok, E. 1997. "Effects of Bilingualism and Biliteracy on Children's Emergent Concepts of Print." *Developmental Psychology* 30 (3): 429-440



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EMAIL | WEIYUCHARTER@GMAIL.COM

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
<b>Travel and Conferences</b>					
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



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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” is 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.



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EMAIL | WEIYUCHARTER@GMAIL.COM

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**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 2<sup>nd</sup> 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](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



WEBSITE | WWW.WEYUCHARTER.ORG  
FACEBOOK | WEIYUCHARTER  
EMAIL | WEIYUCHARTER@GMAIL.COM

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.



WEBSITE | WWW.WEYUCHARTER.ORG  
FACEBOOK | WEYUCHARTER  
EMAIL | WEYUCHARTER@GMAIL.COM

**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



WEBSITE | WWW.WEYUCHARTER.ORG  
FACEBOOK | WEIYUCHARTER  
EMAIL | WEIYUCHARTER@GMAIL.COM

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.



WEBSITE | WWW.WEYUCHARTER.ORG  
FACEBOOK | WEIYUCHARTER  
EMAIL | WEIYUCHARTER@GMAIL.COM

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 5<sup>th</sup> 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 1<sup>st</sup> 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 3<sup>rd</sup> 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



WEBSITE | WWW.WEYUCHARTER.ORG  
FACEBOOK | WEIYUCHARTER  
EMAIL | WEIYUCHARTER@GMAIL.COM

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**



WEBSITE | WWW.WEYUCHARTER.ORG  
FACEBOOK | WEYUCHARTER  
EMAIL | WEYUCHARTER@GMAIL.COM

**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 inaccurate 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”.



WEBSITE | WWW.WEYUCHARTER.ORG  
FACEBOOK | WEIYUCHARTER  
EMAIL | WEIYUCHARTER@GMAIL.COM

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.



WEBSITE | WWW.WEYUCHARTER.ORG  
FACEBOOK | WEYUCHARTER  
EMAIL | WEYUCHARTER@GMAIL.COM

**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



WEBSITE | WWW.WEYUCHARTER.ORG  
FACEBOOK | WEYUCHARTER  
EMAIL | WEYUCHARTER@GMAIL.COM

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**



WEBSITE | WWW.WEYUCHARTER.ORG  
FACEBOOK | WEIYUCHARTER  
EMAIL | WEIYUCHARTER@GMAIL.COM

**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



WEBSITE | WWW.WEYUCHARTER.ORG  
FACEBOOK | WEYUCHARTER  
EMAIL | WEYUCHARTER@GMAIL.COM

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.



WEBSITE | WWW.WEYUCHARTER.ORG  
FACEBOOK | WEIYUCHARTER  
EMAIL | WEIYUCHARTER@GMAIL.COM

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.



WEBSITE | WWW.WEYUCHARTER.ORG  
FACEBOOK | WEIYUCHARTER  
EMAIL | WEIYUCHARTER@GMAIL.COM

	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



WEBSITE | WWW.WEIYUCHARTER.ORG  
FACEBOOK | WEIYUCHARTER  
EMAIL | WEIYUCHARTER@GMAIL.COM

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) WYICIS 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,



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- 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.



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**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. WYICS 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, WYICS 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.



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	<u>15-16</u>	<u>16-17</u>	<u>17-18</u>	<u>18-19</u>	<u>19-20</u>
Percentage Moreland Students	0.66	0.66	0.66	0.66	0.66
Prorated Square 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 Square 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

\* \* \* \*

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](mailto:ted.dong@gmail.com) anytime.

Sincerely,

Jun Dong  
Lead Petitioner  
Wei Yu International Charter School



**MORELAND SCHOOL DISTRICT**  
**Board of Trustees Regular Meeting**  
**MINUTES OF MEETING**  
**November 18, 2014**

<i>Open Session</i>		
<b>1. CALL MEETING TO ORDER</b>	Meeting called to order at 5:49 P.M.	
Board President Heather Sutton called the meeting to order at 5:49 P.M. at the Closed Session location , Moreland School District Office, 4711 Campbell Avenue, San Jose, CA 95130.		
<b>2. ROLL CALL</b>	All Members Present	
Present: Heather Sutton, Robert Varich, Julie Reynolds-Grabbe, Brian Penzel, and Karen Whipple		
<b>3. COMMENTS FROM THE PUBLIC</b>	Comments from the Public	
There were no comments from the public.		
<b>4. CLOSED SESSION</b>	Closed Session	
Moreland School District, 4711 Campbell Avenue, San Jose, CA 95130		
<b>A. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION (Government Code Section 54956.9 (d)(92) Significant Exposure to Litigation: One Potential Case</b>	Anticipated Litigation	
	Open Session	
<b>5. CALL MEETING BACK TO ORDER IN OPEN SESSION</b>		
The meeting was called back to order in Open Session at 6:36 P.M. at the Moreland School District’s Multi-Use (MU) Room, 1850 Fallbrook Avenue, San Jose, CA 95130.	Flag Salute	
<b>6. FLAG SALUTE</b>	Report Out	
<b>7. REPORT OUT ACTION TAKEN IN CLOSED SESSION</b>		
<b>8. APPROVE THE AGENDA</b>	Approve the Agenda	
<b>Motion:</b> Approve the agenda, pulling Item 13J, “Approve New Job Description for Music Instructional Assistant” to be discussed prior to the Action/ Discussion Items, and 13G, “Approve Contract Addendum for Rhythm and Moves” to be discussed separately.”		
<b>M/S:</b> Varich/Reynolds-Grabbe	<b>Vote:</b> 5/0	
Heather Sutton - YES		
Robert Varich - YES		
Julie Reynolds-Grabbe – YES		
Karen Whipple – YES		
Brian Penzel – YES		
<b>9. COMMENTS FROM THE PUBLIC</b>	Comments from the public	
There were no comments from the public.		
<b>10. CREATING AND SUSTAINING A POSITIVE GOVERNANCE TEAM CULTURE – GOVERNANCE NORMS – Remains on the agenda for easy reference for members of the Board.</b>	Governance Norms	



**MORELAND SCHOOL DISTRICT**  
**Board of Trustees Regular Meeting**  
**MINUTES OF MEETING**  
**November 18, 2014**

<p>11. <b>STRATEGIC PLAN 2010-2015</b> – Remains on the agenda for easy reference for members of the Board.</p>	<p>Strategic Plan</p>
<p>13. <b>CONSENT ITEM</b> (pulled to discuss separately)</p>	<p>Consent Item: Music Instr. Asst</p>
<p><b>J. Approve New Job Description for Music Instructional Assistant</b></p>	<p>Action/ Discussion Items</p>
<p>Public Comment: Liz Youngman, Chair of Music in Moreland, spoke about the reason Music in Moreland wanted to create and fund this position.</p>	<p>Wei Yu Charter School</p>
<p>12. <b>ACTION/DISCUSSION ITEMS</b></p>	<p>Wei Yu Charter School</p>
<p><b>A. Approve or Deny the Wei Yu International Charter School Petition</b></p>	<p>Wei Yu Charter School</p>
<p>Public Comment: Twenty-one (21) community members, teachers, and staff members from the District spoke either in support of or in opposition to the petition.</p>	<p>Wei Yu Charter School</p>
<p>Superintendent Mark Barmore, and Assistant Superintendents Denise Clay, Karen Jelcick, and Colette Zea presented their analysis of the petition, as documented in the Written Evaluation of the Wei Yu International Charter School Petition.</p>	<p>Wei Yu Charter School</p>
<p>The Board Members asked questions of District Staff and Attorney John Yeh of Burke Williams Sorensen and discussed the criteria for approving or denying the charter school.</p>	<p>Wei Yu Charter School</p>
<p>Board Member Julie Reynolds-Grabbe reviewed the website feedback received by the Board from the community and stated that after reviewing all 350 comments, 7 comments were unclear, 14 were left blank, 5 were duplicates, 36 were in favor of the charter school and 288 were opposed to the charter school.</p>	<p>Wei Yu Charter School</p>
<p>Board Member Robert Varich shared an online petition given to the Board of Trustees to deny the charter school. The online petition had 658 signatures.</p>	<p>Wei Yu Charter School</p>
<p>Board Members clarified that the cost to the District to allow the Charter School to open is not a criteria for approval or denial.</p>	<p>Wei Yu Charter School</p>
<p><b>Motion:</b> Accept and adopt the staff evaluation of the Wei Yu petition and deny the Wei Yu International Charter School Petition</p>	<p>Wei Yu Charter School</p>
<p><b>M/S:</b> Varich/</p>	<p>Wei Yu Charter School</p>
<p>Board Member Robert Varich amended his motion after further Board Member discussion.</p>	<p>Wei Yu Charter School</p>
<p><b>Motion:</b> Accept the Moreland District Staff findings, the Moreland Board of Trustee concluded findings through public deliberation, as well as the community feedback concluding the improbability of success for the Wei Yu International Charter School, and deny the Wei Yu Charter School Petition.</p>	<p>Wei Yu Charter School</p>



**MORELAND SCHOOL DISTRICT**  
**Board of Trustees Regular Meeting**  
**MINUTES OF MEETING**  
**November 18, 2014**

<p><i>M/S:</i> Varich/Reynolds-Grabbe <span style="float: right;"><i>Vote:</i> 5/0</span></p> <p>Heather Sutton - YES  Robert Varich - YES  Julie Reynolds-Grabbe – YES  Karen Whipple – YES  Brian Penzel – YES</p>	<p>Recess</p>
<p><b>Board President Heather Sutton called a recess at 9:19 P.M.</b></p>	
<p><b>The Board Meeting resumed Open Session at 9:35 P.M.</b></p>	
<p><b>B. Approve Resolution 8-2014/2015, Adopting a Conflict of Interest Code and Exhibit 9270, Conflict of Interest</b></p> <p><i>Motion:</i> Approve Resolution 8-2014/2015, Adopting a Conflict of Interest Code and Exhibit 9270, Conflict of Interest</p>	<p>Conflict of Interest Code</p>
<p><i>M/S:</i> Whipple/Varich <span style="float: right;"><i>Vote:</i> 5/0</span></p> <p>Heather Sutton - YES  Robert Varich - YES  Julie Reynolds-Grabbe – YES  Karen Whipple – YES  Brian Penzel – YES</p>	<p>Reduction in Force</p>
<p><b>C. Approve Resolution 7-2014/2015, Reduction in Force of Classified Employees</b></p>	
<p><i>Motion:</i> Approve Resolution 7-2014/2015, Reduction in Force of Classified Employees</p>	
<p><i>M/S:</i> Penzel/Whipple <span style="float: right;"><i>Vote:</i> 5/0</span></p> <p>Heather Sutton - YES  Robert Varich - YES  Julie Reynolds-Grabbe – YES  Karen Whipple – YES  Brian Penzel – YES</p>	<p>Consent Items</p>
<p><b>13. CONSENT ITEMS:</b></p>	
<p><i>Motion</i> Approve the consent agenda, , pulling Item 13J, “Approve New Job Description for Music Instructional Assistant” to be discussed prior to the Action/ Discussion Items, and 13G, “Approve Contract Addendum for Rhythm and Moves” to be discussed separately.”</p>	
<p><i>M/S:</i> Whipple/Reynolds-Grabbe <span style="float: right;"><i>Vote:</i> 5/0</span></p> <p>Heather Sutton - YES  Robert Varich - YES  Julie Reynolds-Grabbe – YES  Karen Whipple – YES  Robert Varich – YES</p>	<p>Personnel</p>
<p><b>A. Approve Classified, Certificated, Management/Confidential Personnel</b></p>	



**MORELAND**  
SCHOOL DISTRICT

**MORELAND SCHOOL DISTRICT**  
**Board of Trustees Regular Meeting**  
**MINUTES OF MEETING**  
**November 18, 2014**

<p><b>Nominations, Resignations, Retirements, Leave of Absence, Changes and Limited -Term Employment Assignments</b></p> <p><b>B. Approve Regular Board Meeting Minutes from October 28, 2014</b></p> <p><b>C. Approve U.S. Bank Statement (Credit Card)</b></p> <p><b>D. Approve Superintendent/Board Purchase Orders</b></p> <p><b>E. Approve Classified Seniority List</b></p> <p><b>F. Approve Non Public Schools/Non Public Agencies</b></p> <p><b>H. Approve Change Order for Latimer Field, Robert A. Bothman, Inc.</b></p> <p><b>I. Approve Medi-Cal Administrative Claiming Agreement</b></p> <p><b>K. Approve Contract Addendum with Pivot</b></p> <p><b>L. Approve Warrant Report for October 2014</b></p>	<p>Board Minutes</p> <p>Credit Card</p> <p>Supt/Board POs</p> <p>Classified Seniority List NPS/NPA</p> <p>Change Order</p> <p>Medi-Cal Agreement</p> <p>Pivot Warrant Report</p>
<p>The Board discussed the following item for separate approval:</p> <p><b>J. Approve Contract Addendum for Rhythm and Moves</b></p> <p>The District staff confirmed that the total amount for the school year is \$620,000 and this addendum is for all schools. Rhythm and Moves supports all schools except Moreland Middle School.</p> <p><i>Motion</i> Approve the Contract Addendum for Rhythm and Moves</p> <p style="text-align: center;"><i>M/S:</i> Reynolds-Grabbe/Penzel <span style="float: right;"><i>Vote:</i> 5/0</span></p> <p style="margin-left: 100px;">Heather Sutton - YES Robert Varich - YES Julie Reynolds-Grabbe – YES Karen Whipple – YES Robert Varich – YES</p>	<p>Rhythm and Moves Addendum</p> <p>Supt. Report</p>
<p><b>14. SUPERINTENDENT’S REPORT</b></p> <ul style="list-style-type: none"> <li>The District Staff and Board Members competed in their annual Second Harvest Food Drive competition.</li> </ul> <p><b>15. BOARD MEMBER COMMUNICATION</b></p> <p>Karen Whipple:</p> <ul style="list-style-type: none"> <li>Karen attended a Fall Board visit at Easterbrook Discovery School and thanked the administrators and staff for their time.</li> </ul> <p>Heather Sutton:</p> <ul style="list-style-type: none"> <li>Heather thanked Easterbrook Discovery, Moreland Middle, Baker and Latimer for hosting her during the Fall Board visits.</li> <li>Heather also thanked the District staff for the tremendous amount of work put into analyzing the Wei Yu International Charter School petition.</li> </ul>	<p>Board Member Communication</p> <p>Karen Whipple</p> <p>Heather Sutton</p>



**MORELAND**  
SCHOOL DISTRICT

**MORELAND SCHOOL DISTRICT**  
**Board of Trustees Regular Meeting**  
**MINUTES OF MEETING**  
**November 18, 2014**

<p><b>16. FUTURE MEETING DATES</b> (Check <a href="http://www.moreland.org">www.moreland.org</a> for starting time details.)</p> <p>December 9, 2014                      January 13, 2015                      January 27, 2015 February 10, 2015                      March 10, 2015                      March 24, 2015</p>	<p>Future Meeting Dates</p> <p>Announcements /Reminders/ Requests</p>
<p><b>17. ANNOUNCEMENTS/REMINDERS/REQUEST:</b></p> <p>There were no announcements, reminders, and requests.</p>	<p>Closed Session</p>
<p><b>18. CLOSED SESSION:</b></p> <p><b>A. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION</b> (Government Code Section 54956.9 (d)(92)) <b>Significant Exposure to Litigation: One Potential Case</b></p> <p><b>B. PUBLIC EMPLOYMENT DISCIPLINE/DISMISSAL/RELEASE AND/OR REASSIGNMENT</b> (Government Code Section 54957.6)</p> <p><b>C. CONFERENCE WITH LABOR NEGOTIATOR</b> (Government Code Section 54957.6) <b>Agency Designated Representatives: Mark Barmore, Colette Zea, Karen Jelcick and Janet Cory Sommer (Burke Williams &amp; Sorensen)</b> <b>Employee Organizations: Moreland Chapter 198 of the California School Employees Association and Moreland Teachers Association, Management: Mark Barmore</b></p> <p><b>D. PUBLIC EMPLOYEE PERFORMANCE EVALUATION</b> Government Code Section 54957 <b>Position Title: Superintendent</b></p>	<p>Anticipated Litigation</p> <p>Personnel</p> <p>Labor Negotiator</p> <p>Employee Evaluation</p> <p>Open Session</p>
<p><b>19. CALL MEETING BACK TO ORDER IN OPEN SESSION</b></p> <p>The meeting was called back to order in open session at 11:31 P.M.</p>	<p>Action Taken in Closed Session</p>
<p><b>20. REPORT OUT ACTION TAKEN IN CLOSED SESSION</b></p> <p>There was no action taken in closed session.</p>	<p>Adjournment</p>
<p><b>21. MEETING ADJOURNED AT 11:32 P.M.</b></p>	
<p><b>Respectfully submitted:</b></p>	
<p>_____ Mark Barmore, Superintendent and Secretary to the Board</p>	<p><b>Attested:</b></p> <p>_____ Robert Varich, Clerk Board of Trustees</p>



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EMAIL | WEIYUCHARTER@GMAIL.COM

FEBRUARY 23, 2015

VIA: HAND DELIVERY

Cindy Chan, Interim Director  
Judie Hall, Administrator  
Charter Schools Division  
California Department of Education  
1430 N Street  
Sacramento, CA 95814

**Re: Charter School Relationship with Moreland School District**

Dear Interim Director Chan:

We wish to inform you of some pertinent information that came to light after the County public hearing on December 10, 2014. Although we had hoped for a civil and fair way to educate the Moreland community on another potential school choice, unfortunately, we felt that representatives of the Moreland School District (MSD) engaged in bullying to intimidate select populations. We heard complaints specifically from Hispanic/Latino parents in the Anderson Village neighborhood area who had signed our petition that MSD representatives pressured them to withdraw their signatures and employed a number of scare tactics, including threats of:

- losing support services such as ESL, special needs, free and reduced lunch at their current neighborhood school,
- the closure of the neighborhood school,
- having to pay for school fees out of pocket at the neighborhood school, and
- the inability of the Hispanic/Latino community to fit in at Wei Yu International Charter School (WYICS) due to lower education and socio-economic status.

MSD representatives also aggressively approached other parents who had not signed our petition in the Anderson Village neighborhood area to instill the same type of fear. We were not sure why this particular community was targeted as we did not hear of other petition signers outside of the Anderson Village neighborhood area receiving pressure to withdraw signatures.

Furthermore, a MSD employee and a former Moreland School Board member provided unsubstantiated, inflammatory information on Nextdoor, a neighborhood social media site. Additionally, community members opposing the charter school used the same forum to mock many community members who expressed interest or support for the school. We had multiple instances where supporters withdrew their participation from the online forum due to the aggressive language.



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Informing and educating the entire community on the possibility of a choice is WYICS's intention. We understand that differences in opinions can cause contentious actions. However, it is inexcusable to use a position of authority to scare people from making an informed choice and even more reprehensible to target specific populations that are the most vulnerable to intimidation.

We would also like to address the working relationship between the Petitioners and the MSD. The Petitioners first contacted the Moreland School Board and Superintendent Mark Barmore about exploring Mandarin immersion for the students of the community mid-July 2014. One Board member responded, but we were not granted a meeting. Instead we were asked to address the entire board during public comment time at the next Board meeting. We met with Superintendent Barmore at the end of July 2014. During this meeting, we spoke of our passion for Mandarin immersion and our desire to see an in-district program. However, Superintendent Barmore made it very clear that he was not interested in pursuing an in-district, strand program, citing existing commitments that the District needed to deliver on.

We reached out to the Board mid-August and early September but were again told to address the entire board during public comment time at the next Board meeting. The Petitioners submitted their Charter Petition on September 15, 2014 to the MSD and were denied on November 18, 2014 in a 5-0 vote by the District board. Two weeks prior to the denial, Superintendent Barmore requested a meeting where he mentioned that he would be interested in working with the Petitioners to implement a world languages program if the Charter Petition is denied. Further, he stated that an in-district immersion strand program would not be possible because it would be too costly to implement. The Petitioners expressed concern that a world languages program would not be able to achieve the same degree of language proficiency than an immersion program.

Superintendent Barmore publicly stated that he wished to work with the Petitioners at the County appeal public hearing on December 10, 2014. We received a meeting request from him just prior to the 2014 Winter Holidays. During this meeting, he proposed starting an in-district Mandarin immersion strand program Fall 2016 only if the Petitioners were willing to withdraw their petition on appeal at Santa Clara County. The Petitioners immediately expressed their interest in working together with the District and wanted to first fully understand the proposed strand program. The Superintendent promised to send a brief 2-3 slide proposal in January 2015 for the Petitioners to review. To date, we have not received such a proposal, nor has the School District made any public commitments that they will deliver on an in-district Mandarin immersion strand program Fall 2016.

After the County appeal denial on February 4, 2015, the Petitioners reached out to Superintendent Barmore and Moreland Board of Education President Heather Sutton to further discuss the proposed in-district Mandarin immersion strand program. A meeting was held on



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February 13, 2015. We learned that no plans have been set in motion for an in-district Mandarin immersion strand program and that if such a plan were to ever exist, it would not be for Fall 2016. The Petitioners are disappointed in the complete lack of progress and are highly concerned about the District's degree of sincerity in offering an in-district Mandarin immersion strand program.

We also believe that MSD's statement to open an in-district Mandarin immersion strand program during the December 10, 2014 County public hearing influenced several Santa Clara County Board members to deny our petition as they believed we should try and work with MSD to develop the strand program rather than operate as an independent charter. One Board member even went as far to claim that if after six years of working with the District did not net a Mandarin immersion program, we would likely be approved.

Sincerely,

Jun Dong  
Lead Petitioner  
Wei Yu International Charter School



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FACEBOOK | WEYUCHARTER  
EMAIL | WEYUCHARTER@GMAIL.COM

JANUARY 26, 2015

VIA: EMAIL

Ms. Darcie Green, Board of Education President  
Jon R. Gundry, Superintendent of Schools  
Ms. Toni Cordova, Chief Strategy Officer  
Mr. Don Bolce, Program Director, Special Projects  
Santa Clara County Office of Education  
1290 Ridder Park Drive  
San Jose, CA 95131-2304

**Re: Wei Yu International Charter School Responses to Questions from Santa Clara County Board of Education and Santa Clara County Staff**

Dear Board President Green, Superintendent Gundry, Ms. Cordova, and Mr. Bolce:

The purpose of this letter is to respond in writing to questions posed by Board Trustees on December 10, 2014 and by County Staff on January 20, 2015.

Our mission at Wei Yu International Charter School (WYICS) is to provide a complementary public education choice for parents, while also preparing students for the 21<sup>st</sup> century by being bilingual and biliterate in English and Mandarin. Our school extends beyond Mandarin immersion because the language is the medium used to deliver our Common Core-aligned curriculum, which will incorporate Project-Based Learning via the STEAM (Science, Technology, Engineering, Arts, and Math) framework, as well as Social-Emotional Learning.

In our responses below, we hope to convey to you that we remain 100% committed to serving to all students, committed to providing educational choice to parents, and committed to finding and retaining high quality teachers.

**Question:** Free and Reduced Price Meals

**WYICS Response:**

We apologize for the confusion surrounding Free and Reduced Price Meals (FRPM) at WYICS. We were advised that we should apply for FRPM funding once we understand the exact number of eligible students. It was and continues to be our intention to provide FRPM for our students. In the latest revised budget attached below, WYICS assumes 34% of its student population will qualify for FRPM, similar to the population of Moreland School District. WYICS will also seek funding both at the federal and state level. The current federal funding is at \$2.93 per student per day and the current state funding is at \$0.25 per student per day. WYICS has also reached out to



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several healthy service providers to provide the most nutritional meals to our students. The estimated cost to acquire the meals is at \$4.75 per student per day.

With 190 instruction days per year, the total additional cost (net out the funding received at the federal and state level) would be at around \$15,000 for the first year growing to \$38,000 by the fifth year. The total impact to our latest budget is going to be around \$12,000 for the first year growing to \$31,000 by the fifth year. As the result of this revision, the ending cash balance including reserve will be \$446,000 by Year 5.

**Wei Yu International Charter School**  
**Free and Reduced Price Meal Cost Model**  
**2015-2020**

	2015-2016	2016-2017	2017-2018	2018-2019	2019-2020
State Funding (\$/student)	0.25	0.25	0.25	0.25	0.25
Federal Funding (\$/student)	2.93	2.93	2.93	2.93	2.93
<b>Total Funding (\$/student)</b>	<b>3.18</b>	<b>3.18</b>	<b>3.18</b>	<b>3.18</b>	<b>3.18</b>
Breakfast (\$/student)	1.75	1.75	1.75	1.75	1.75
Lunch (\$/student)	3	3	3	3	3
<b>Total Cost (\$/student)</b>	<b>4.75</b>	<b>4.75</b>	<b>4.75</b>	<b>4.75</b>	<b>4.75</b>
Subsidy/(Revenue) (\$/student)	1.57	1.57	1.57	1.57	1.57
Assume FRPM Population %	34%	34%	34%	34%	34%
Student Population	150	225	275	325	375
FRPM Population	51	76.5	93.5	110.5	127.5
School Days	190	190	190	190	190
Total Cost Each Year (\$)	15,213	22,820	27,891	32,962	38,033
<b>Net Increase to the Budget (\$)</b>	<b>12,213</b>	<b>18,820</b>	<b>22,891</b>	<b>26,962</b>	<b>31,033</b>

Please see Attachment A for our Five Year Operating Budget.

**Question:** Plan for English Learners: Integrated and Designated English Language Development



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**WYICS Response:**

Our ELA units interweave reading, writing and oral language, providing integrated ELD during this time. The units are aligned with the CCSS for ELA and the California ELA/ELD Framework. Integrated ELD will also occur throughout the day across all subject areas that are taught in English.

We will be highly strategic and focused with our ELA instruction time, particularly in the primary grades, and will implement a rigorous literacy program beginning with a strong focus on foundational skills (i.e., concepts of print, phonemic awareness, phonics, word study, etc.). Lessons are differentiated through flexible reading groups and independent reading, driven by on-going formative and summative assessments, which also allows us the opportunity to provide designated ELD during this time. The precise schedule may vary from year to year, dependent upon the group of students currently enrolled. As any strong educational program, WYICS is committed to providing student-driven, assessment-based instruction in all content areas.

During designated ELD, there will be a continuum of meaningful literacy activities/centers to allow for strategic practice. English Learners will be grouped by proficiency so that teachers can strategically target their language learning needs. During designated ELD instruction, foundational literacy practices, strategies, and skills students are learning will be reinforced. Depending on the number of ELs and their proficiency level, designated ELD could occur at the horseshoe table illustrated in the diagram on p. 33 of the petition and/or in the library. If the number of ELs is large enough across a grade level, then we may combine these students and dedicate an entire classroom for designated ELD instruction.

WYICS will also adapt our schedule to accommodate additional designated ELD instruction time as needed by carving out 30 minute blocks each week from the Electives or Assembly time. We will also provide Homework Club 3x/week to provide additional support after school. Homework Club will be staffed by teachers and parent volunteers. If necessary, we may ask EL students to participate in the two week long intersessions so that they have additional designated ELD instruction time.

**Question:** Meeting the Needs of a Non-Mandarin and Non-English Speaking Student

**WYICS Response:**

Our Mandarin immersion program is based on a one-way model, which assumes our primary student population has little to no proficiency in Mandarin. The decision to implement a one-way model is intentional by design to be inclusive of all student populations, regardless of native language. As a result, we expect that most students will be learning Mandarin as a new language. Therefore, we will employ the following strategies (described in detail on pp.41-42 of the petition) and techniques specific to teaching in an immersion classroom to ensure that ALL students gain access to the curriculum, regardless of their home language:



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1. Explicit Instruction
2. Guided and Independent Practice
3. Small Group Instruction
4. Inquiry and Problem-Solving Approach
5. Technology
6. Specialized Language Acquisition Strategies (e.g., SIOP, SDAIE, GLAD, TPR)

Furthermore, we will differentiate instruction and provide support through small groups or individual lessons. We will also offer optional Homework Club 3x/week as additional support after school. Homework Club will be staffed by teachers and parent volunteers.

Specific to EL students (most likely from Spanish-speaking households), all ELs will be fully integrated into the regular classroom setting. Our educational program is designed to reach all learners, including ELs. We value the knowledge and experience that every student brings to the classroom. Teachers will encourage students to share that knowledge in a variety of forms so that even students with very little English proficiency can participate.

We also recognize and appreciate the particular needs of EL students and will continually evaluate our educational program with those needs in mind. As part of our Professional Development program, teachers will be trained in a variety of English Language Development techniques and strategies that may include the Sheltered Instruction Observation Protocol (SIOP) Model and Specifically Designed Academic Instruction in English (SDAIE). Additionally, teachers will regularly discuss the needs and performance of our EL students, based on recent assessment information, during professional development days and weekly faculty collaboration meetings.

We plan to implement a structured immersion program for our EL students. The over-arching structure of our plan for EL students will be based on the SIOP Model. The SIOP Model is a research-based model of effective instructional strategies for EL students. Using the SIOP Model teachers will design and evaluate three components of every lesson: preparation, instruction, review/assessment. Teachers will be trained in the SIOP Model as part of their professional development. Specific support strategies for our ELs will include the following, which are described in detail on pp. 71-73 of the petition:

1. Inquiry-Based Teaching
2. Scaffolding
3. SDAIE
4. Literacy Support
5. On-Going Assessment

In addition, one of the most compelling conclusions in the research on bilingualism is that



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learning an additional language actually improves the students' ability to learn English and increases their capacity to learn additional languages. This phenomenon is due to a concept known as metalinguistic awareness, which refers to explicit knowledge of different aspects of language (sounds, words, grammar structure, etc.).

**Question:** Plan for Special Education Students

**WYICS Response:**  
We are 100% committed to serving all children, including those with special needs, and providing them with a free appropriate public education in the least restrictive environment by mainstreaming them whenever feasible. WYICS intends to provide Special Education instruction and related services in accordance with the Individual with Disabilities Education Improvement Act of 2004 (IDEIA), Education Code requirements, and applicable policies and practices of our SELPA. Some Special Education services may initially be outsourced, but as our school grows and depending on our Special Education needs, we may choose to hire in-house resource specialists.

Special needs encompass a wide range of conditions, so service delivery would also vary based on the condition and defined in the IEP. For example, some students may have speech issues, which would require work with a speech therapist. Others may have a hearing challenge, so service delivery might entail equipping the teacher with a microphone and the child with a hearing device. Some students may require mental health counseling and others with more severe conditions may need a personal aide to assist the student in the classroom.

Regardless of the need, service delivery will be determined within the context of the IEP. Every Special Education student will require an IEP, which will be jointly developed by the teachers, Principal, parents and specialists. The IEP process will determine the specific plan that is most appropriate for serving that student and WYICS will deliver on that plan.

**Question:** Common Core State Standards

**WYICS Response:**  
The Common Core State Standards (CCSS) will be integrated into our curriculum through the instructional materials that we purchase. Where possible, we will select materials that have been adopted by the State Board of Education (SBE):

- **Mathematics:** We will use Math in Focus, which is a Common Core-aligned Mathematics textbook that is included on the SBE's adoption list.
- **English Language Arts (ELA):** Although the timing for ELA materials adoption isn't scheduled to occur until the end of this year, the curriculum we've identified at this point is correlated to the Common Core State Standards (CCSS), such as Saxon Phonics and Spelling, Reading A-Z and Step Up to Writing. We may also adopt the Cupertino Language Immersion Program's model of using the Readers/Writers Workshop program



in both English and Mandarin. Once the ELA materials adoption is approved, we may modify our curriculum to pull from this list. In addition, the CCSS for ELA will also be integrated throughout the week during Mandarin Language Arts (MLA), Social Science, Mathematics and Science/STEAM time. For ELA CCSS that will be covered during MLA time, we may need to adapt some of these standards into Mandarin, depending on the MLA curriculum selected.

- **History-Social Science:** History-Social Science content will be integrated into MLA. We may use the Houghton Mifflin History-Social Studies textbook for American History Studies and Social Science units, which is included on the SBE’s adoption list.
- **Science:** We plan to use Full Option Science System (FOSS), which is aligned with the Next Generation Science Standards, and also adopted by the SBE.
- **Mandarin Language Arts (MLA):** We may use Mei Zhou Hua Yu, a US-published curriculum, as a starting point for planning lessons. Another option is Better Immersion (from the publishers Better Chinese), which is Common Core-aligned. We will also supplement with materials from teacher-designed units and may incorporate instructional materials from a variety of other sources (i.e., Sheng Huo Hua Yu, Singapore textbooks, materials from the Taiwan Department of Education and The People’s Republic of China’s Department of Education, etc.).

It will also be the responsibility of the Principal to monitor and provide feedback to the teaching staff for effective implementation of the key instructional shifts from the 1997 Standards to the current Common Core State Standards. These instructional shifts in Language Arts encompass:

- Balancing informational and literacy texts
- Staircase of complexity
- Text-based answers
- Writing from sources
- Academic vocabulary

In Mathematics, the additional standards of mathematical practice and the effective implementation of such, alongside content changes, will be the primary responsibility of the Principal. The mathematical practices include:

- Make sense of problems and persevere in solving them
- Reason abstractly and quantitatively
- Construct viable arguments and critique the reasoning of others
- Model with mathematics
- Use appropriate tools strategically
- Attend to precision
- Look for and make use of structure



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- Look for and express regularity in repeated reasoning

Curriculum development and lesson planning is a continuous process that will be fully initiated once we hire our Principal and teaching staff. We will leverage Common Core-aligned curriculum developed and/or translated by established Mandarin immersion programs wherever feasible and will work with our partners and teachers to jointly develop/translate curriculum during the summer months, or earlier as we build out the school.

We have also designed our schedule to allow collaboration after the school day for grade level teams, in addition to monthly early release days, providing further opportunities for joint curriculum development and lesson planning.

In adherence to best practice, we provided detailed curriculum maps for our first year of operation, which includes scope and sequence for kindergarten and 1<sup>st</sup> grade (pp. 34-54 of the petition appendix).

We are supported by a number of individuals and institutions that have Mandarin immersion curriculum experience. One of our Board members (Helen Wong) has extensive curriculum development experience specific to Mandarin immersion programs. Our advisors also include Merry Kuo, Foreign Language Director at Bullis Charter School, and Benson Zhao, the Director of Chinese Language Education Research Center (CLERC). Furthermore, we have established collaborative relationships with Cupertino Language Immersion Program (CLIP), Yu Ming Charter School (Oakland), College Park Elementary School (San Mateo), Mandarin Immersion Program at John Gill Elementary School (Redwood City), and the Multilingual Pathways Department at San Francisco Unified School District (host of multiple Mandarin immersion programs). Along with our teachers and partners, we will be able to develop a strong curriculum design plan for future years as well.

**Question:** Student Population Reflective of the District

**WYICS Response:**

As stated on pp.126-128 of our petition, “WYICS is committed to maintaining a racially and economically diverse student population reflective of the general population residing in the Moreland School District and surrounding areas”. Since the submission of our petition to the Moreland School District on September 15, 2014, we have continued to execute on our outreach plan on pp. 126-128 of our petition. For example, we have held three English informational workshops at West Valley Library on October 4, October 11, November 9, 2014 and one Spanish informational workshop at Starbird Community Center on January 24, 2015.

We partnered very early on with Starbird Community Center, which is the community center in the high density, high Hispanic concentration neighborhood of Moreland. The Director of the Youth Center and the neighborhood association are in strong support of our school as an



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additional educational option for students in the neighborhood. In an effort to reach parts of the community who prefer in-person outreach, we have gone door to door with Spanish speakers, visited parks, spoke to Spanish speaking businesses in the area to put up flyers, and have volunteered at Starbird neighborhood events.

Please see Attachment B1-4 for examples of our outreach materials (executive summary, WYICS informational sheets, flyers) in Spanish.

**Question:** Entering WYICS Grade 2 or Above

**WYICS Response:**

Although many public immersion schools in the Bay Area assess for language proficiency starting from entry in Grade 1 and mandate that students must pass certain benchmarks prior to entry<sup>1</sup>, WYICS does not have such a requirement. To ensure success in our program, we highly recommend that children enrolling for Grade 2 or above have knowledge of Mandarin at a level similar to that of their classmates. Students will be scheduled for a Mandarin Language Review to establish the student’s level of Mandarin proficiency. 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.

Should an incoming student be identified as needing help with Mandarin language, we will use the specific techniques as described on pp. 3-4 of this letter to ensure the student will gain access to the curriculum. Furthermore, the teacher will differentiate instruction and provide support through small groups or individual lessons. We may adapt the student’s schedule to accommodate additional designated Mandarin foundational skills time by carving out 30 minute blocks each week from the Electives or Assembly time. We will ask the student to attend Homework Club, offered 3x/week, and also the two week long intersessions for additional designated Mandarin foundational skills time.

WYICS will encourage the PTO to form a committee to provide suggestions of how parents can support their child’s Mandarin immersion experience. For example, the committee may provide lists of Mandarin books and media appropriate for students, and community events where students can have an opportunity to practice Mandarin outside of the classroom.

We understand that attrition and our ability to backfill students is also a concern. Yu Ming

<sup>1</sup> Yu Ming Charter School in Alameda County, a Mandarin immersion charter school, 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.



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Charter School and the Cupertino Language Immersion Program have both personally informed us that attrition has not been a problem for them, because the rates have been so low. Until WYICS is in operation, we will have to rely on other schools’ data for attrition rates, and we have no reason to believe that WYICS will be different from other public Mandarin immersion schools. We believe demand for Mandarin immersion continues to be high, and families who are unable to enter into Mandarin immersion seek ways to maintain high levels of Mandarin ability by attending Mandarin after schools. These same families may choose to backfill available spaces. WYICS appeals to families not only because we offer Mandarin immersion, but also because we offer Project-Based Learning via the STEAM (Science, Technology, Engineering, Arts, and Math) framework, as well as Social-Emotional Learning.

**Question:** Finding and Retaining High Quality Teachers

**WYICS Response:**

We understand that finding and retaining high quality teachers is always a difficult endeavor. We have established relationships with organizations that will enable us to reach teachers who hold a California multiple subject teaching credential and preferentially also hold a Bilingual Authorization in Mandarin (formerly known as BCLAD). These organizations are:

- Advocates for Chinese Education (ACE)
- Confucius Institute at San Francisco State University
- Chinese Language Education Research Center (CLERC)
- San Francisco State University, Multiple Subject Credential Program with Bilingual Authorization in Mandarin
- California State University, Long Beach, Asian Bilingual Authorization Program

Our proposed salaries are competitive with other charter schools. WYICS will create its own salary range for our various positions. Compensation will be based on experience, skill sets, position demand, and other factors. WYICS will not be using a step and column salary schedule, but will pay stipends to attract and retain teachers who have demonstrated successful experience working with language immersion program. From Year 3 to Year 5, the WYICS’ team budgets a bonus line for founder teachers and high performance teachers for retention purpose.

Furthermore, we seek to retain teachers by providing WYICS teachers the opportunity to grow as educators through professional development provided by external and internal experts. Our budget for professional development is robust as we have allocated almost \$24,000 for Year 1 professional development.

As stated earlier, we wish to reaffirm that we are 100% committed to serving to all students, committed to providing educational choice to parents, and committed to finding and retaining high quality teachers. Currently, the only public options for Mandarin immersion are



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EMAIL | [WEYUCHARTER@GMAIL.COM](mailto:WEYUCHARTER@GMAIL.COM)

only available to those who live in Palo Alto or Cupertino. We believe WYICS is one way to improve Mandarin immersion equity in Santa Clara County.

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](mailto:ted.dong@gmail.com) anytime.

Sincerely,

*Jun Dong*

Jun Dong  
Lead Petitioner  
Wei Yu International Charter School

Wei Yu International Charter School  
Attachment A: Five Year Operating Budget

Wei Yu International Charter School  
Five Year Operating Budget  
2015-2020

Object Code	Description	Startup	2015-2016	2016-2017	2017-2018	2018-2019	2019-2020
<b>REVENUES</b>							
<b>Revenue Limit Sources</b>							
8015	General Purpose Entitlement Block Grant						
	Grades K - 3		\$ 963,792	\$ 1,468,819	\$ 1,823,947	\$ 1,684,664	\$ 1,540,456
	Grades 4 - 6		\$ -	\$ -	\$ -	\$ 505,399	\$ 1,026,971
	Grades 7 - 8		\$ -	\$ -	\$ -	\$ -	\$ -
	Grades 9 - 12		\$ -	\$ -	\$ -	\$ -	\$ -
	<b>Total, Revenue Limit Sources</b>		\$ 963,792	\$ 1,468,819	\$ 1,823,947	\$ 2,190,063	\$ 2,567,427
<b>Federal Revenues</b>							
8290	No Child Left Behind (Title I)		\$ -	\$ -	\$ -	\$ -	\$ -
8110	CDE PCS Grant	\$ 275,000	\$ 100,000	\$ -	\$ -	\$ -	\$ -
8190	EESA/Math & Science		\$ -	\$ -	\$ -	\$ -	\$ -
8220	Child Nutrition - Federal		\$ 30,814	\$ 46,221	\$ 56,493	\$ 66,764	\$ 77,036
8260-8299	Other Federal Revenues		\$ -	\$ -	\$ -	\$ -	\$ -
	<b>Total, Federal Revenues</b>	\$ 275,000	\$ 130,814	\$ 46,221	\$ 56,493	\$ 66,764	\$ 77,036
<b>Other State Revenue</b>							
8480	LCFF additional increment towards target			\$ 115,084	\$ 285,818	\$ 514,794	\$ 804,647
8321	Special Education			\$ 109,125	\$ 133,375	\$ 157,625	\$ 181,875
8556	State Lottery			\$ 45,105	\$ 34,370	\$ 42,680	\$ 51,247
8545	SB 740 Facility Grant		\$ -	\$ -	\$ -	\$ -	\$ -
8584	Economic Impact Aid (EIA)		\$ -	\$ -	\$ -	\$ -	\$ -
8536	All Other State Revenues		\$ -	\$ -	\$ -	\$ -	\$ -
	<b>Total, Other State Revenues</b>		\$ -	\$ 269,314	\$ 453,563	\$ 715,089	\$ 1,037,769
<b>Other Local Revenue</b>							
8600	Transfers from Sponsoring LEA	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
8660	Interest	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
8699	Fundraising	\$ 75,000	\$ 100,000	\$ 112,500	\$ 137,500	\$ 162,500	\$ 187,500
8700	Other Grants	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
8710	All Other Local Revenues	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
8979	Loan Financing	\$ -	\$ 350,000	\$ -	\$ -	\$ -	\$ -
	<b>Total, Local Revenues</b>	\$ 75,000	\$ 450,000	\$ 112,500	\$ 137,500	\$ 162,500	\$ 187,500
	<b>TOTAL REVENUES</b>	\$ 350,000	\$ 1,544,606	\$ 1,896,854	\$ 2,471,502	\$ 3,134,415	\$ 3,869,731
<b>EXPENDITURES</b>							
<b>Certificated Salaries</b>							
1100	Teacher Salaries	\$ 47,110	\$ 363,320	\$ 502,722	\$ 660,000	\$ 792,168	\$ 928,299
1170	Substitute Teacher Salaries (7% of Teacher Salaries)		\$ 25,432	\$ 35,191	\$ 46,200	\$ 55,452	\$ 64,981
1200	Supplemental/Enrichment Based Certificated Staff		\$ 41,250	\$ 83,787	\$ 120,000	\$ 182,808	\$ 278,490
1300	Certificated Supervisor and Administrator Salaries		\$ 120,000	\$ 121,872	\$ 123,773	\$ 125,704	\$ 127,665
	Founding Teacher and Performance Bonuses		\$ -	\$ -	\$ 40,000	\$ 42,000	\$ 49,000
	<b>Total, Certificated Salaries</b>	\$ 47,110	\$ 550,002	\$ 743,572	\$ 989,973	\$ 1,198,132	\$ 1,448,435
<b>Classified (non-certificated) Salaries</b>							
2100	Instructional Aide Salaries	\$ 5,495	\$ 88,135	\$ 125,681	\$ 170,500	\$ 204,643	\$ 239,811
2200	Non-certificated Support Salaries		\$ -	\$ -	\$ -	\$ -	\$ -
2300	Non-certificated Supervisor and Administrator Salaries		\$ 25,000	\$ 25,390	\$ 54,000	\$ 54,842	\$ 55,698
2400	Clerical and Office Salaries		\$ -	\$ -	\$ -	\$ 26,188	\$ 26,597
	<b>Total, Non-certificated Salaries</b>	\$ 5,495	\$ 113,135	\$ 151,071	\$ 224,500	\$ 285,674	\$ 322,105
<b>Employee Benefits</b>							
3101-3302	STRS for Certified Employees Annual Salaries (with Medicare)		\$ 59,150	\$ 99,366	\$ 149,871	\$ 202,597	\$ 270,880
3401-3402	Health and Welfare Benefits		\$ 78,750	\$ 136,125	\$ 174,250	\$ 223,125	\$ 270,000
3501-3502	Unemployment Insurance (1.61%)		\$ 10,677	\$ 14,404	\$ 19,553	\$ 23,889	\$ 28,506
3601-3602	Workers' Compensation Insurance (4%)		\$ 26,525	\$ 35,786	\$ 48,579	\$ 59,352	\$ 70,822
	Other Retiree Benefits (4.5% for 401k plan, 6.2% for SSL, 1.45% for Medicare)		\$ 13,746	\$ 18,355	\$ 27,277	\$ 34,709	\$ 39,136
3701-3702	Other Employee Benefits		\$ -	\$ -	\$ -	\$ -	\$ -
3901-3902	Other Employee Benefits		\$ -	\$ -	\$ -	\$ -	\$ -
	<b>Total, Employee Benefits</b>	\$ -	\$ 188,848	\$ 304,055	\$ 419,530	\$ 543,673	\$ 679,343
<b>Books and Supplies</b>							
4100	Approved Textbooks and Core Curricula Materials	\$ 39,724	\$ -	\$ 27,300	\$ 24,700	\$ 29,900	\$ 29,900
4200	Books and Other Curriculum Materials	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
4300	Enrichment Materials, Classroom & Office Supplies	\$ 19,561	\$ -	\$ 20,250	\$ 24,750	\$ 29,250	\$ 33,750
4400	Non-capitalized Equipment (computers, printers, servers)	\$ 53,580	\$ -	\$ 28,125	\$ 27,500	\$ 32,500	\$ 37,500
	<b>Total, Books and Supplies</b>	\$ 112,865	\$ -	\$ 75,675	\$ 76,950	\$ 91,650	\$ 101,150

Wei Yu International Charter School  
Attachment A: Five Year Operating Budget

Wei Yu International Charter School  
Five Year Operating Budget  
2015-2020

Object Code	Description	Startup	2015-2016	2016-2017	2017-2018	2018-2019	2019-2020
<b>REVENUES</b>							
<b>Revenue Limit Sources</b>							
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	Grades 7 - 8		\$ -	\$ -	\$ -	\$ -	\$ -
	Grades 9 - 12		\$ -	\$ -	\$ -	\$ -	\$ -
	<b>Total, Revenue Limit Sources</b>		<b>\$ 963,792</b>	<b>\$ 1,468,819</b>	<b>\$ 1,823,947</b>	<b>\$ 2,190,063</b>	<b>\$ 2,567,427</b>
<b>Federal Revenues</b>							
8290	No Child Left Behind (Title I)		\$ -	\$ -	\$ -	\$ -	\$ -
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<b>Other State Revenue</b>							
8480	LCFF additional increment towards target			\$ 115,084	\$ 285,818	\$ 514,794	\$ 804,647
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8556	State Lottery			\$ 45,105	\$ 34,370	\$ 42,680	\$ 51,247
8545	SB 740 Facility Grant		\$ -	\$ -	\$ -	\$ -	\$ -
8584	Economic Impact Aid (EIA)		\$ -	\$ -	\$ -	\$ -	\$ -
8536	All Other State Revenues		\$ -	\$ -	\$ -	\$ -	\$ -
	<b>Total, Other State Revenues</b>		<b>\$ -</b>	<b>\$ 269,314</b>	<b>\$ 453,563</b>	<b>\$ 715,089</b>	<b>\$ 1,037,769</b>
<b>Other Local Revenue</b>							
8600	Transfers from Sponsoring LEA	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
8660	Interest	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
8699	Fundraising	\$ 75,000	\$ 100,000	\$ 112,500	\$ 137,500	\$ 162,500	\$ 187,500
8700	Other Grants	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
8710	All Other Local Revenues	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
8979	Loan Financing	\$ -	\$ 350,000	\$ -	\$ -	\$ -	\$ -
	<b>Total, Local Revenues</b>	<b>\$ 75,000</b>	<b>\$ 450,000</b>	<b>\$ 112,500</b>	<b>\$ 137,500</b>	<b>\$ 162,500</b>	<b>\$ 187,500</b>
	<b>TOTAL REVENUES</b>	<b>\$ 350,000</b>	<b>\$ 1,544,606</b>	<b>\$ 1,896,854</b>	<b>\$ 2,471,502</b>	<b>\$ 3,134,415</b>	<b>\$ 3,869,731</b>
<b>EXPENDITURES</b>							
<b>Certificated Salaries</b>							
1100	Teacher Salaries	\$ 47,110	\$ 363,320	\$ 502,722	\$ 660,000	\$ 792,168	\$ 928,299
1170	Substitute Teacher Salaries (7% of Teacher Salaries)		\$ 25,432	\$ 35,191	\$ 46,200	\$ 55,452	\$ 64,981
1200	Supplemental/Enrichment Based Certificated Staff		\$ 41,250	\$ 83,787	\$ 120,000	\$ 182,808	\$ 278,490
1300	Certificated Supervisor and Administrator Salaries		\$ 120,000	\$ 121,872	\$ 123,773	\$ 125,704	\$ 127,665
	Founding Teacher and Performance Bonuses		\$ -	\$ -	\$ 40,000	\$ 42,000	\$ 49,000
	<b>Total, Certificated Salaries</b>	<b>\$ 47,110</b>	<b>\$ 550,002</b>	<b>\$ 743,572</b>	<b>\$ 989,973</b>	<b>\$ 1,198,132</b>	<b>\$ 1,448,435</b>
<b>Classified (non-certificated) Salaries</b>							
2100	Instructional Aide Salaries	\$ 5,495	\$ 88,135	\$ 125,681	\$ 170,500	\$ 204,643	\$ 239,811
2200	Non-certificated Support Salaries		\$ -	\$ -	\$ -	\$ -	\$ -
2300	Non-certificated Supervisor and Administrator Salaries		\$ 25,000	\$ 25,390	\$ 54,000	\$ 54,842	\$ 55,698
2400	Clerical and Office Salaries		\$ -	\$ -	\$ -	\$ 26,188	\$ 26,597
	<b>Total, Non-certificated Salaries</b>	<b>\$ 5,495</b>	<b>\$ 113,135</b>	<b>\$ 151,071</b>	<b>\$ 224,500</b>	<b>\$ 285,674</b>	<b>\$ 322,105</b>
<b>Employee Benefits</b>							
3101-3302	STRS for Certified Employees Annual Salaries (with Medicare)		\$ 59,150	\$ 99,366	\$ 149,871	\$ 202,597	\$ 270,880
3401-3402	Health and Welfare Benefits		\$ 78,750	\$ 136,125	\$ 174,250	\$ 223,125	\$ 270,000
3501-3502	Unemployment Insurance (1.61%)		\$ 10,677	\$ 14,404	\$ 19,553	\$ 23,889	\$ 28,506
3601-3602	Workers' Compensation Insurance (4%)		\$ 26,525	\$ 35,786	\$ 48,579	\$ 59,352	\$ 70,822
	Other Retiree Benefits (4.5% for 401k plan, 6.2% for SSL, 1.45% for Medicare)		\$ 13,746	\$ 18,355	\$ 27,277	\$ 34,709	\$ 39,136
3701-3702	Other Employee Benefits		\$ -	\$ -	\$ -	\$ -	\$ -
3901-3902	Other Employee Benefits		\$ -	\$ -	\$ -	\$ -	\$ -
	<b>Total, Employee Benefits</b>	<b>\$ -</b>	<b>\$ 188,848</b>	<b>\$ 304,055</b>	<b>\$ 419,530</b>	<b>\$ 543,673</b>	<b>\$ 679,343</b>
<b>Books and Supplies</b>							
4100	Approved Textbooks and Core Curricula Materials	\$ 39,724	\$ -	\$ 27,300	\$ 24,700	\$ 29,900	\$ 29,900
4200	Books and Other Curriculum Materials	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
4300	Enrichment Materials, Classroom & Office Supplies	\$ 19,561	\$ -	\$ 20,250	\$ 24,750	\$ 29,250	\$ 33,750
4400	Non-capitalized Equipment (computers, printers, servers)	\$ 53,580	\$ -	\$ 28,125	\$ 27,500	\$ 32,500	\$ 37,500
	<b>Total, Books and Supplies</b>	<b>\$ 112,865</b>	<b>\$ -</b>	<b>\$ 75,675</b>	<b>\$ 76,950</b>	<b>\$ 91,650</b>	<b>\$ 101,150</b>

Wei Yu International Charter School  
Attachment B1: Executive Summary Spanish



WEI YU INTERNATIONAL CHARTER SCHOOL

ESQUELA CHARTER INTERNACIONAL WEI YU

位育國際學校

weiyucharter@gmail.com

http://www.weiyucharter.org

teléfono: (408) 785-0274

## RESUMEN EJECUTIVO

La Escuela Charter Internacional Wei Yu (WYICS por sus siglas en Inglés) será una escuela charter pública que servirá a estudiantes de Kinder a 8° grado en el Distrito Escolar de Moreland - West San José (pendiente de aprobación).

El modelo educativo de WYICS se enfoca en la integración del idioma Chino Mandarín, en el aprendizaje social y emocional, y en un plan de estudios alineados con los estándares *common core* que incorpora el sistema STEAM (Ciencia, Tecnología, Ingeniería, Artes y Matemáticas) así como en el aprendizaje basado en proyectos, asegurando que nuestros estudiantes estén preparados para sobresalir y prosperar en el siglo 21.

En un programa de inmersión lingüística, el idioma objetivo (Chino Mandarín) se utiliza como medio o herramienta para impartir el plan de estudios. Por lo tanto, se tiene una oportunidad única para integrar el idioma con un plan de estudios innovador y métodos de enseñanza progresiva, sin añadir costo o tiempo significativo. La escuela tiene previsto abrir en el otoño del 2015, con tres clases de Kinder y tres clases de 1er. grado.

### VISION Y OBJETIVO

**Visión:** Crear un ambiente de aprendizaje progresivo para estudiantes de Kinder a 8° grado, preparándolos para obtener aptitudes de aprendizaje permanentes y convirtiéndolos en ciudadanos comprometidos de nuestra sociedad globalizada.

**Objetivo:** Ofrecer una educación bilingüe que promueva un alto rendimiento académico y cultive la inteligencia emocional y la curiosidad de los alumnos, equipándolos con las herramientas esenciales para prosperar en nuestra sociedad globalizada y dinámica.

### CARACTERÍSTICAS DEL PROGRAMA

El programa de instrucción de WYICS integrará el desarrollo de las habilidades bilingües y la alfabetización en Inglés y Chino Mandarín, con un plan de estudios alineado a los estándares *common core* de California. Incorporará el sistema STEAM a través de aprendizaje basado en proyectos, nutriendo el desarrollo social y emocional del niño.

Crearemos un ambiente de aprendizaje que sea significativo e intensivo, despertando la curiosidad natural de nuestros estudiantes y explorando sus pasiones, con el fin de alcanzar su máximo potencial. Nuestros métodos de enseñanza y la estructura de la escuela se enfocarán en las necesidades del siglo 21. Así, los estudiantes desarrollarán habilidades de pensamiento crítico, resolución de problemas, creatividad, comunicación, colaboración, responsabilidad cívica y conciencia cultural, además del idioma Chino Mandarín.

[www.weiyucharter.org](http://www.weiyucharter.org)

WY

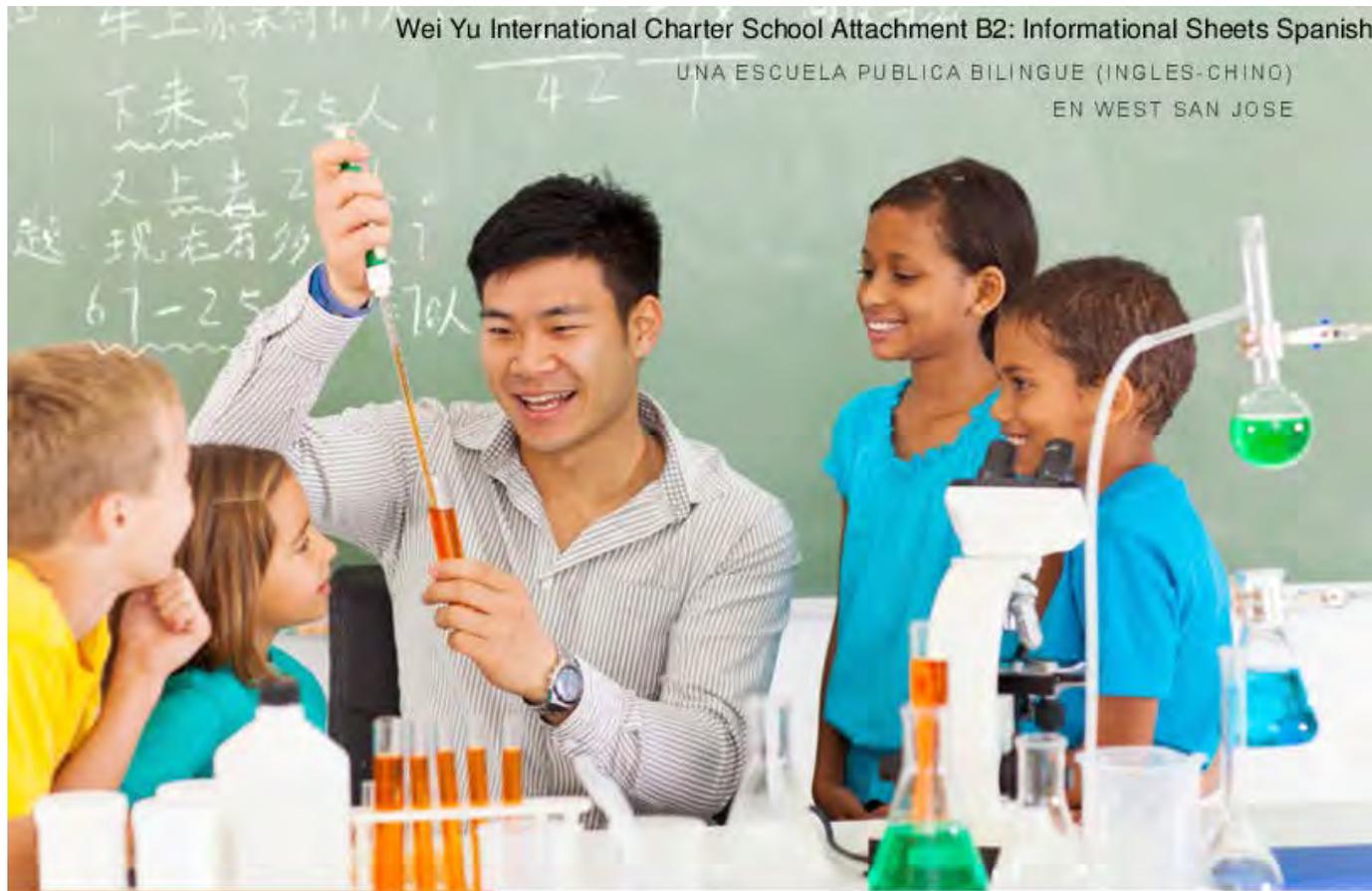
WYICS

BASED ON PROJECTS

STEAM

ACROSS SOCIAL ENVIRONMENT





Wei Yu International Charter School Attachment B2: Informational Sheets Spanish

UNA ESCUELA PUBLICA BILINGUE (INGLES-CHINO)  
EN WEST SAN JOSE

### WEI YU DE UN VISTAZO

- Wei Yu será una escuela bilingüe (Inglés y Chino Mandarín) que servirá a niños desde Kindergarten hasta 8<sup>o</sup> grado
- Se planea abrir en el Otoño del 2015 con clases de Kindergarten y 1<sup>o</sup> grado
- Se está peticionando en el Distrito Escolar de Moreland
- Programa académico que incluirá el sistema STEAM (Ciencia, Tecnología, Ingeniería, Artes y Matemáticas) a través del aprendizaje basado en proyectos
- No se requiere conocimiento previo del idioma Chino

## Escuela Charter International Wei Yu (WYCIS)

La Escuela Internacional Charter de Wei Yu (Wei Yu International Charter School, WYCIS) será una escuela pública que servirá a estudiantes de Kindergarten hasta 8<sup>o</sup> grado en el Distrito Escolar de Moreland (pendiente de aprobación).

**Wei Yu**  
**International**  
**Charter School**  
**位育国际学校**

El programa de instrucción de WYCIS integrará el desarrollo de las habilidades bilingües y la alfabetización en Inglés y Mandarín, con un plan de estudios alineado a los estándares 'common core' de California. Incorporará el sistema STEAM a través de aprendizaje basado en proyectos, nutriendo el desarrollo social y emocional del niño.

#### Nuestra Visión:

Crear un ambiente de aprendizaje progresivo para estudiantes de Kinder a 8<sup>o</sup> grado, preparándolos para obtener aptitudes de aprendizaje permanentes y convirtiéndolos en ciudadanos comprometidos de nuestra sociedad globalizada.

#### Nuestra Misión:

Ofrecer una educación bilingüe que promueva un alto rendimiento académico y cultive la inteligencia emocional y la curiosidad de los alumnos, equipándolos con las herramientas esenciales para prosperar en nuestra sociedad globalizada y dinámica.

Para más información, por favor contáctenos a [weiyucharter@gmail.com](mailto:weiyucharter@gmail.com) o al teléfono (408) 785-0274

Wei Yu International Charter School Attachment B2: Informational Sheets Spanish

ESCUELA CHARTER INTERNACIONAL DE WEI YU



"La educación bilingüe tiene el potencial de ser una práctica educativa transformativa, capaz de educar a todos los niños en formas en las que su intelecto e imaginación se expanda, mientras adquieren formas de expresión y tengan acceso a las diferentes formas de ser en el mundo."

-Ofelia Garcia, Profesor y autor de "Educación Bilingüe en el siglo 21. Una perspectiva global"

# bilingüismo por que aprender otro idioma? por qué chino

## BENEFICIOS DE SER BILINGUE

La investigación acerca del bilingüismo es clara en afirmar que a los niños expuestos a un segundo idioma a edad temprana se les estimula el desarrollo de habilidades críticas y de resolución de problemas.

Estudiantes que son competentes en más de un idioma, consistentemente obtienen mejores calificaciones en pruebas de inteligencia verbal y no verbal que los estudiantes de un solo idioma, lo cual sugiere que los estudiantes bilingües tienen mayor flexibilidad cognitiva. Además, estudios han demostrado que existen beneficios específicos a estudiantes que están aprendiendo un segundo (o tercer) idioma incluyendo:

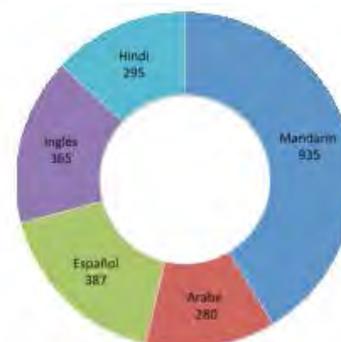


"un idioma te posiciona en un corredor de por vida. Dos idiomas te abren cada puerta en el camino." Frank Smith

## POR QUE CHINO MANDARIN

- Chino Mandarin es el primer idioma de cerca de 1 billón de personas, o 16% de las personas en el mundo. Mas que cualquier otro idioma por mas del doble
- Es el idioma Nacional de China, Taiwán y Singapur y es usado en la comunidad emigratoria a través de todo el sur de Asia.
- Las investigaciones indican que Mandarin se usa en primer lugar después del Inglés en el mercado internacional
- Es considerado por el Departamento de Estado de EUA como 1 de los 2 idiomas críticos
- En el año fiscal del 2011, 12 de 13 departamentos en el Gobierno federal de EUA identificaron al Chino Mandarin como el primer idioma recomendado para aprender o es recomendado entre los primeros 6 idiomas
- Para el 2020 es estimado que el 50% de los Estados Unidos será bilingüe (con un porcentaje superior en las zonas costeras y urbanas)

HABLANTES NATIVOS (MILLONES)



Fuente: Wikipedia

## Wei Yu International Charter School Attachment B2: Informational Sheets Spanish ESCUELA CHARTER INTERNACIONAL WEI YU



*"Los estudiantes jóvenes tienen una capacidad natural para aprender la cual es evidente cuando se involucran en el aprendizaje de otros idiomas. Estos estudiantes aprenden a ser abiertos y receptivos de la gente que habla otros idiomas y provienen de otras culturas."*

*-Martha B. Abbott, Directora de Educación para el Consejo Americano de Enseñanza de Lenguas Extranjeras, Languages (ACTFL)*

# wei yu programa de inmersión de idioma

### PROGRAMA DE INMERSION

Los niños pequeños aprenden idiomas sin mayor esfuerzo. Entre más temprano se introduce un segundo o tercer idioma, más fácil será para los niños absorber un nuevo idioma desde su ambiente. Sin embargo, esta ventana de oportunidad solo existe hasta la edad de 7 u 8 años. Después de esta edad, es considerablemente más difícil hablar el segundo idioma sin acento y con gramática fluida.

Muchos de nosotros hemos experimentado el aprender un idioma extranjero mientras se enseñaba como una materia formal unas cuantas veces por semana. A menos que hubiese tenido la oportunidad de practicar este idioma fuera del salón de clases continuamente, probablemente éste se ha desvanecido de su memoria poco a poco.

### BENEFITS OF IMMERSION

- Académicos y Educativos
- Idioma y Alfabetización
- Desarrollo de habilidades cognitivas
- Económicos y Socioculturales

El medio de instrucción provee un contexto social significativo en el cual se adquiere el idioma. Los niños aprenderán Mandarin al mismo tiempo que ganan conocimientos acerca del mundo. Poder a los niños con el idioma chino incrementará la oportunidad de que sean capaces de usar Mandarin de por vida.

En un programa típico de inmersión, el porcentaje del idioma objetivo (Chino) a Inglés será tan alto como 90:10 por los primeros 2-3 años para asegurar una fundación sólida en el idioma objetivo cuando la adquisición es más fácil. Mas Inglés es después introducido gradualmente hasta que la proporción cambia al 60:60 en la educación secundaria. El objetivo es desarrollar la alfabetización y competencia académica en Inglés y el idioma objetivo (Chino, en nuestro caso).

### NUESTRO MODELO DE INMERSION

El componente de inmersión del programa utilizará un modelo de inmersión de 2-vías. Se les ofrecerá a los estudiantes un curriculum intensivo y alineado a los estándares educativos "common core" en Mandarin e Inglés comenzando con un 90% de instrucción en Mandarin y 10% de Inglés. Basado en este modelo, el contenido básico enseñado en Mandarin se transferirá a instrucción en Inglés conforme los estudiantes avancen grados académicos.

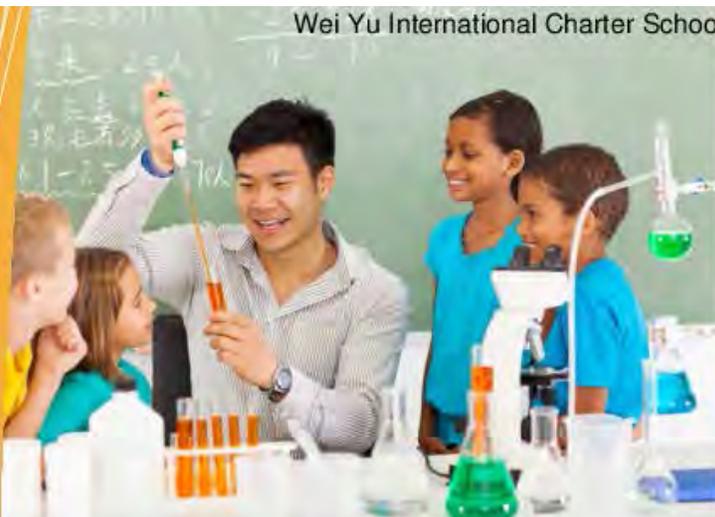
Porcentaje de Instrucción en Mandarin / Inglés:

- 90/10 in K-1
- 80/20 en 2<sup>do</sup> grado
- 70/30 en 3<sup>er</sup> grado
- 60/40 en 4<sup>o</sup> grado
- 50/50 en 5<sup>o</sup> grado
- 30/70 en grados 6-8



Wei Yu International Charter School Attachment B2: Informational Sheets Spanish

WEI YU INTERNATIONAL CHARTER SCHOOL



"El éxito de nuestra nación depende de la consolidación del papel de América como el motor del mundo en descubrimiento e innovación. Y ese liderazgo mañana depende de cómo educamos a nuestros hijos hoy - especialmente en ciencia, tecnología, ingeniería y matemáticas."  
-Presidente Obama, en una junta de CEOs, científicos, maestros and others in 2010.

QUE ES LA EDUCACION STEAM?

"STEAM es un enfoque educativo para el aprendizaje que utiliza Ciencia, Tecnología, Ingeniería, Artes y Matemáticas como puntos de acceso para guiar la investigación de los estudiantes, el diálogo y el pensamiento crítico." Susan Riley, Arts Integration Specialist



Muchas personas ya están familiarizados con STEM que se refiere a las disciplinas académicas de Ciencias, Tecnología, Ingeniería y Matemáticas y fue concebido "en una búsqueda nacional para preparar ciudadanos competitivos para una economía mundial de alta velocidad, e innovadora que los estudiantes del siglo 21 habitará en la edad adulta"

educación STEAM  
ciencia, tecnología, ingeniería, artes, y

STEAM (Ciencia, Tecnología, Ingeniería, Artes y Matemáticas) es un nuevo movimiento para integrar STEM con las Artes con el fin de fomentar una mejor innovación y creatividad, utilizando un enfoque basado en la investigación. Este marco educativo es para todas las disciplinas y tipos de alumnos con el objetivo de ser más atractivo y naturalmente exitoso para todos los miembros de cualquier sistema educativo. Implementaremos STEAM en los primeros años, a partir de Kindergarten.

STEAM EN WEI YU

Creemos que una base sólida en Ciencia, Tecnología, Ingeniería, Artes y Matemáticas (STEAM), habilidades multilingües, y la educación social / emocional preparará bien a los estudiantes para cumplir con los objetivos de la universidad del siglo 21. Con la integración de la tecnología, la alfabetización y las artes, el curriculum de WYICS cumplirá con las diversas necesidades de todos los estudiantes.



the STEAM process

Source: EducationCoast Consulting www.educationcoast.com

Wei Yu International Charter School Attachment B2: Informational Sheets Spanish

ESCUELA CHARTER INTERNACIONAL WEI YU



Uno de los mejores programas de idioma mandarín del país (Escuelas Públicas de Chicago) "sirve principalmente a los estudiantes que no son de origen chino ... Desde una escuela primaria afroamericana en el lado oeste, una escuela primaria casi completamente hispana en el Sur hasta escuelas más diversas en toda la ciudad, cerca de 3.000 estudiantes desde el kindergarten hasta la escuela secundaria están aprendiendo chino..."

"Las Clases de Chino Crecen Mientras el Idioma Monta una ola de Popularidad," New York Times, Octubre 15, 2005

NUESTROS ESTUDIANTES

WYICS crecerá para servir a estudiantes desde Kindergarten hasta 8º grado del Distrito Escolar de Moreland y áreas adyacentes. En el primer año de la escuela, 2015-2016, planeamos servir a aproximadamente 150 estudiantes en Kindergarten y primer grado. Cada año subsecuente agregaremos un grado escolar más hasta alcanzar el 8º grado.

NUESTRA COMUNIDAD

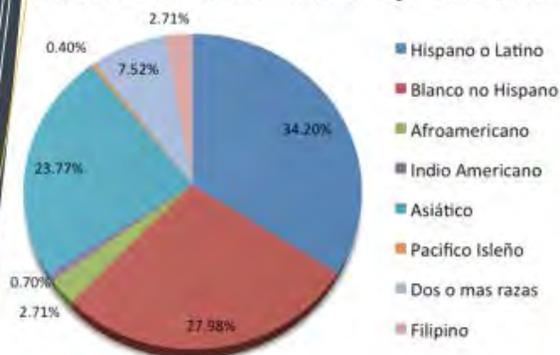
Nuestro objetivo es servir a las familias que residen dentro de los límites del Distrito Escolar de Moreland. WYICS pretende inscribir a los estudiantes cuya diversidad es representativa de la población general del Distrito Escolar Moreland, no sólo los estudiantes de ascendencia asiática.

Las actividades de divulgación de inscripción de WYICS estarán diseñadas para atraer a los estudiantes que representan a la población de Moreland en términos más generales. La creciente matrícula en programas de Inmersión Mandarín en los Estados Unidos ha demostrado el atractivo de este modelo para estudiantes de diversos orígenes, incluyendo raciales, étnicos, lingüísticos, urbanos, suburbanos, socio-económicos, y de diversas capacidades de aprendizaje.

nuestra  
comunidad  
nuestros  
estudiantes

"Hoy, una educación de clase mundial significa aprender a hablar, leer y escribir en idiomas adicionales al inglés. En un mundo inter-conectado, con una economía global inter-dependiente, debemos preparar a nuestros niños para un futuro en el cual su éxito social u económico dependa en su habilidad de entender perspectivas diversas y comunicar con gente de otras culturas e idiomas. No se trata de estar un paso adelante, sino de ponerse al día." Arnie Duncan, Secretaria de Educación de los EUA.

Distrito Escolar de Moreland -Datos Demográficos de Estudiantes



Wei Yu International Charter School  
Attachment B3: Informational Session Spanish

[www.weiyucharter.org](http://www.weiyucharter.org)

INMERSIÓN EN MANDARÍN | ESCUELA PÚBLICA | BASADA EN PROYECTOS | STEAM | EDUCACIÓN SOCIAL-EMOCIONAL

# Wei Yu International Charter School

## Escuela Charter Internacional Wei Yu

Una escuela primaria pública bilingüe Inglés-Chino Mandarin en West San José.  
(Pendiente de aprobación)

**Presenta:**

## Sesión Informativa

SABADO  
ENERO

24

A LAS 5:00PM

**En Starbird Community Center**

1050 Boynton Avenue, San Jose.

Esta sesión está diseñada para presentar información adicional y detalles específicos de la propuesta de la escuela incluyendo horario, programa STEAM, el programa bilingüe Mandarín-Inglés, procedimientos de inscripción y el procedimiento de aprobación de la escuela.

El equipo fundador de Wei Yu estará presente y la sesión se llevará a cabo en Español. La duración aproximada será de 1 hora y los niños son bienvenidos.



Para mas detalles y aprender mas acerca de Wei Yu, por favor contáctenos en:



WEI YU  
INTERNATIONAL  
CHARTER  
SCHOOL

WEBSITE | [WWW.WEYUCHARTER.ORG](http://WWW.WEYUCHARTER.ORG)  
FACEBOOK | [WEYUCHARTER](https://www.facebook.com/weiyucharter)  
EMAIL | [WEYUCHARTER@GMAIL.COM](mailto:WEYUCHARTER@GMAIL.COM)

Wei Yu International Charter School

Attachment B4: Decision Meeting Spanish

[www.weiyucharter.org](http://www.weiyucharter.org)

MANDARIN IMMERSION

PUBLIC SCHOOL

PROJECT-BASED

STEAM

SOCIAL-EMOTIONAL LEARNING

# Wei Yu International Charter School

Una escuela Pública bilingüe Inglés-Mandarin en West San Jose (Pendiente de Aprobación)



## Toma de Decisión Santa Clara County

**Es el gran día!**

Por favor acompañenos a nuestra  
**Audiencia de Toma de Decisión de Santa Clara County**

En la oficina de Educación de Santa Clara County  
1290 Ridder Park Drive, San Jose, CA  
Hora: 6:00PM (por confirmar)

MIÉRCOLES

**4**

FEBRERO  
2015

Acompañenos y demuestre su apoyo por Wei Yu!

El Concejo Escolar del Condado de Santa Clara tomará la decisión acerca de la petición de Wei Yu. Su participación y comentarios públicos serán muy importantes puesto que el Concejo Escolar tomará en cuenta la demanda y apoyo de la comunidad. Por favor planee en asistir y pase la voz!

Para mas detalles y aprender mas acerca de Wei Yu, por favor contáctenos



WEI YU  
INTERNATIONAL  
CHARTER  
SCHOOL

WEBSITE | [WWW.WEYUCHARTER.ORG](http://WWW.WEYUCHARTER.ORG)  
FACEBOOK | WEYUCHARTER  
EMAIL | [WEYUCHARTER@GMAIL.COM](mailto:WEYUCHARTER@GMAIL.COM)  
TELEFONO | (408) 785-0274

10.B. Action Item



February 4, 2015

**TO:** Santa Clara County Board of Education

**FROM:** Toni Cordova  
Chief Strategy Officer

**VIA:** Jon R. Gundry  
County Superintendent of Schools

**SUBJECT:** Decision on Wei Yu International Charter School Petition

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**Associated Goal:**

Improve student equity and reduce access discrepancies to high quality education

**Background:**

On November 24, 2014, the Santa Clara County Office of Education, Office of Innovative Schools (OIS) received a charter petition from Jun Dong, Lead Petitioner, seeking approval to open Wei Yu International Charter School. This petition was submitted on appeal from Moreland Unified School District, having been denied by the District's Board of Education on November 18, 2014.

Within 30 days of receiving a petition, the Board must "hold a public hearing on the provisions of the charter, at which time the governing board of the school district shall consider the level of support for the petition by teachers employed by the district, other employees of the district, and parents." (Ed. Code, § 47605(b).) A public hearing was held on December 10, 2014. The Board must "either grant or deny the charter within 60 days of receipt of the petition." (Ed. Code, §47605, subd. (b).)

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

County Board of Education: Leon F. Beauchman, Michael Chang, Joseph Di Salvo, Darcie Green, Grace H. Mah, Claudia Rossi, Anna Song  
1290 Ridder Park Drive, San Jose, CA 95131-2304 (408) 453-6500 [www.sccoe.org](http://www.sccoe.org)

Committed to serving, inspiring and promoting student and public school success

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, Wei Yu International Charter School will become a separate legal entity. If SCBOE 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).)

#### **Analysis**

Staff reviewed the charter petition using the criteria established in California Education Code 47605 (b) and County Board Policy 0420.4 (c) and found:

**1. Required Signatures**

The petition meets the requirement.

**2. Affirmation that the charter school shall be nonsectarian**

The petition contained the required affirmation.

**3. Affirmation that the charter school shall not discriminate against pupils**

The petition contained the required affirmation.

**4. Affirmation that the charter school shall not charge tuition**

The petition contained the required affirmation.

**5. Reasonably Comprehensive Description**

Staff found that the petition did not contain a sufficiently comprehensive description of all of the required elements.

**6. Unsound Educational Program**

Staff found indicators of an unsound educational program.

**7. Demonstrably Unlikely to Implement the Program**

Staff found facts that demonstrate petitioners are unlikely to implement the program.

**8. Grade Level, Location, Students Served**

The petition meets requirements to serve students in the grade levels offered by Moreland Unified School District.

## 9. Other Criteria in Statute

### a. Racial and Ethnic Balance

The Education Code for charter approval addresses racial balance in two separate criteria.

- Education Code Section 47605 (e) (1) states: "In addition to any other requirement imposed under this part, a charter school shall be nonsectarian in its programs, admissions policies, employment practices, and all other operations, shall not charge tuition, and shall not discriminate against any pupil on the basis of ethnicity, national origin, gender, or disability."

The petition meets this requirement.

- Education Code 47605 (b) (5) (G) requires that the charter petition contain a reasonably comprehensive description of the "means by which the school will achieve racial and ethnic balance among its pupils that is reflective of the general population residing within the territorial jurisdiction of the school district to which the charter petition is submitted."

The petition does not meet this requirement.

### b. Preference for Serving Academically Low Achieving Students

California Education Code 47605 (h) states: "In reviewing petitions for the establishment of charter schools within the school district, the governing board of the school district shall give preference to petitions that demonstrate the capability to provide comprehensive learning experiences to pupils identified by the petitioner or petitioners as academically low achieving pursuant to the standards established by the department under Section 54032."

The petition does not meet the requirement for preference.

### Fiscal Implications

There are substantial costs to the County Office of Education for reviewing and overseeing any charter school. Those costs have not been calculated for this petition review nor do those costs constitute a condition for granting or denying a charter petition.

### Staff Report and Recommendation to the County Board

Staff reviewed the petition utilizing the criteria for approval set forth in Education Code Section 47605. Through the attached Staff Report, Staff has provided the Board with an assessment of the sufficiency of the charter petition with respect to all criteria for approval. Staff finds that the Petitioners present an unsound educational program for the pupils to be enrolled in the charter school; are demonstrably unlikely to successfully implement the program as presented in the Petition and its supporting documents; and, that the Petition does not provide a reasonably comprehensive description of several essential charter elements. Accordingly, staff recommends that the Board adopt the Resolution to Approve with noted requirements or conversely adopt the Resolution to Deny with noted findings.



Staff Analysis  
Wei Yu International Charter School Petition

February 4, 2015

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The Santa Clara County Office of Education (SCCOE) staff has reviewed the charter school petition from Wei Yu International Charter School (WYICS) submitted to the Santa Clara County Board of Education (SCCBE) on appeal from denial by the Moreland Unified School District. The proposed charter seeks to establish the Wei Yu International Charter School (grades K-8), with a projected first year enrollment of 150 students.

Education Code §47605 (j)(1) grants county boards the authority to review a charter petition on appeal from a denial consistent with the "same guidelines and standards as apply to an initial submission, set forth in Education Code 47605 (b). The county board reviews and considers the charter petition de novo "on its own merits, without weighing the validity of the denial by the school district." Notwithstanding its review of the charter petition, the county board "is not required to ignore, and may be informed of, the school district's reasons for denial of the charter petition." [See 5 Cal. Code Regs. §11967 (b) (2).] Specific findings of fact are required if the county board takes action to deny the charter. {Ed. Code §47605 (b).}

**Procedural Status**

The Office of Innovative Schools (OIS), Santa Clara County Office of Education (County Office of Education) received a charter petition (Petition) dated September 15, 2014, from the Wei Yu International Charter School on November 24, 2014. In accordance with Education Code § 47605 (j) (1), the Petition was submitted to the County Office of Education on appeal from the Moreland Unified School District whose Board of Education voted unanimously (5-0) on November 18, 2014, to deny Wei Yu International Charter School's request to operate a charter school for kindergarten to eighth grade students (grades K-8) based on its findings that the charter petition (Education Code §47605 (b):

- Presents an unsound educational program;
- The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition;
- The petition does not contain reasonably comprehensive descriptions of each of the required elements of a charter petition.

On December 10, 2014, in compliance with Education Code 47605 (b), the Santa Clara County Board of Education (County Board) held a public hearing to "consider the level of support for the petition by teachers employed by the district, other employees of the district, and parents." Education Code 47605 (b) requires that the Santa Clara County Board of Education render its decision on the Wei Yu

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International Charter School "within 60 days of receipt of the petition," unless "both parties agree to an extension."

**Education Code Requirements for Charter Review**

Education Code § 47605 (b) makes clear that governing boards are to be aware of 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. The [county board of education] *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 [county board of education] *shall not deny a petition for the establishment of a charter school unless it makes written factual findings to support one of 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.

**Review of the Petition**

The County Board's Policy 0420.4 – Charter Schools lists nine criteria for the approval or denial of a charter petition. Staff reviewed the petition using the nine criteria established in California Education Code and listed in Board Policy 0420.4 – Charter Schools. Staff from the Office of Innovative Schools, as well as other members of the SCCOE, conducted a review of the charter petition. The results of the staff review are presented below.

**1. Required signatures**

Staff found that the petition contains the required signatures.

**2. Affirmation that the charter school shall be nonsectarian**

Staff found that the petition contains the required affirmation.

**3. Affirmation that the charter school shall not discriminate against pupils**

Staff found that the petition contains the required affirmation.

**4. Affirmation that the charter school shall not charge tuition**

Staff found that the petition does contain the required affirmation.

**5. Reasonably comprehensive description of the required elements**

Staff found that the petition does not provide a sufficiently comprehensive description of the required elements.

Wei Yu International Charter School

**A. Element One: Description of the Educational Program/Plan for Student Academic Achievement**

According to the Petition, the educational model *“integrates language immersion, social-emotional learning and a California Common Core State Standards-aligned curriculum that incorporates the STEAM (Science, Technology, Engineering, Arts, and Mathematics) framework via project-based learning...”* In addition, to the Mandarin Immersion program, the instructional methodology will also consist of constructivism and differentiated learning. The scope of the educational program as outlined is very large and ambitious and the Petition does not provide reasonably comprehensive descriptions of some of the primary program elements as detailed below.

**a. Curriculum Maps**

The Petition only addresses K-1<sup>st</sup> curriculum. While the Petitioner anticipates serving students in kindergarten through 8<sup>th</sup> grade, the Petition lacks curriculum maps and instructional materials for grades 2<sup>nd</sup> through 8<sup>th</sup>. As a result, staff is unable to appropriately assess how the proposed immersion program will evolve to serve students in language acquisition as well as in all academic areas.

Furthermore, in the Petition, it states, *“The Mandarin teachers at WYICS will develop California Common Core State Standards-aligned curriculum for the core subjects taught in Mandarin. Teachers at WYICS will meet once per month during 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.”* Given that further in the Petition, under Employee Qualifications and Job Descriptions, the Executive Director, Principal and Teacher Qualifications only requires as a “preference” proficiency in written and oral Mandarin and English, it is difficult to ascertain how this oversight will occur with fidelity to the language and proposed program of instruction. Additionally, the time allocated to teachers to develop the curriculum is insufficient.

**b. English Language Arts**

With regard to the instruction in English Language Arts, the Petition states, *“due to the nature of the Mandarin immersion curriculum, students will have limited English language arts time in the early grades.”* Not only is this a concern, as presented, in addition, the Petition does not contain a reasonably comprehensive description of how WYICS would deliver two separate curricula simultaneously within the confine of its proposed instructional schedule.

**c. English Language Learners**

The instructional strategies described, Sheltered English Observation Protocol (SIOP) and Specifically Designed Academic Instruction in English (SDAIE), provide support for English learners to learn content and develop literacy skills, but not to develop English language as described in the ELD standards. The only targeted time identified for ELD-specific instruction is in the “Literacy Support” section. It states that teachers “may group EL students to specifically address EL needs.” It is unclear how teachers will be

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held accountable for this instruction or how feasible it will be to regularly pull small groups during English language arts instruction. Also, there is no reference to using the ELD standards to guide the instruction. Furthermore, there is no indication that teachers will have access to instructional materials for English Language Development to guide their instruction of "Designated ELD" for ELs.

A significant concern is that the Petition lacks any reference or acknowledgement of the benefits and challenges posed to non-Mandarin speaking English Learners learning both Mandarin and English as additional languages. Although the Petition does state a commitment to have Spanish-language support for students and families as needed; there is no process in place to ensure that there will be an employee hired who is bilingual in English and Spanish.

In addition, there is a lack of clarity in the "Student Identification" section regarding process and procedures for identifying a student as "Initially Fluent English Proficient" (IFEP). As stated in the Petition, "*EL students who score above the established cut-off on the CELDT/ELPAC will be reclassified from EL status and be considered English proficient.*" The lack of clarity either indicates the incorrect process for reclassification or is incorrectly referring to the process of initially identifying a student as IFEP. The designation of IFEP is never mentioned in the petition.

Furthermore, the Petition lacks details regarding the monitoring of EL progress in all subjects with the exception of language arts. Additionally, the Petition is unclear if EL student progress in language arts will be monitored in Mandarin, English or both.

Although the Petition states, "*All EL students will be fully integrated into the regular classroom setting,*" it is unclear that the charter school will provide access to the grade level core curriculum for English Learners. In the Proposed Schedule and Calendar, Sample Kindergarten/1st Grade Schedule, there is no mention of English Language Development instruction for English learners.

**d. Mandarin Education Program**

Staff has concerns regarding the Mandarin education program proposed. In the Mandarin Language Arts section, it states that "*Students' Mandarin education will begin in traditional characters.*" It is unclear which phonetic system (Pinyin, BoPoMoFo, Han Yu Pin Yin or Zhuyin) will be used to teach traditional and simplified Chinese characters or if WYICS is using a different approach. In other Mandarin Immersion Programs, students are introduced to Mandarin language arts curriculum with a phonetic written system before transitioning into the teaching of Chinese characters. WYICS does not indicate if the educational program will include a written phonetic system prior to introducing students to learning Chinese characters.

WYICS plans on offering instruction with both traditional and simplified characters, without introducing a written phonetic system first. Not only may this cause confusion for the students, it may also impact the ability of the Petitioner to hire Mandarin teachers that are fluent in both Chinese character systems. In addition, the Petition does not identify textbooks that include both characters systems.

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The Petition fails to identify the language of the instructional materials that will be used and if instructional materials in Mandarin will be in traditional or simplified characters. The Mandarin Language Arts section states that Social Science will be taught in Mandarin. Further in the petition, it states that WYICS may use the Houghton Mifflin History-Social Studies textbook for American History Studies and Social Science units in English. It also states that Taiwanese texts will be used to teach Asian History, Geography and Social Science concepts. Further, the Petition states that students will increasingly be exposed to literature and non-fiction texts written in simplified characters. Finally, a related concern is that the WYICS budget does not have sufficient funds to purchase all the instructional materials that are referenced in the petition.

**e. Special Education**

The Petition only provides the minimally required “boiler plate” language with regard to Special Education and has no acknowledgement or provision for the program being proposed and how students with special needs will be served within the context of a one-way Mandarin immersion program. The Petition does not identify any provisions for Mandarin speaking special education teachers or supports for students.

**f. Professional Support for Proposed Instructional Program**

**1. Teacher Collaboration & Mentorships**

Wei Yu’s intention is for teachers to be accountable for their own growth as well as that of their peers. This self-directed learning will also color the staff evaluation process/document. It is not entirely clear how staff will be empowered to come to these conclusions, how the evaluation will be developed surrounding these focus areas, and how Wei Yu administration will guide and facilitate the entire process. This expectation is not accompanied anywhere in the petition with any sort of description of what areas teachers will plan professional development for or how WYICS leadership will provide resources and training for teachers to enact quality professional development.

In addition, it is unclear from the sample daily calendar provided when and how teachers are afforded the time for collaboration/planning. Moreover, there is no description of how this time will be specifically structured, how teachers will be supported in defining the goals of this time, and how WYICS administration will follow-up and ensure this growth is reflected in student achievement. The Petition contends that, “...*teachers must have time to... mentor one another...*” There is no evidence of how these mentoring relationships will be cultivated, supported, or supervised. Allowing that Wei Yu will be able to hire the Mandarin teachers needed (Wei Yu desires to hire six for the 2015-2016 school year), the Petition does not adequately address how and when the specific training and guidance will take place to empower the teachers to properly plan their own PD and mentor each other, particularly given the ambitious scope of the educational program being proposed.

**2. Individualized Development**

WYICS’s teacher development plan is also highly individualized. The petition does not offer specifically how teachers will be guided/assisted in determining what individual professional learning goals they will focus on. Also, there is no description

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of how the Principal will support the ongoing monitoring and reflection of the teachers with these goals. It should also be noted that while WYICS plans to open this school, it also plans to open a site in Menlo Park. One of the Principals selected will also double as Executive Director of Bay Area Language International Schools (BALIS). The demands of this dual role could possibly stretch this principal thin in providing individual and accountable mentorship, leadership, and support to each teacher.

WYICS also requires teachers *"to participate in on-going staff development in order to stay current with research in best teaching practices"*, yet it does not describe how teachers will be exposed to these opportunities, how their regular work/class load will be covered in their absences (if these take part during the school day), and how teachers will be supported (and required) to apply this learning for the success of students and the school.

WYICS's plan for individual teacher development and overall staff/team efficacy is not clearly defined. *"Like our educational model, our professional development model will be inquiry-based... In our first year of operation, the theme will probably focus on language immersion strategies, project-based learning, STEAM, social-emotional learning, and/or curriculum."* The use of the word "probably" is concerning. While areas of need will need to be defined as the actual school year begins and as the student population reveals areas, it is most certain that topics such as language immersion strategies and curriculum should be the initial areas of focus.

**3. Calendar and Time**

Wei Yu's school day *"is structured so that staff members have time during school hours for professional development... To permit this flexibility, the length of the school year and/or the length of the school day may be extended beyond the state-mandated minutes."* For teachers/staff, this provides a level of uncertainty as to a daily/weekly/monthly schedule. An unclear expectation/plan for time and work hours can impact staff satisfaction and efficacy. The expectations of teachers is unclear with regard to the number of work hours per day and number of work days per year and is not addressed in terms of compensation. This makes it difficult to assess how appropriate the proposed salaries are within the current and surrounding labor market. Furthermore, again, it is unclear how this collaboration time will be structured and facilitated to ensure effective application.

Regarding a "week-long summer institute" ... The petition offers no agenda, plan, or list of resources to be used for this. It also does not outline who specifically would be planning and facilitating this training (and what qualifications this person may have to do so). WYICS plans to offer *"four designated whole-group professional development days throughout the year"*. It is difficult to determine where these are designated on the calendar. Early Release Development days are listed, but no days are listed as "Whole-Group Professional Development Days."

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**B&C. Elements Two and Three: Measurable Student Outcomes and Measurement of Student**

**Progress**

The Petition fails to contain a reasonably comprehensive description of whether assessments in writing and mathematics will be in English or Mandarin, and in both instances is dependent upon teacher creation and development. The Petition identifies leveled English reading assessments but does not identify similar assessments in Mandarin, therefore lacking a description of how students will be assessed relative to their academic progress in Mandarin. The assessments that are noted in the Petition are specifically developed for grades 2-7 (Chinese Children Competency Certificate and Student Oral Proficiency Assessment [SOPA]) or for adult learners, Hanyu Shuiping Kaoshi. Given that the Petitioner intends to open with kindergarten and first grade, there are no provisions for assessments at those grade levels. Furthermore, the Petition does not provide a reasonably comprehensive description of the professional development, training and additional time required to create, and conduct the identified assessments, nor are there any provisions fiscally for such work to occur.

**D. Element Four: Governance Structure**

The Petition does not address the Board's responsibility to annually review and approve the Local Control Accountability Plan (LCAP) and annual update.

**E. Element Five: Employee Qualifications**

**a. Credentialing**

Wei Yu, in the first year, plans to hire seven (7) teachers. Of this first group, six (6) will be bilingual teachers. The petition (teacher job description) states, "Teachers hired to teach Mandarin would preferentially (emphasis added) hold a Bilingual Authorization in Mandarin (formerly known as a BCLAD certificate)." The Petition states that "Subjects taught in Mandarin will be taught by teachers with native proficiency in Mandarin. Subjects taught in English will be taught by teachers with native English proficiency." The fact that the proposed job description only indicates a preference and not a requirement for bilingual authorization calls into question how instruction would be delivered appropriately according to the proposed model. Under the proposed staffing plan, the majority of the teachers would need to have BCLAD authorization, in addition to possibly holding various credentials. The Petition lacks a reasonably comprehensive description of the credentialing requirements and staffing configuration for its proposed educational program.

**b. Recruitment**

While the Petitioner has provided a recruitment plan, it is a basic "boilerplate" model. It does not address the unique demands of finding bilingual Mandarin teachers. There is no specific strategy outlined for connecting with and hiring these candidates. Nor is there a listing of any relationships Wei Yu has built with teacher preparation, bilingual, and cultural organizations that would help them tap into Mandarin teaching candidates. Given that the supply of teachers who possess the credentialing (Multiple Subject with BCLAD Mandarin authorization) is quite limited, with only 40 identified in the state of California as having these qualifications; it is questionable that the teacher pool is readily available. Exacerbating the ability to recruit are the numerous demands placed upon the teachers, including a longer school year, writing a Mandarin core curriculum and modest proposed starting

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salaries in relationship to those offered in area districts. The proposed salary of the principal is also questionable as they may not only be serving in the capacity of principal but also as Executive Director of Bay Area Language Immersion Schools (BALIS) and potentially as the principal of a second charter school.

**c. Capacity**

The Petition states that "The Executive Director will also act as the Principal of WYICS until the hiring of a full-time Executive Director. In the capacity of Principal, s/he will be responsible for all day-to-day operations and the requisite duties required of a Principal." Staff's concern is that given that the Executive Director in this instance is designated as the Chief Executive Officer (CEO) of the Bay Area Language Immersion Schools (BALIS), a similar petition currently on appeal before San Mateo COE, also contains the identical language, effectively making this individual the principal for two schools, in two counties at the same time.

**F. Element Six : Procedures to Ensure Health and Safety of Students and Staff**

A detailed emergency preparedness plan is not present in the petition.

**G. Element Seven: Racial and Ethnic Balance**

The Petition states that "*WYICS aims to enroll students whose racial and ethnic diversity is representative of the MSD*" (Moreland School District.) However, the Petition does not provide any data from the MSD community specifically that demonstrates the level of interest or demand for a one-way Mandarin Immersion school or how the Petitioner will achieve the racial and ethnic balance of the local school district. The Petition lacks sufficient detail to illustrate their ability to serve a student population reflective of the MSD – 35 percent socio-economically disadvantaged, 34 percent Hispanic with 28 percent English-Learners. The Petition's description to serve English-Learners is limited and deficient. Further, the Petition lacks evidence of the intention to participate in the federally subsidized school lunch, when 34 percent of MSD students participate in the free and reduced lunch program.

**H. Element Seven: Admission Requirements**

This section appears to meet minimal legal requirements.

**I. Element Nine: Financial Audit**

This section appears to meet minimal legal requirements.

**J. Element Ten: Student Suspension/Expulsion Procedures**

The Petition fails to identify procedures for notifying the home district of expulsion of students without disabilities.

**K. Element Eleven: Retirement System**

This section appears to meet minimal legal requirements. However, within the financial projections, the Petition incorrectly calculates retirement plan contribution rates in the budget.

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**L. Element Twelve: Student Attendance**

This section appears to meet minimal legal requirements.

**M. Element Thirteen: Employee Rights**

This section appears to meet minimal legal requirements.

**N. Element Fourteen: Dispute Resolution**

This section appears to meet minimal legal requirements.

**O. Element Fifteen: Exclusive Public School Employer**

This section appears to meet minimal legal requirements.

**P. Element Sixteen: Closure Protocol**

This section appears to meet minimal legal requirements.

**Fiscal/Budget**

**I. Startup Year**

Staff has significant concerns with regard to the availability of funds for the startup budget. The WYICS startup budget is unique in that it is comprised of \$75K fundraising revenue, which has been pledged by seven founding team members. It is currently not in hand. Although there are signed affirmations that the money will be made available, currently WYICS has no available cash to pay for any startup costs. In addition, there is an error in the total expenditure calculation, which resulted in fund balance being overstated by \$12K. The school projects that it will begin its first year of operation with a cash balance of \$17K.

**II. Revenues , Expenditures, Cash Flow and Fund Balance**

**a. Revenues**

Total budgeted revenues do not appear reasonably estimated, as the following exceptions were noted:

WYICS records \$100K as Other Financing Sources in year 1 from a Revenue Anticipation Note (RAN) issued by Charter School Capital. The RAN is a short-term loan from the sale of revenue receivables that must be reported as a liability, and not as Other Financing Sources in the budget, as the revenue has already been reported as part of the school's LCFF entitlement. This overstatement has a significant impact on the school's reserves:

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	<u>2015-16</u>	<u>2016-17</u>	<u>2017-18</u>
Fund Balance - Includes RAN	108,583	117,617	148,303
Available Reserves Percentage	8.29%	6.39%	6.22%
Fund Balance - Excludes RAN	8,583	17,617	48,303
Available Reserves Percentage	0.66%	0.96%	2.03%

*\*Includes correction to WYICS start-up year fund balance*

The Petitioners are proposing to obtain donations or fundraise approximately ten (10) percent of its revenue, or \$100,000, in its first year of operation. WYICS assumes this amount can be raised based on the \$75K estimated startup year fundraising revenue. However, the startup fundraising revenue is derived of donations from a small group of founding members, and may not reflect future donations or the petitioner's ability to raise local revenue. In subsequent years, fundraising is estimated on a \$500 per pupil basis. A description of how the per pupil rate was determined is not provided.

Furthermore, if the Petitioners realize the student enrollment they've proposed, mirroring the Moreland USD student population, of 34% of students enrolled being eligible for Free or Reduced Lunch, it is unrealistic to expect families to donate \$500 per year. This expectation also could cause a chilling effect on applications resulting in under enrollment and/or a student population that does not reflect the district's student enrollment, both of which present concerns.

Finally, the budgeted lottery revenue is inconsistent with calculated amounts using projected rates and prior year ADA.

**b. Expenditures**

The budgets do not provide clear assumptions how expenditures were determined and annually adjusted, and several expenditures do not appear reasonably estimated. Examples include:

Employee benefits have been underestimated, as the budgets do not reflect the current annual STRS increases. The petitioner estimates the fiscal impact to the bottom line as follows: -\$11K year 1, -\$22K year 2, -\$32K year 3, -\$39K year 4, and -\$48K year 5.

The budget narrative does not specify who WYICS will contract with for back office financial services, and what specific services (i.e. financial accounting, attendance accounting, payroll, budget services, etc.) would be provided. The methodology for estimating these costs, which are typically determined as a percentage of revenue and vary depending on the level of contracted services, were not provided. The budgeted back office expenditures as a percentage of LCFF revenue decreases from 5% in year 1 to 2% in year 3.

Special education expenditures are budgeted as a Transfers of Apportionments to LEAs, which is appropriate for a school of the district (County) to reflect the

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contribution from the general fund for excess costs. However, WYICS plans to join a SELPA in year 2 and would be responsible for all costs associated with providing special education services. Because the budgets and narrative do not reflect individual costs associated with providing special education services, it cannot be determined if the costs are reasonably estimated.

c. Cash Flow

WYICS plans to receive \$450K in July of 2015: \$250K from the charter school revolving loan (CSRL), \$100K from the sale of the receivable (Charter School Capital), and \$100K from fundraising. The receipt of the entire budgeted \$100K for fundraising appears optimistic. WYICS has yet to receive IRS 501(c)(3) status, which greatly impedes the school's ability to fundraise. The proceeds from the sale of the receivable are likely to be received after July, as the terms of the contract are based on Average Daily Attendance (ADA) estimations from the Pupil Estimates for New or Significantly Expanding Charters (PENSEC) report, which are due to the California Department of Education (CDE) mid-August.

The cash flow analysis shows the receipt from the sale of the receivable in year one, but the repayment is spread out over multiple years; the entire \$100K would be due in year one. Also, the loan repayments for the Charter School Revolving Loan (CSRL) are recorded on the cash flow in varying annual amounts paid in July of each year; CSRL payments are a fixed monthly amount that the CDE deducts from the school's monthly apportionments.

WYICS has not secured any commercial working capital; the founding members have pledged to provide up to \$100K in loans for cash flow purposes. This amount is in addition to the pledged \$75K in donations the members plan to contribute. While laudable, the anticipated donation of over \$25,000 per founding family may be unrealistic.

**6. Unsound educational program**

Staff concluded that the Wei Yu International Charter School provided insufficient information to substantiate all of the required elements for a sound educational program as previously outlined above

**7. Petitioners demonstrably unlikely to successfully implement the program**

Staff reviewed the charter petition and found that the petitioners are demonstrably unlikely to successfully implement the program as evidenced in the concerns outlined above. An additional concern is the first year enrollment. Staff attempted to reach all parents of kindergarten and first grade students who had signed the petition. The results are presented below:

138 phone calls attempted;  
69 parents reached;  
42 still interested;  
23 no longer interested;  
4 unsure; and

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69 parents were unreachable for the following reasons:

- No answer
- Wrong number
- No phone number listed
- Phone number illegible
- Phone disconnected

Even when taking into account the number of parents who were not reached and extrapolating the same results of those contacted; only 84 students can be identified as potentially enrolling next year. The financial plans presented are predicated on an enrollment of 150 students and without meeting that target would jeopardize the fiscal viability of the school.

**8. Requirements for grade levels served, facility location, and students served**

Staff found that this criterion is met based on petitioner's proposal to operate a K-8 school within the boundaries of the Moreland Unified School District. The Petitioner has filed a Prop 39 facility request with the district. The request is in dispute and unresolved at the time of this writing.

**9. Any other criteria set forth in statute**

**a. Racial and Ethnic Balance**

The Education Code for charter approval addresses racial balance in two separate criteria.

EC 47605.6 (e)(1) states: "In addition to any other requirement imposed under this part, a charter school shall be nonsectarian in its programs, admission policies, employment practices, and all other operations, shall not charge tuition, and shall not discriminate against any pupil on the basis of" ethnicity, national origin, gender, or disability.

EC 47605(b)(5)(G) requires that the charter petition contain a reasonably comprehensive description of "the means by which the school will 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 to which the charter petition is submitted." The charter may be revoked or non-renewed if the school fails to achieve the required level of diversity.

The charter petition does not contain a reasonably comprehensive description of the practices or policies the Wei Yu International Charter School will use to achieve a racial and ethnic balance reflective of the Moreland Unified School District.

**b. Preference for Serving Academically Low Achieving Students**

California Education Code 47605(h) states: "In reviewing petitions for the establishment of charter schools within the school district, the school district governing board shall give preference to petitions that demonstrate the capability to provide comprehensive learning experiences to pupils identified by the petitioner or petitioners as academically

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low achieving pursuant to the standards established by the State Department of Education under Section 54032.”

The Petition does not target students who are underserved. The charter's educational program is limited in meeting the needs of low academic students and lacks research based system approach such as RTI.

**Conclusion**

Staff reviewed the petition utilizing the criteria for approval set forth in Education Code Section 47605. Based upon its comprehensive review and analysis of the Petition, staff finds that the charter school presents an unsound educational program for the pupils to be enrolled in the charter school; the petitioners are demonstrably unlikely to successfully implement the program set forth in the petition; and, the petition does not contain reasonably comprehensive descriptions of the required elements of a charter petition, including but not limited to the Education Program, Measurable Pupil Outcomes, Method of Measuring Measurable Pupil Outcomes, and Employee Qualifications. Accordingly, staff recommends that the Board adopt the Resolution to Approve with noted conditions or conversely adopt the Resolution to Deny with identified findings.

**RESOLUTION APPROVING THE CHARTER PETITION  
OF WEI YU INTERNATIONAL CHARTER SCHOOL**

**SANTA CLARA COUNTY BOARD OF EDUCATION  
RESOLUTION NO. \_\_\_\_\_**

RESOLVED by the Santa Clara County Board of Education, County of Santa Clara, State of California, that:

WHEREAS, pursuant to the procedures set forth in Education Code Section 47605 and its implementing regulations, petitioners for the Wei Yu International Charter School presented their Petition to establish a charter school to the County Office of Education on November 24, 2014, having been denied by the District's Board of Education on November 18, 2014; and the County Board of Education held a public hearing on this matter on December 10, 2014; and

WHEREAS, the County Board of Education reviewed the Petition taking into consideration the testimony and documents submitted, including the Wei Yu International Charter School Petition to the County Board of Education; the testimony presented at the public hearing; additional materials received from petitioners, the Moreland School District and the public; and the review of County Office of Education staff; and

WHEREAS, the County Board of Education finds that the deficiencies identified by staff review can be addressed by specific action, plans, and information;

NOW, THEREFORE, the County Board of Education does hereby approve the petition, and does hereby grant the charter, with the stipulation that the petitioners meet the following requirements prior to opening the school in fall 2015:

1. By May 1, 2015 the petitioners must provide:

Enrollment

1. Evidence of at least 125 applications for kindergarten and first grade enrollment in the 2015-16 school year as condition of opening. Without evidence of these applications, the school will not be allowed to open.

Fiscal

2. Evidence that a bank account in the school's name has been established and that an equity line of credit of \$100K is available.
3. Evidence that the \$75K of fundraising pledges have been deposited into the school's account.

Educational Program

4. Curriculum maps and lists of instructional materials for grades 2<sup>nd</sup> through 5<sup>th</sup>
5. A plan to support non-Mandarin speaking students in the early years (K-1) in the core subject area of English Reading Language Arts.
6. An instructional plan to support English learners (ELs) with the instruction of English Language Development (ELD).

7. A list of specific instructional materials for English Language Development to guide instruction of "Designated ELD" for ELs.
8. A plan to support Spanish-language students and families.
9. Clarify "Student Identification" section (p. 70) regarding the process and procedures for identifying and "designating" a student as "Initially Fluent English Proficient" (IFEP).
10. A plan for identifying progress for English Learners in all core curricular areas (not just Language Arts). Also, petitioners must clarify reference to Language Arts on page 71 to include specific language that will be used for instruction; Mandarin language arts, English language arts, or both.
11. A plan for access to grade level core curriculum for English Learners, and include specific support for ELs explaining how they will be fully *integrated* into the regular Mandarin classroom setting. (clarify page 71 of the petition).
12. A revised daily schedule for Kindergarten/1<sup>st</sup> Grade Schedule, to include English Language Development instruction for English learners in the proposed schedule. (see pages 42 and 43 of the petition)
13. A plan for addressing the needs of academically low achieving students.
14. A description of the week-long summer institute for the preparation of newly hired teachers to implement the Wei Yu Educational Program. The plan should include specific timing and duration of the training activities.
15. A plan on how students with special needs will be served in the Mandarin Immersion program.

State Priorities (LCFF/LCAP)

16. Identify the State numerically significant subgroups other than English Learners (EL) and include "specific" annual actions for each subgroup to achieve these goals to comply with the State Priorities under LCFF/LCAP. Wei Yu's subgroups should be similar to the subgroups that reside in Moreland School District.

Pupil Suspension and Expulsion

17. Provide written assurance that the charter school will implement procedures for notifying home district of expulsion of students without disabilities.

II. Memorandum of Understanding

Wei Yu International Charter School and the County Office of Education shall enter into a Memorandum of Understanding that will govern the County Office of Education's oversight of Wei Yu International Charter School's operations (hereinafter "MOU"). Failure to successfully negotiate and execute the Contract by May 1, 2015, shall be considered grounds for revocation of the charter. To the extent that there are any inconsistencies between the MOU and the approved charter, the MOU controls.

The charter is approved for an initial period of school operation, commencing on February 4, 2015, and continuing through June 30, 2019.

Passed and adopted by the Santa Clara County Board of Education at a meeting held on this 4<sup>th</sup> day of February, 2015 by the following vote:

AYE:

NO:

ABSTENTION:

ABSENT:

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Darcie Green, President  
Santa Clara County Board of Education

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Jon R. Gundry  
County Superintendent of Schools  
Santa Clara County Office of Education



WEBSITE | WWW.WEYUCHARTER.ORG  
FACEBOOK | WEYUCHARTER  
EMAIL | WEYUCHARTER@GMAIL.COM

FEBRUARY 4, 2015

VIA: EMAIL

Ms. Darcie Green, 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: Wei Yu International Charter School Response to Santa Clara County Staff Report**

Dear Board President Green and Superintendent Gundry:

I am writing as the lead petitioner of Wei Yu International Charter School (WYICS) petition to request your approval of our charter petition submitted to you on appeal on November 24, 2014.

Our mission at WYICS is to provide a complementary public education choice for parents, while also preparing students for the 21<sup>st</sup> century by being bilingual and biliterate in English and Mandarin. Our school extends beyond Mandarin immersion because the language is the medium used to deliver our Common Core-aligned curriculum, which will incorporate the STEAM (Science, Technology, Engineering, Arts, and Math) framework via Project-Based Learning, as well as Social-Emotional Learning.

We are well positioned to provide such a public education choice to the Moreland School District due to the following:

- **Strong community support and demand.** The demand for this school is clear. In less than 1 month, more than 160 families signed our Charter Petition and our community support continues to grow. We continue to receive signed intent to enroll forms even after our Proposition 39 facilities request and petition appeal. WYICS believes that parents and families are critical partners in this work, and are entitled to school choice.
- **Strong team:** We have the experience, skills, and passion to deliver on our commitment. Our governing board, advisory board, and strategic partners have extensive experience with K-8 education and Mandarin immersion.



WEBSITE | WWW.WEIYUCHARTER.ORG  
FACEBOOK | WEIYUCHARTER  
EMAIL | WEIYUCHARTER@GMAIL.COM

- **Innovative school design to meet the needs of all students:** While WYICS is based on a one-way Mandarin immersion model, we also have an unique opportunity to deliver innovative curriculum in a progressive learning environment that includes:
  - A strong emphasis on problem solving and critical thinking
  - Development of social-emotional skills of self-awareness, self-management, and self-direction
  - A cultivation of a strong sense of social justice and civic responsibility
- **Solid financial plan:** The five-year budget prepared in concert with Charter School Management Corporation is financially sound with very conservative revenue assumptions.

We wish to inform you of some pertinent information that came to light after the public hearing on December 10, 2014. Although we had hoped for a civil and fair way to educate the Moreland community on another potential school choice, unfortunately, we felt that representatives of the Moreland School District engaged in bullying to intimidate select populations. We heard complaints specifically from Hispanic/Latino parents in the Anderson Village neighborhood area who had signed our petition that Moreland School District representatives pressured them to withdraw their signatures and employed a number of scare tactics, including threats of:

- losing support services such as ESL, special needs, free and reduced lunch at their current neighborhood school
- the closure of the neighborhood school
- having to pay for school fees out of pocket at the neighborhood school
- the inability of the Hispanic/Latino community to fit in at WYICS due to lower education and socio-economic status.

Moreland School District representatives also aggressively approached other parents who had not signed our petition in the Anderson Village neighborhood area to instill the same type of fear. We were not sure why this particular community was targeted as we did not hear of other petition signers outside of the Anderson Village neighborhood area receiving pressure to withdraw signatures.

Furthermore, a Moreland School District employee and a former Moreland School Board member provided unsubstantiated, inflammatory information on Nextdoor. Additionally, community members opposing the charter school used the same forum to mock many community members who expressed interest or support for the school. We had multiple instances where supporters withdrew their participation from the online forum due to the aggressive language.



WEBSITE | WWW.WEYUCHARTER.ORG  
FACEBOOK | WEIYUCHARTER  
EMAIL | WEIYUCHARTER@GMAIL.COM

Informing and educating the entire community on the possibility of a choice is WYICS's intention. We understand that differences in opinions can cause contentious actions. However, it is inexcusable to use a position of authority to scare people from making an informed choice and even more reprehensible to target specific populations that are the most vulnerable to intimidation.

We would also like to address the working relationship between the Petitioners and the Moreland School District. The Petitioners first contacted the Moreland School Board and Superintendent about exploring Mandarin immersion for the students of the community mid-July 2014. One Board member responded, but we were not granted a meeting. Instead we were asked to address the entire board during public comment time at the next Board meeting. We met with the Superintendent at the end of July. During this meeting, we spoke of our passion for Mandarin immersion and our desire to see an in-district program. However, the Superintendent made it very clear that he was not interested in pursuing an in-district program, citing existing commitments that the District needed to deliver on.

We reached out to the Board mid-August and early September but were again told to address the entire board during public comment time at the next Board meeting. The Petitioners submitted their Charter Petition on September 15 to the Moreland School District and were denied on November 18 in a 5-0 vote by the District board. Two weeks prior to the denial, the Superintendent requested a meeting where he mentioned that he would be interested in working with the Petitioners to implement a world languages program if the Charter Petition is denied. Further, he stated that an in-district immersion program would not be possible because it would be too costly to implement. We expressed concern that a world languages program would not be able to achieve the same degree of language proficiency than an immersion program.

Superintendent Barmore publicly stated that he wished to work with the Petitioners at the appeal public hearing on December 10. We received a meeting request from him just prior to the Winter Holidays. During this meeting, he proposed starting an in-district Mandarin immersion program Fall 2016 only if the Petitioners were willing to withdraw their petition on appeal at Santa Clara County. The Petitioners immediately expressed their interest in working together with the District and wanted to first fully understand the proposed in-district program. The Superintendent promised to send a brief 2-3 slide proposal in January 2015 for the Petitioners to review. To date, we have not received such a proposal, nor has the School District made any public commitments that they will deliver on an in-district Mandarin immersion program Fall 2016. The Petitioners are disappointed in the lack of progress and are concerned about the degree of sincerity in offering an in-district Mandarin immersion program.

We are pleased that the County staff analysis found that the petition:

- Contains the required signatures
- Contains the required affirmations



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WEBSITE | WWW.WEYUCHARTER.ORG  
FACEBOOK | WEYUCHARTER  
EMAIL | WEYUCHARTER@GMAIL.COM

- Meets requirement to serve students in the grade levels offered by Moreland School District
- Meets the requirement for racial and ethnic balance under Education Code Section 47605(e)(1)

However, we are disappointed by the staff findings that the petition did not contain a sufficiently comprehensive description of all the required elements, that there are indicators of an unsound educational program, that the petitioners are demonstrably unlikely to successfully implement the program, and that the petition does not meet the requirement for racial and ethnic balance under Education Code Section 47605(b)(5)(G). We feel that these findings are unwarranted due to multiple errors, omissions, misunderstandings, and inaccuracies in the staff report. We respond to each of the staff findings in detail below.

We look forward to working with you to address each of the requirements outlined in the Resolution for Approval by May 1, 2015, and will submit all information to the satisfaction of County staff. We respectfully request that you vote in the affirmative to bring an innovative Mandarin immersion program to all the children of Santa Clara County.

<p><b>a. Curriculum Maps</b> The Petition only addresses K-1<sup>st</sup> curriculum. While the Petitioner anticipates serving students in kindergarten through 8<sup>th</sup> grade, the Petition lacks curriculum maps and instructional materials for grades 2<sup>nd</sup> through 8<sup>th</sup>. As a result, staff is unable to appropriately assess how the proposed immersion program will evolve to serve students in language acquisition as well as in all academic areas.</p> <p>Furthermore, in the Petition, it states, <i>"The Mandarin teachers at WYICS will develop California Common Core State Standards-aligned curriculum for the core subjects taught in Mandarin. Teachers at WYICS will meet once per month during 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."</i> Given that further in the Petition, under Employee Qualifications and Job Descriptions, the Executive Director, Principal and Teacher Qualifications only requires as a "preference" proficiency in written and oral Mandarin and English, it is difficult to ascertain how this oversight will occur with fidelity to the language and proposed program of instruction. Additionally, the time allocated to teachers to develop the curriculum is insufficient.</p>
<p><b>WYICS Response:</b> The Petitioners submitted the curriculum maps needed for the first year of operation. We would be happy to provide the remaining curriculum maps by May 1, 2015, in accordance with the Board Resolution to approve the charter petition.</p>



WEBSITE | WWW.WEYUCHARTER.ORG  
FACEBOOK | WEIYUCHARTER  
EMAIL | WEIYUCHARTER@GMAIL.COM

As stated on p. 116 of the Petition, our Principal is responsible for developing the curriculum. The Mandarin teachers at WYICS will meet once a month and during day-long teacher work days to prepare their support teaching materials, as is commonly done in regular public schools. Teachers may prepare materials such as anchor posters and teaching posters to teach content in Mandarin.

We state that we prefer proficiency in written and oral Mandarin and English for the Executive Director (p. 115) and for the Principal (p.117), but not for the teachers (there is no such statement under Teacher Qualifications on p. 120), because our Mandarin teachers must have native proficiency in Mandarin and our English teachers must have native proficiency in English. The Executive Director and Principal will still be able to provide oversight of the curriculum even if they do not have proficiency in written and oral Mandarin. 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.

**b. English Language Arts**

With regard to the instruction in English Language Arts, the Petition states, “due to the nature of the Mandarin immersion curriculum, students will have limited English language arts time in the early grades.” Not only is this a concern, as presented, in addition, the Petition does not contain a reasonably comprehensive description of how WYICS would deliver two separate curricula simultaneously within the confine of its proposed instructional schedule.

**WYICS Response:**

Research has shown that limited time in English Language Arts in the early years, while more time is spent on the target language, does not impede the student’s ability to learn English<sup>1</sup>. Limited time in English Language Arts is part of a well-researched model for immersion programs that has been in existence for over 50 years in several countries.

The finding that WYICS would deliver two separate curricula simultaneously is factually incorrect. 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.<sup>2</sup> Lessons are not

<sup>1</sup> Cummins, J. (1998). Immersion education for the millennium: What have we learned from 30 years of research on second language immersion? In M. R. Childs & R. M. Bostwick (Eds.) Learning through two languages: Research and practice. Second Katoh Gakuen International Symposium on Immersion and Bilingual Education. (pp. 34-47). Katoh Gakuen, Japan.

<sup>2</sup> Met, Myriam, Improving Students’ Capacity in Foreign Languages, Phi Delta Kappan, 2004.



WEBSITE | WWW.WEIYUCHARTER.ORG  
FACEBOOK | WEIYUCHARTER  
EMAIL | WEIYUCHARTER@GMAIL.COM

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 County’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.

**c. English Language Learners**

The instructional strategies described, Sheltered English Observation Protocol (SIOP) and Specifically Designed Academic Instruction in English (SDAIE), provide support for English learners to learn content and develop literacy skills, but not to develop English language as described in the ELD standards. The only targeted time identified for ELD-specific instruction is in the “Literacy Support” section. It states that teachers “may group EL students to specifically address EL needs.” It is unclear how teachers will be



WEBSITE | WWW.WEYUCHARTER.ORG  
FACEBOOK | WEIYUCHARTER  
EMAIL | WEIYUCHARTER@GMAIL.COM

held accountable for this instruction or how feasible it will be to regularly pull small groups during English language arts instruction. Also, there is no reference to using the ELD standards to guide the instruction. Furthermore, there is no indication that teachers will have access to instructional materials for English Language Development to guide their instruction of "Designated ELD" for ELs.

A significant concern is that the Petition lacks any reference or acknowledgement of the benefits and challenges posed to non-Mandarin speaking English Learners learning both Mandarin and English as additional languages. Although the Petition does state a commitment to have Spanish-language support for students and families as needed; there is no process in place to ensure that there will be an employee hired who is bilingual in English and Spanish.

In addition, there is a lack of clarity in the "Student Identification" section regarding process and procedures for identifying a student as "Initially Fluent English Proficient" (IFEP). As stated in the Petition, "EL students who score above the established cut-off on the CELDT/ELPAC will be reclassified from EL status and be considered English proficient." The lack of clarity either indicates the incorrect process for reclassification or is incorrectly referring to the process of initially identifying a student as IFEP. The designation of IFEP is never mentioned in the petition.

Furthermore, the Petition lacks details regarding the monitoring of EL progress in all subjects with the exception of language arts. Additionally, the Petition is unclear if EL student progress in language arts will be monitored in Mandarin, English or both.

Although the Petition states, "All EL students will be fully integrated into the regular classroom setting," it is unclear that the charter school will provide access to the grade level core curriculum for English Learners. In the Proposed Schedule and Calendar, Sample Kindergarten/1st Grade Schedule, there is no mention of English Language Development instruction for English learners.

**WYICS Response:**

All English Learners (ELs) will be fully integrated into the regular classroom setting, that is, the student will have access to the core curriculum in his/her grade level. By fully integrating ELs in the classroom, we also help them to avoid linguistic isolation. The over-arching structure of our plan for ELs will be based on the Sheltered Instruction Observation Protocol (SIOP) Model. The SIOP is a research-based model of effective instructional strategies for ELs. Using the SIOP Model teachers will design and evaluate three components of every lesson: preparation, instruction, review/assessment. Teachers will be trained in the SIOP Model as part of their professional development. Specific support strategies for our ELs will include the following, which are described in detail on pp. 71-73 of the petition:

1. Inquiry-Based Teaching
2. Scaffolding
3. SDAIE



WEBSITE | WWW.WEYUCHARTER.ORG  
FACEBOOK | WEIYUCHARTER  
EMAIL | WEIYUCHARTER@GMAIL.COM

4. Literacy Support
5. On-Going Assessment

During integrated English Language Development (ELD) teachers will use scaffolding as a way to temporarily support student comprehension and learning. Our English Language Arts (ELA) units interweave reading, writing and oral language, and the units are aligned with the Common Core State Standards for ELA, 2010 and the California ELA/ELD Framework, 2014. Integrated ELD will also occur throughout the day across all subject areas that are taught in English. ELA lessons are differentiated through flexible reading groups and independent reading, driven by on-going formative and summative assessments, which also allows us the opportunity to provide designated ELD during this time. The precise schedule may vary from year to year, dependent upon the group of students currently enrolled. As any strong educational program, WYICS is committed to providing student-driven, assessment-based instruction in all content areas.

Guided by the California ELA/ELD Framework, 2014, during designated ELD, teachers will focus on foundational literacy practices, strategies, and skills. Teachers will conduct designated ELD in small groups differentiated by English proficiency levels. Depending on the number of ELs and their proficiency level, designated ELD could occur at the horseshoe table illustrated in the diagram on p. 33 of the petition and/or in the library. If the number of ELs is large enough across a grade level, then we may combine these students and dedicate an entire classroom for designated ELD instruction. In addition to receiving ELD instruction during ELA time, we may carve out 30 minute blocks from Assembly, or Electives time. We will also provide Homework Club 3x/week to provide additional support after school. Homework Club will be staffed by teachers and parent volunteers. In addition to a voluntary homework club, we also have voluntary intersession and EL students may benefit from having additional designated ELD instruction.

We are considering using California Treasures, a State adopted textbook for ELD instruction.

Research shows that there is no consistent relationship between how much time is devoted to English in immersion programs and students' achievement in English. This finding points to impact of English exposure outside of school and also the quality of instruction during ELA and ELD time.

One of the most compelling conclusions in the research on bilingualism is that learning an additional language actually improves the students' ability to learn English and increases their capacity to learn additional languages. This phenomenon is due to a concept known as metalinguistic awareness, which refers to explicit knowledge of different aspects of language (sounds, words, grammar structure, etc.). Contrary to popular thinking, a bilingual child will have an easier time to learn a third language compared to a monolingual child learning a second language.



WEBSITE | WWW.WEYUCHARTER.ORG  
FACEBOOK | WEIYUCHARTER  
EMAIL | WEIYUCHARTER@GMAIL.COM

We expect that many of our ELs will be native Spanish speakers. We believe strongly that these students can succeed in our program based on the above research findings. As educators, we have to work with parents to remind them that they need to be patient before their child's English catches up with other that of monolingual children because they are spending time being immersed in Mandarin and English. However, once that initial lag ends after 2-3 years, their child's English will be just as good as, if not better than, monolingual peers.

EL progress will be monitored in all the subject areas that are taught in English. We will not be monitoring EL progress in the subject areas that are taught in Mandarin.

To clarify the EL identification process, students who score above the established cut-off as new enrollees in the program on the CELDT/ELPAC will be classified as Initial fluent English proficient (IFEP). Students who score below the established cut-off will be classified as ELs. ELs will be assessed annually using the CELDT/ELPAC. Once they score above the established cut-off, they will be Reclassified to fluent English proficient (RFEP). Such students can be placed in regular programs, but their progress needs to be monitored for 2 years.

**d. Mandarin Education Program**

Staff has concerns regarding the Mandarin education program proposed. In the Mandarin Language Arts section, it states that "Students' Mandarin education will begin in traditional characters." It is unclear which phonetic system (Pinyin, BoPoMoFo, Han Yu Pin Yin or Zhuyin) will be used to teach traditional and simplified Chinese characters or if WYICS is using a different approach. In other Mandarin Immersion Programs, students are introduced to Mandarin language arts curriculum with a phonetic written system before transitioning into the teaching of Chinese characters. WYICS does not indicate if the educational program will include a written phonetic system prior to introducing students to learning Chinese characters.

WYICS plans on offering instruction with both traditional and simplified characters, without introducing a written phonetic system first. Not only may this cause confusion for the students, it may also impact the ability of the Petitioner to hire Mandarin teachers that are fluent in both Chinese character systems. In addition, the Petition does not identify textbooks that include both characters systems.



WEBSITE | WWW.WEYUCHARTER.ORG  
FACEBOOK | WEIYUCHARTER  
EMAIL | WEIYUCHARTER@GMAIL.COM

The Petition fails to identify the language of the instructional materials that will be used and if instructional materials in Mandarin will be in traditional or simplified characters. The Mandarin Language Arts section states that Social Science will be taught in Mandarin. Further in the petition, it states that WYICS may use the Houghton Mifflin History-Social Studies textbook for American History Studies and Social Science units in English. It also states that Taiwanese texts will be used to teach Asian History, Geography and Social Science concepts. Further, the Petition states that students will increasingly be exposed to literature and non-fiction texts written in simplified characters. Finally, a related concern is that the WYICS budget does not have sufficient funds to purchase all the instructional materials that are referenced in the petition.

**WYICS Response:**

The Petitioners have significant concerns that the County staff does not understand the nature of the Mandarin language and appropriate instructional methods. Mandarin is a tonal language, not a phonetic language; it is not possible to look at the components of a written Chinese character to determine how to pronounce it, nor is it possible to generate a written Chinese character by decomposing the sounds. Second, the analysis implied there are four phonetic notation systems “Pinyin, BoPoMoFo, Han Yu Pin Yun or Zhuyin” when there is in actuality only two: Pinyin and Han Yu Pin Yin are the same notation system, and BoPoMoFo and Zhuyin are a separate phonetic notation system. Third, these are phonetic notation systems for the transcription of spoken Mandarin, and are not phonetic notations for written Chinese. Fourth, these phonetic notation systems are relatively recent creations to help with the learning of spoken Mandarin, and they are not required as a precursor to learning traditional or simplified characters. Fifth, because phonetic notation systems assist only with spoken Mandarin, it is not necessary to learn a phonetic notation system prior to learning how to write Chinese.

While some Mandarin immersion programs introduce phonetic notation systems early, they may not necessarily benefit students as they can act as a crutch. Furthermore, it is educationally unsound to introduce the Pinyin phonetic notation system if students are simultaneously learning English phonics as the Pinyin phonetic system is a romanized notation system, and will create considerable confusion for young students.

The lack of a phonetic notation system does not impact the ability to hire teachers that are fluent in both Chinese character systems. Mandarin teachers easily transition between traditional and simplified characters as they are aware of the conversion rules between the two character systems.

Finally, all of the textbooks we have identified are available in both traditional and simplified characters.

The language of the instructional materials will depend on whether the subject is chosen to be taught in Mandarin or English. For example, we will use Math in Focus in Mandarin when



WEBSITE | WWW.WEYUCHARTER.ORG  
FACEBOOK | WEIYUCHARTER  
EMAIL | WEIYUCHARTER@GMAIL.COM

Mathematics is taught in Mandarin and we will use Math in Focus in English when Mathematics is taught in English (Math in Focus is available in both languages).

We are budgeting over \$50,000 from our PCSGP grant for textbooks, core curriculum material, and enrichment materials. These instructional material costs were determined using a comparable Mandarin immersion school’s recent actual cost for approved textbooks and curricula and educational software. 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. Textbooks from Taiwan can be obtained free of cost and come in both traditional and simplified Chinese. It is common for Mandarin immersion programs, particularly immersion programs that begin with traditional Chinese, to introduce simplified Chinese in upper grades.

**e. Special Education**  
The Petition only provides the minimally required “boiler plate” language with regard to Special Education and has no acknowledgement or provision for the program being proposed and how students with special needs will be served within the context of a one-way Mandarin immersion program. The Petition does not identify any provisions for Mandarin speaking special education teachers or supports for students.

**WYICS Response:**  
Students with special needs in immersion programs should receive special education services in the same manner as they are provided in regular public schools. Students with special needs in a one-way Mandarin immersion program will be served in a manner that is consistent with his/her IEP. The staff report does 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 County 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.” Students at WYICS may be able to receive their special education services in English because they are native English speakers or because they are bilingual in English and Mandarin, consistent with the educational goals of WYICS.



WEBSITE | WWW.WEYUCHARTER.ORG  
FACEBOOK | WEIYUCHARTER  
EMAIL | WEIYUCHARTER@GMAIL.COM

### 1. Teacher Collaboration & Mentorships

Wei Yu's intention is for teachers to be accountable for their own growth as well as that of their peers. This self-directed learning will also color the staff evaluation process/document. It is not entirely clear how staff will be empowered to come to these conclusions, how the evaluation will be developed surrounding these focus areas, and how Wei Yu administration will guide and facilitate the entire process. This expectation is not accompanied anywhere in the petition with any sort of description of what areas teachers will plan professional development for or how WYICS leadership will provide resources and training for teachers to enact quality professional development.

In addition, it is unclear from the sample daily calendar provided when and how teachers are afforded the time for collaboration/planning. Moreover, there is no description of how this time will be specifically structured, how teachers will be supported in defining the goals of this time, and how WYICS administration will follow-up and ensure this growth is reflected in student achievement. The Petition contends that, "...teachers must have time to... mentor one another..." There is no evidence of how these mentoring relationships will be cultivated, supported, or supervised. Allowing that Wei Yu will be able to hire the Mandarin teachers needed (Wei Yu desires to hire six for the 2015-2016 school year), the Petition does not adequately address how and when the specific training and guidance will take place to empower the teachers to properly plan their own PD and mentor each other, particularly given the ambitious scope of the educational program being proposed.

#### WYICS Response:

As stated on p. 57 of the Petition: "The Principal will facilitate professional learning. S/he will help develop and implement protocols for professional development and collaboration, and supervise the evaluation process. Additionally, s/he will serve as a liaison with professional development resources outside of the school."

Stated on the same page are the times when teachers would be able to collaborate and plan, in addition to a description of what areas teachers will plan professional development for:

"Structured professional development and collaboration will occur during the following times:

- A week-long summer institute may include the following topics: data analysis, California Common Core State Standards, planning integrated units (i.e., STEAM), specific language immersion teaching strategies (i.e., Guided Language Acquisition Design), social-emotional learning, latest learning technologies and practices, strategies to support special populations and building curriculum units. During the summer institute, staff will also develop professional learning goals.
- Weekly collaboration times after school and on the early release day each month: teams may meet by grade levels, professional learning goals and/or specific subject areas
- Four designated whole-group professional development days throughout the year".



WEBSITE | WWW.WEIYUCHARTER.ORG  
FACEBOOK | WEIYUCHARTER  
EMAIL | WEIYUCHARTER@GMAIL.COM

**2. Individualized Development**

WYICS's teacher development plan is also highly individualized. The petition does not offer specifically how teachers will be guided/assisted in determining what individual professional learning goals they will focus on. Also, there is no description

of how the Principal will support the ongoing monitoring and reflection of the teachers with these goals. It should also be noted that while WYICS plans to open this school, it also plans to open a site in Menlo Park. One of the Principals selected will also double as Executive Director of Bay Area Language International Schools (BALIS). The demands of this dual role could possibly stretch this principal thin in providing individual and accountable mentorship, leadership, and support to each teacher.

WYICS also requires teachers "to participate in on-going staff development in order to stay current with research in best teaching practices", yet is does not describe how teachers will be exposed to these opportunities, how their regular work/class load will be covered in their absences (if these take part during the school day), and how teachers will be supported (and required) to apply this learning for the success of students and the school.

WYICS's plan for individual teacher development and overall staff/team efficacy is not clearly defined. "Like our educational model, our professional development model will be inquiry-based... In our first year of operation, the theme will probably focus on language immersion strategies, project-based learning, STEAM, social-emotional learning, and/or curriculum." The use of the word "probably" is concerning. While areas of need will need to be defined as the actual school year begins and as the student population reveals areas, it is most certain that topics such as language immersion strategies and curriculum should be the initial areas of focus.

**WYICS Response:**

As noted in the staff analysis, one of the Principals among Menlo Mandarin Immersion Charter School (MMICS) and WYICS will be asked to also co-serve as Executive Director of Bay Area Language Immersion Schools. While serving two roles includes more responsibilities than one role, the small size of both schools makes serving dual roles very feasible. We will hire a separate Executive Director once our budget allows. Furthermore, as there will be only 4 classes in the first year or operation at MMICS and 6 classes at WYICS, the Principal at either school should have no problem mentoring between 5-7 teachers.

As stated in the response above, the Principal will oversee and facilitate professional development. The Principal will inform teachers of professional development opportunities by sending out notices of interesting and relevant workshops. We will hire substitute teachers should any of our teachers need to participate in professional development workshops during the regular school day. We will ask teachers to implement their professional development in the classroom by asking teachers to develop "an annual professional/individual development plan



WEBSITE | WWW.WEYUCHARTER.ORG  
FACEBOOK | WEYUCHARTER  
EMAIL | WEYUCHARTER@GMAIL.COM

and efforts made to achieve goals outlined in the plan” (p. 112).

The use of the word “probably” in the list of possible professional development topics is due to the fact that some teachers may already come to the school having received professional development in the listed areas. For these teachers, it will be more appropriate for them to receive professional development in new areas that are not within this list. Our professional development model is predicated on finding the professional development that best suits the needs of a given teacher and not a “one size fits all” model.

### 3. Calendar and Time

Wei Yu’s school day *“is structured so that staff members have time during school hours for professional development... To permit this flexibility, the length of the school year and/or the length of the school day may be extended beyond the state-mandated minutes.”* For teachers/staff, this provides a level of uncertainty as to a daily/weekly/monthly schedule. An unclear expectation/plan for time and work hours can impact staff satisfaction and efficacy. The expectations of teachers is unclear with regard to the number of work hours per day and number of work days per year and is not addressed in terms of compensation. This makes it difficult to assess how appropriate the proposed salaries are within the current and surrounding labor market. Furthermore, again, it is unclear how this collaboration time will be structured and facilitated to ensure effective application.

Regarding a “week-long summer institute”... The petition offers no agenda, plan, or list of resources to be used for this. It also does not outline who specifically would be planning and facilitating this training (and what qualifications this person may have to do so). WYICS plans to offer *“four designated whole-group professional development days throughout the year”*. It is difficult to determine where these are designated on the calendar. Early Release Development days are listed, but no days are listed as “Whole-Group Professional Development Days.”

#### **WYICS Response:**

We disagree with the conclusion that teacher/staff expectations are unclear. On p. 33 of the Petition Appendix is an instructional calendar that explicitly states teacher work days, staff development days, school days, and school holidays. The length of the school day is defined on p. 43 of the Petition.

The details for the week-long summer institute are on p. 57 of the Petition: “A week-long summer institute may include the following topics: data analysis, California Common Core State Standards, planning integrated units (i.e., STEAM), specific language immersion teaching strategies (i.e., Guided Language Acquisition Design), social-emotional learning, latest learning technologies and practices, strategies to support special populations and building curriculum units. During the summer institute, staff will also develop professional learning goals.”



WEBSITE | WWW.WEYUCHARTER.ORG  
FACEBOOK | WEIYUCHARTER  
EMAIL | WEIYUCHARTER@GMAIL.COM

The Principal will facilitate the training of the week-long summer institute as “The Principal will facilitate professional learning. S/he will help develop and implement protocols for professional development and collaboration, and supervise the evaluation process. Additionally, s/he will serve as a liaison with professional development resources outside of the school” (p. 57).

There was an error on the instructional calendar (p. 33 of Petition Appendix). There are only 3 whole-group development days, and they are referred to as “Teacher Work Days” on the calendar. The whole-group development days will occur on 10/16/15, 12/18/15, and 3/21/16.

The Petition fails to contain a reasonably comprehensive description of whether assessments in writing and mathematics will be in English or Mandarin, and in both instances is dependent upon teacher creation and development. The Petition identifies leveled English reading assessments but does not identify similar assessments in Mandarin, therefore lacking a description of how students will be assessed relative to their academic progress in Mandarin. The assessments that are noted in the Petition are specifically developed for grades 2-7 (Chinese Children Competency Certificate and Student Oral Proficiency Assessment [SOPA]) or for adult learners, Hanyu Shuiping Kaoshi. Given that the Petitioner intends to open with kindergarten and first grade, there are no provisions for assessments at those grade levels. Furthermore, the Petition does not provide a reasonably comprehensive description of the professional development, training and additional time required to create, and conduct the identified assessments, nor are there any provisions fiscally for such work to occur.

**WYICS Response:**

In the Petition, there is a Mandarin Proficiency Assessment section on p. 99 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 (pp. 12-19 of Appendix).

We did not identify a separate leveled Mandarin reading assessment as there are internal benchmark assessments for reading contained within the Better Chinese textbooks/readers. Better Chinese is also about to launch a set of materials specifically for immersion schools, including readers and associated assessments.



WEBSITE | WWW.WEYUCHARTER.ORG  
FACEBOOK | WEIYUCHARTER  
EMAIL | WEIYUCHARTER@GMAIL.COM

Our Mandarin assessments for K and Grade 1 consist of summative/benchmark and formative assessments contained within our textbook materials. There are very few appropriate external assessments that are suitable for such young and early immersion learners.

The Petitioners selected the Hanyu Shuiping Kaoshi (HSK) assessment even though it is geared towards adult learners because the language level is better suited for students in an immersion class. Also, students will not start taking the HSK until 5<sup>th</sup> grade, so will have reached a proficiency and maturity level to be able to take this test.

**The Petition does not address the Board's responsibility to annually review and approve the Local Control Accountability Plan (LCAP) and annual update.**

**WYICS Response:**

The Charter School's Petition addresses the LCAP requirement in three separate sections:

P. 58: "WYICS will produce a Local Control Accountability Plan (LCAP) using the LCAP template adopted by the State Board of Education pursuant to Education Code Section 47606.5. WYICS shall submit the LCAP to its Authorizer and the Santa Clara County Superintendent of Schools annually on or before July 1, as required by Education Code Section 47604.33."

P. 104: "WYICS will produce a Local Control Accountability Plan (LCAP) using the LCAP template adopted by the State Board of Education pursuant to Education Code Section 47606.5. WYICS shall submit the LCAP to the District and the Santa Clara County Superintendent of Schools annually on or before July 1, as required by Education Code Section 47604.33."

P. 150: "By July 1, an annual update (Local Control Accountability Plan) required pursuant to Education Code Section 47606.5."

As noted above, we include the appropriate assurances that WYICS will comply with all laws applicable to charter schools regarding the LCAP annual update. We are willing to include the staff's recommended statement in the charter petition.



WEBSITE | WWW.WEYUCHARTER.ORG  
FACEBOOK | WEYUCHARTER  
EMAIL | WEYUCHARTER@GMAIL.COM

**a. Credentialing**

Wei Yu, in the first year, plans to hire seven (7) teachers. Of this first group, six (6) will be bilingual teachers. The petition (teacher job description) states, "Teachers hired to teach Mandarin would preferentially (emphasis added) hold a Bilingual Authorization in Mandarin (formerly known as a BCLAD certificate)." The Petition states that "Subjects taught in Mandarin will be taught by teachers with native proficiency in Mandarin. Subjects taught in English will be taught by teachers with native English proficiency." The fact that the proposed job description only indicates a preference and not a requirement for bilingual authorization calls into question how instruction would be delivered appropriately according to the proposed model. Under the proposed staffing plan, the majority of the teachers would need to have BCLAD authorization, in addition to possibly holding various credentials. The Petition lacks a reasonably comprehensive description of the credentialing requirements and staffing configuration for its proposed educational program.

**WYICS Response:**

We disagree that the Petition lacks a reasonably comprehensive description of credentialing requirements and staffing configuration. There is no credentialing requirement beyond a single subject or multiple subject credential for teaching in an immersion classroom. Therefore, we would not be limited in recruiting from teachers who must hold a BCLAD Mandarin authorization. We stated in the Petition that we prefer bilingual teachers to hold such an 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.

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; homeroom teacher) while the part-time English teacher will rotate across all 6 classrooms to teach 10% of the school day for each classroom. The Mandarin-English bilingual teachers will only teach in Mandarin while the English teacher will only teacher in English. It is intentionally set up this way so that our students will identify a specific language with each teacher.



WEBSITE | WWW.WEYUCHARTER.ORG  
FACEBOOK | WEIYUCHARTER  
EMAIL | WEIYUCHARTER@GMAIL.COM

**b. Recruitment**

While the Petitioner has provided a recruitment plan, it is a basic "boilerplate" model. It does not address the unique demands of finding bilingual Mandarin teachers. There is no specific strategy outlined for connecting with and hiring these candidates. Nor is there a listing of any relationships Wei Yu has built with teacher preparation, bilingual, and cultural organizations that would help them tap into Mandarin teaching candidates. Given that the supply of teachers who possess the credentialing (Multiple Subject with BCLAD Mandarin authorization) is quite limited, with only 40 identified in the state of California as having these qualifications; it is questionable that the teacher pool is readily available. Exacerbating the ability to recruit are the numerous demands placed upon the teachers, including a longer school year, writing a Mandarin core curriculum and modest proposed starting salaries in relationship to those offered in area districts. The proposed salary of the principal is also questionable as they may not only be serving in the capacity of principal but also as Executive Director of Bay Area Language Immersion Schools (BALIS) and potentially as the principal of a second charter school.

**WYICS Response:**

Our petition does outline specific strategies for connecting with and hiring bilingual Mandarin teachers. On pp. 13-14 of the Petition, we list several relationships WYICS has built with teacher preparation, bilingual, and cultural organizations that allow us to tap into Mandarin teaching candidates. Benson Zhao on our advisory board is the Director of Chinese Language Education Research Center (CLERC). CLERC hosts many Mandarin professional workshops and annually hosts an international conference to share best practices, research findings, and innovative ideas in the field of Chinese language education. We also have an existing relationship with the Confucius Institute at San Francisco State University. They provide support in terms of Chinese teaching, Chinese teacher training, Chinese curriculum development, Chinese language and cultural events for the community, and a textbook and teaching resource center.

It is wholly inaccurate to conclude that there only 40 teachers who possess multiple subject credentials with BCLAD Mandarin authorization. The staff analysis did not explain where they obtained this number; we suspect that they obtained the number from the Moreland staff report. On p. 3 of Exhibit B, the Moreland staff report stated that "A survey of the teacher job search website EdJoin.org showed that, since January 2014, only 40 applicants in the entire State possessed the credentialing (Multiple Subject with BCLAD Mandarin authorization) to qualify for employment at the Charter School". The figure reported only reflects the number of individuals who possessed a multiple subject credential with BCLAD Mandarin authorization and were actively searching for employment. This number is not indicative of the total number of teachers in the entire State of California who possess multiple subject credentials with BCLAD Mandarin authorization. There are currently employed teachers who may be looking to move districts or to seek additional professional development opportunities and the new challenges of teaching at a more autonomous charter school.

Furthermore, as stated in the previous response, there is no credentialing requirement beyond a



WEBSITE | WWW.WEYUCHARTER.ORG  
FACEBOOK | WEIYUCHARTER  
EMAIL | WEIYUCHARTER@GMAIL.COM

single subject or multiple subject credential for teaching in an immersion classroom. Therefore, we would not be limited in recruiting from teachers who must hold a BCLAD Mandarin authorization. We stated in the Petition that we prefer bilingual teachers to hold such an 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.

The proposed salary of the Principal is in line with what other charter schools offer. Yu Ming Charter School, the closest Mandarin immersion charter school budgets \$100,000 for the head of school. The WYICS budget in the appeal packet submitted to the County on November 24, 2014 budgets \$120,000 for the Principal. Under no condition will the Principal of WYICS serve as the Principal of a second charter school. Please see our next response for clarification on this matter.

**c. Capacity**

The Petition states that "The Executive Director will also act as the Principal of WYICS until the hiring of a full-time Executive Director. In the capacity of Principal, s/he will be responsible for all day-to-day operations and the requisite duties required of a Principal." Staff's concern is that given that the Executive Director in this instance is designated as the Chief Executive Officer (CEO) of the Bay Area Language Immersion Schools (BALIS), a similar petition currently on appeal before San Mateo COE, also contains the identical language, effectively making this individual the principal for two schools, in two counties at the same time.

**WYICS Response:**

This conclusion is inaccurate. The Bay Area Language Immersion Schools (BALIS) Board may potentially govern two schools (WYICS and Menlo Mandarin Immersion Charter School [MMICS]) if both schools are approved. The MMICS petition is currently on appeal at San Mateo County. Should both schools be approved, there will only be one Executive Director for BALIS. This Executive Director will co-serve as the Principal for either WYICS or MMICS, but not for both schools. Each school will have its own dedicated 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.

A detailed emergency preparedness plan is not present in the petition.

**WYICS Response:**

A detailed emergency preparedness plan is necessitated by the identification of a site. For example, it is not possible to identify safe locations for evacuation if there is no knowledge of the features of the site. Because no site was confirmed at the time of Petition submission, it was not appropriate to develop a detailed emergency preparedness plan. However, on p. 125 of the Petition, we have addressed emergency preparedness in as much detail as possible. We provided 9 detailed bullet points of specific areas we will address. As stated on p. 125 "WYICS assures that a school and student safety plan will be developed prior to school opening in conjunction



WEBSITE | WWW.WEYUCHARTER.ORG  
FACEBOOK | WEIYUCHARTER  
EMAIL | WEIYUCHARTER@GMAIL.COM

with law enforcement and the Fire Marshall”.

The Petition states that “WYICS aims to enroll students whose racial and ethnic diversity is representative of the MSD” (Moreland School District.) However, the Petition does not provide any data from the MSD community specifically that demonstrates the level of interest or demand for a one-way Mandarin Immersion school or how the Petitioner will achieve the racial and ethnic balance of the local school district. The Petition lacks sufficient detail to illustrate their ability to serve a student population reflective of the MSD – 35 percent socio-economically disadvantaged, 34 percent Hispanic with 28 percent English-Learners. The Petition’s description to serve English-Learners is limited and deficient. Further, the Petition lacks evidence of the intention to participate in the federally subsidized school lunch, when 34 percent of MSD students participate in the free and reduced lunch program.

**WYICS Response:**  
The Petition does provide data from the Moreland School District community that demonstrates the level of interest and demand for a one-way Mandarin immersion school. Please refer to Appendix XII: Meaningfully Interested Parents on p. 109 of the Appendix for a list of parents who are meaningfully interested in sending their child to WYICS. Of the 162 signatures submitted, approximately 130 of the signatures are from Moreland School District residents with K or Grade 1 eligible students in 2015-2016.

The Petition also does provide information on how the Petitioner will achieve the racial and ethnic balance of the local school district. Please refer to Element G: Racial and Ethnic Balance on pp. 126 – 128 of the petition. Contained within this section are specific examples of how we will reach Hispanic/Latino students. 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. Our founding team has both held events for WYICS and volunteered for community events at Starbird Youth Center. Both of these organizations are effective at reaching out to the 34.20% Hispanic/Latino population in the Moreland School District.

The requirements for this section of the petition are to specifically address racial and ethnic balance, but not socio-economically disadvantaged, or English Learners. Nonetheless, we understand that we must meet the needs of all our students. In a letter to the County Board on January 26, 2015, we submitted an updated budget with Free and Reduced Price Meals (FRPM) included, where 34% of the student population will qualify for FRPM, the same percentage as the Moreland School District.

WYICS will also seek funding both at the federal and state level for FRPM. The current federal funding is at \$2.93 per student per day and the current state funding is at \$0.25 per student per



WEBSITE | WWW.WEYUCHARTER.ORG  
FACEBOOK | WEIYUCHARTER  
EMAIL | WEIYUCHARTER@GMAIL.COM

day. WYICS has also reached out to several healthy service providers to provide the most nutritional meals to our students. The estimated cost to acquire the meals is at \$4.75 per student per day.

With 190 instruction days per year, the total additional cost (net out the funding received at the federal and state level) would be at around \$15,000 for the first year growing to \$38,000 by the fifth year. The total impact to our latest budget is going to be around \$12,000 for the first year growing to \$31,000 by the fifth year. As the result of this revision, the ending cash balance including reserve will be \$446,000 by Year 5.

**Wei Yu International Charter School**  
**Free and Reduced Price Meal Cost Model**  
**2015-2020**

	2015-2016	2016-2017	2017-2018	2018-2019	2019-2020
State Funding (\$/student)	0.25	0.25	0.25	0.25	0.25
Federal Funding (\$/student)	2.93	2.93	2.93	2.93	2.93
<b>Total Funding (\$/student)</b>	<b>3.18</b>	<b>3.18</b>	<b>3.18</b>	<b>3.18</b>	<b>3.18</b>
Breakfast (\$/student)	1.75	1.75	1.75	1.75	1.75
Lunch (\$/student)	3	3	3	3	3
<b>Total Cost (\$/student)</b>	<b>4.75</b>	<b>4.75</b>	<b>4.75</b>	<b>4.75</b>	<b>4.75</b>
Subsidy/(Revenue) (\$/student)	1.57	1.57	1.57	1.57	1.57
Assume FRPM Population %	34%	34%	34%	34%	34%
Student Population	150	225	275	325	375
FRPM Population	51	76.5	93.5	110.5	127.5
School Days	190	190	190	190	190
Total Cost Each Year (\$)	15,213	22,820	27,891	32,962	38,033
<b>Net Increase to the Budget (\$)</b>	<b>12,213</b>	<b>18,820</b>	<b>22,891</b>	<b>26,962</b>	<b>31,033</b>

We have addressed how we will meet the needs of our English Learners in an earlier response. Please see pp. 5-9 of this letter for WYICS approach to English Language Arts and English



WEBSITE | WWW.WEYUCHARTER.ORG  
FACEBOOK | WEIYUCHARTER  
EMAIL | WEIYUCHARTER@GMAIL.COM

Language Development.

This section appears to meet minimal legal requirements. However, within the financial projections, the Petition incorrectly calculates retirement plan contribution rates in the budget.

**WYICS Response:**  
Our response regarding the calculation of retirement plan contribution rates is below. Please see p. 25 of this letter.

The Petition fails to identify procedures for notifying the home district of expulsion of students without disabilities.

**WYICS Response:**  
The WYICS Petition includes the required assurance regarding notification of an expulsion to the student’s home district on p. 139: “The Principal or designee shall send a copy of the written notice of the decision to expel to the student’s district of residence. This notice shall include the following (a) The student’s name and (b) The specific expellable offense committed by the student.”

**Startup Year**  
Staff has significant concerns with regard to the availability of funds for the startup budget. The WYICS startup budget is unique in that it is comprised of \$75K fundraising revenue, which has been pledged by seven founding team members. It is currently not in hand. Although there are signed affirmations that the money will be made available, currently WYICS has no available cash to pay for any startup costs. In addition, there is an error in the total expenditure calculation, which resulted in fund balance being overstated by \$12K. The school projects that it will begin its first year of operation with a cash balance of \$17K.

**WYICS Response:**  
The founding team continues to be extremely committed to meeting the fundraising requirement to implement the school during its startup year. WYICS’s Bank of America checking account # ending in 6603 holds a balance of \$75,000 as of February 4, 2015. Please note that in the budget submitted in the Appeals packet to County Board and Staff on November 24, 2014, the error discussed had been corrected. In addition, in passing the peer review of the Public Charter Schools Grant Program (PCSGP) and adding the funds from the grant, the cash balance going into the first year of operation increased to \$63K.



WEBSITE | WWW.WEYUCHARTER.ORG  
FACEBOOK | WEIYUCHARTER  
EMAIL | WEIYUCHARTER@GMAIL.COM

**a. Revenues**

Total budgeted revenues do not appear reasonably estimated, as the following exceptions were noted:

WYICS records \$100K as Other Financing Sources in year 1 from a Revenue Anticipation Note (RAN) issued by Charter School Capital. The RAN is a short-term loan from the sale of revenue receivables that must be reported as a liability, and not as Other Financing Sources in the budget, as the revenue has already been reported as part of the school's LCFF entitlement. This overstatement has a significant impact on the school's reserves:

	2015-16	2016-17	2017-18
Fund Balance - Includes RAN	* 108,583	117,617	148,303
Available Reserves Percentage	8.29%	6.39%	6.22%
Fund Balance - Excludes RAN	8,583	17,617	48,303
Available Reserves Percentage	0.66%	0.96%	2.03%

*\*Includes correction to WYICS start-up year fund balance*

The Petitioners are proposing to obtain donations or fundraise approximately ten (10) percent of its revenue, or \$100,000, in its first year of operation. WYICS assumes this amount can be raised based on the \$75K estimated startup year fundraising revenue. However, the startup fundraising revenue is derived of donations from a small group of founding members, and may not reflect future donations or the petitioner's ability to raise local revenue. In subsequent years, fundraising is estimated on a \$500 per pupil basis. A description of how the per pupil rate was determined is not provided.

Furthermore, if the Petitioners realize the student enrollment they've proposed, mirroring the Moreland USD student population, of 34% of students enrolled being eligible for Free or Reduced Lunch, it is unrealistic to expect families to donate \$500 per year. This expectation also could cause a chilling effect on applications resulting in under enrollment and/or a student population that does not reflect the district's student enrollment, both of which present concerns.

Finally, the budgeted lottery revenue is inconsistent with calculated amounts using projected rates and prior year ADA.

**WYICS Response:**

WYICS submitted a revised budget on November 24, 2014 with the Appeals packet. The \$100K working capital is misidentified as revenue but does not impact the issue of solvency. The County staff report does not provide a full picture of the ending reserve balance at the five year mark. All loans are expected to be fully repaid after five years as the school builds sufficient ADA and infrastructure. Our balance including reserve is anticipated to be \$446K at the end of the charter term.



WEBSITE | WWW.WEIYUCHARTER.ORG  
FACEBOOK | WEIYUCHARTER  
EMAIL | WEIYUCHARTER@GMAIL.COM

The founding team is spearheading the first round of fundraising during startup year through personal donations and fundraising strategies. The founding team plans to deploy various methods in the next few months to raise the support that is needed to meet any gaps in funding. Even though the founding team is initiating the effort, it is unlikely that fundraising efforts would only be limited to the founding team. With the widespread support of this program in our community, the founding team believes the fundraising targets are within reason. Charter schools cannot charge tuition and there is no indication that any student nor parent would be obligated to contribute financially. Contributions to the school can be made through participating in various fundraising events and deployed through convenient avenues such as eScrip. The \$500 per student is an average and an approximation based on existing fundraising efforts employed by other schools in the area. Discovery Charter School, located in the Moreland School District, suggests a \$1000 annual contribution and receives many more applications than space available to students. The Cupertino Language Immersion Program (CLIP) requests a per student donation of \$475 annually and participation rate is 98%. CLIP also receives more applicants than spots available. Therefore, a \$500 fundraising average per student is reasonable.

In the first year of a new charter existence, WYICS receives no lottery funds. However, WYICS receives those first year funds, as well as second year funds, in its second year. That is why we have doubled second year lottery revenue. In all years, as per regulation, we have multiplied by the prior year ADA to compute the total.

**b. Expenditures**

The budgets do not provide clear assumptions how expenditures were determined and annually adjusted, and several expenditures do not appear reasonably estimated. Examples include:

Employee benefits have been underestimated, as the budgets do not reflect the current annual STRS increases. The petitioner estimates the fiscal impact to the bottom line as follows: -\$11K year 1, -\$22K year 2, -\$32K year 3, -\$39K year 4, and -\$48K year 5.

The budget narrative does not specify who WYICS will contract with for back office financial services, and what specific services (i.e. financial accounting, attendance accounting, payroll, budget services, etc.) would be provided. The methodology for estimating these costs, which are typically determined as a percentage of revenue and vary depending on the level of contracted services, were not provided. The budgeted back office expenditures as a percentage of LCFF revenue decreases from 5% in year 1 to 2% in year 3.

Special education expenditures are budgeted as a Transfers of Apportionments to LEAs, which is appropriate for a school of the district (County) to reflect the



WEBSITE | WWW.WEYUCHARTER.ORG  
FACEBOOK | WEIYUCHARTER  
EMAIL | WEIYUCHARTER@GMAIL.COM

contribution from the general fund for excess costs. However, WYICS plans to join a SELPA in year 2 and would be responsible for all costs associated with providing special education services. Because the budgets and narrative do not reflect individual costs associated with providing special education services, it cannot be determined if the costs are reasonably estimated.

**WYICS Response:**

In the revised budget submitted in the Appeals packet to the County Board and Staff on November 24, 2014, the employee benefits STRS rate was corrected. The additional expense has been absorbed in the overall budget.

Our charter school board has selected CSMC for our initial back office and financial service operational needs. CSMC has provided support for the WYICS petition process via creating its financial plan, making themselves available to attend district and county meetings and hearings (as needed), and reviewing the business aspects of our petition narrative.

CSMC does not charge on a student basis, as it believes that per ADA or percentage pricing distorts the cost of doing business and makes it artificially high. CSMC passes along cost savings to charter schools so they can put more dollars into the classroom.

CSMC, founded in 2001, is the largest provider of back office support to charter schools in both California and the nation. CSMC currently supports over 100 charter schools in California. CSMC, with offices in Temecula, Los Angeles and Oakland, supports charter schools that are currently authorized by local districts, County Offices of Education, and the State Board of Education.

Services that CSMC provides include:

- Annual budget development, cash flow projections, and financial planning
- General ledger and booking
- Accounts payable & receivable
- Payroll, retirement reporting, and benefits administration
- Local/State/Federal reporting for compliance
- ADA tracking & reporting
- CALPADS reporting
- Charter school board financial reports
- Communicating with and reporting to authorizer on financial matters, as needed.

CSMC also provides clients with its cutting edge web portal, CharterVision, a 24/7 on-demand resource that provides access to all financial records and reports of the charter school. CharterVision provides in depth information, access and transparency to charter leaders and their



WEBSITE | WWW.WEIYUCHARTER.ORG  
FACEBOOK | WEIYUCHARTER  
EMAIL | WEIYUCHARTER@GMAIL.COM

board.

The special education services costs are reasonably estimated based on existing figures from the Santa Clara County Office of Education SELPA Administrative Unit. Individual costs associated with providing special education services are dependent on the types of services required. We want to remain flexible in the specific teachers and assistants we would need based on the actual enrolled student body.

**c. Cash Flow**

WYICS plans to receive \$450K in July of 2015: \$250K from the charter school revolving loan (CSRL), \$100K from the sale of the receivable (Charter School Capital), and \$100K from fundraising. The receipt of the entire budgeted \$100K for fundraising appears optimistic. WYICS has yet to receive IRS 501(c)(3) status, which greatly impedes the school's ability to fundraise. The proceeds from the sale of the receivable are likely to be received after July, as the terms of the contract are based on Average Daily Attendance (ADA) estimations from the Pupil Estimates for New or Significantly Expanding Charters (PENSEC) report, which are due to the California Department of Education (CDE) mid-August.

The cash flow analysis shows the receipt from the sale of the receivable in year one, but the repayment is spread out over multiple years; the entire \$100K would be due in year one. Also, the loan repayments for the Charter School Revolving Loan (CSRL) are recorded on the cash flow in varying annual amounts paid in July of each year; CSRL payments are a fixed monthly amount that the CDE deducts from the school's monthly apportionments.

WYICS has not secured any commercial working capital; the founding members have pledged to provide up to \$100K in loans for cash flow purposes. This amount is in addition to the pledged \$75K in donations the members plan to contribute. While laudable, the anticipated donation of over \$25,000 per founding family may be unrealistic.

**WYICS Response:**

We have placed both loan type arrangements on the same line. It is true that Charter School Capital's (CSC) working capital loan should be repaid by the end of Year 1, but a new working capital arrangement can be taken out immediately upon repayment.

WYICS has secured a credit line for up to \$625,000 with CSC, a company that provides commercial working capital specifically to charter schools. Evidence of this secured credit line is included in our Appeals packet (p. 98 of the Petition Appendix) and the amount secured provides plenty of reserves to meet the school's cash flow needs. In the charter school lending space, other competitors of CSC would offer funding sooner than the PENSEC report due date.



WEBSITE | WWW.WEIYUCHARTER.ORG  
FACEBOOK | WEIYUCHARTER  
EMAIL | WEIYUCHARTER@GMAIL.COM

Select founding members have pledged to provide up to \$100K in loans for cash flow purposes and the founding team has pledged to fundraise the gap. Even if we used the \$75K indicated in our budget to represent the gap, assuming that we are unable to raise any funds outside of our own personal donations (an unlikely scenario given the amount of community support for the school), the anticipated donation would amount to \$5,357 per founding family. The founding team, along with our supporters, remains confident that the fundraising target is achievable to meet the requirements to implement the school during its startup year.

Staff reviewed the charter petition and found that the petitioners are demonstrably unlikely to successfully implement the program as evidenced in the concerns outlined above. An additional concern is the first year enrollment. Staff attempted to reach all parents of kindergarten and first grade students who had signed the petition. The results are presented below:

- 138 phone calls attempted;
- 69 parents reached;
- 42 still interested;
- 23 no longer interested;
- 4 unsure; and
- 69 parents were unreachable for the following reasons:
  - No answer
  - Wrong number
  - No phone number listed
  - Phone number illegible
  - Phone disconnected

Even when taking into account the number of parents who were not reached and extrapolating the same results of those contacted; only 84 students can be identified as potentially enrolling next year. The financial plans presented are predicated on an enrollment of 150 students and without meeting that target would jeopardize the fiscal viability of the school.

**WYICS Response:**

The concern about lack of first year enrollment is unfounded. First, it is unclear why County staff only attempted 138 phone calls, when we had 162 petition signers. As a result, the extrapolated number of still meaningfully interested students is incorrect. If County staff were able to reach 69 parents and 42 of them are still interested in sending their child to WYICS, then the meaningfully interested rate is  $42/69 = 61\%$ . Therefore, the extrapolated number of still meaningfully interested students should be 99 ( $162 * .61 = 99$ ), not 84 as stated. Admittedly this number is still short of the 150 needed for first year enrollment, but we consider this number to be an underestimation of the true demand for our program. As stated at the beginning of this letter, some parents in the Moreland community were intimidated and bullied into withdrawing their support for WYICS.

The staff report also fails to account for the wait list, or actual demand, for Mandarin immersion



WEBSITE | WWW.WEYUCHARTER.ORG  
FACEBOOK | WEIYUCHARTER  
EMAIL | WEIYUCHARTER@GMAIL.COM

in the San Francisco Bay Area. The Cupertino Language Immersion Program (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 our first year’s enrollment of 150 students.

EC 47605(b)(5)(G) requires that the charter petition contain a reasonably comprehensive description of “the means by which the school will 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 to which the charter petition is submitted.” The charter may be revoked or non-renewed if the school fails to achieve the required level of diversity.

The charter petition does not contain a reasonably comprehensive description of the practices or policies the Wei Yu International Charter School will use to achieve a racial and ethnic balance reflective of the Moreland Unified School District.

**WYICS Response:**

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. The finding does not reference any specific reasons why our Community Outreach and Recruitment Plan are not reasonably comprehensive of the practices and policies to achieve 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 County has failed to base its finding on the merits of the WYICS Community Outreach and Recruitment Plan.

We have partnered 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. Our founding team has both held events for WYICS and volunteered for community events at Starbird Youth Center. Both of these organizations are effective at reaching out to the 34.20% Hispanic/Latino population in the Moreland School District.



WEBSITE | WWW.WEYUCHARTER.ORG  
FACEBOOK | WEIYUCHARTER  
EMAIL | WEIYUCHARTER@GMAIL.COM

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 of English and the target language. 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 statement from the County staff report that “the charter may be revoked or non-renewed if the school fails to achieve the required level of diversity” is incorrect. It is illegal to require a certain level of diversity at the Charter School as it is illegal to discriminate based on race, ethnicity, and other factors.

Also, please note that Title 5 California Code of Regulations Section 11967.5.1(f)(7) provides: “Recognizing the limitations on admissions to charter schools imposed by Education Code Section 47605(d), the means by which the school will 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 to which the charter petition is submitted, as required by Education Code Section 47605(b)(5)(G), shall be presumed to have been met, absent specific information to the contrary.” (Emphasis added.) Consequently, it should be assumed that the Petitioners have met this standard.

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.

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](mailto:ted.dong@gmail.com) anytime.

Sincerely,

*Jun Dong*

Jun Dong  
Lead Petitioner  
Wei Yu International Charter School



**RESOLUTION DENYING THE CHARTER PETITION  
OF WEI YU INTERNATIONAL CHARTER SCHOOL**

**SANTA CLARA COUNTY BOARD OF EDUCATION  
RESOLUTION NO 2153-2**

RESOLVED by the Santa Clara County Board of Education, County of Santa Clara, State of California, that:

WHEREAS, pursuant to the procedures set forth in Education Code Section 47605 and its implementing regulations, petitioners for the Wei Yu International Charter School presented their Petition to establish a charter school to the County Office of Education on November 24, 2014, having been denied by the District's Board of Education on November 18, 2014; and the County Board of Education held a public hearing on this matter on December 10, 2014; and

WHEREAS, the County Board of Education reviewed the Petition taking into consideration the testimony and documents submitted, including the Wei Yu International Charter School Petition to the County Board of Education; the testimony presented at the public hearing; additional materials received from petitioners, the Moreland School District and the public; and the review of County Office of Education staff; and

WHEREAS, the County Board of Education finds that the proposed charter school does not meet the criteria established by Education Code 47605(b), specifically:

- (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 reasonably comprehensive descriptions [of the required elements.]"

NOW, THEREFORE, for the forgoing reasons, the County Board of Education DENIES the Petition.

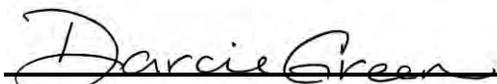
Passed and adopted by the Santa Clara County Board of Education at a meeting held on this 4<sup>th</sup> day of February, 2015 by the following vote:

AYE: President Green, Vice President Song and members Di Salvo, Rossi, Mah, Chang and Beauchman

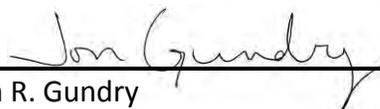
NO: -none-

ABSTENTION: -none-

ABSENT: -none-



Darcie Green, President  
Santa Clara County Board of Education



Jon R. Gundry  
County Superintendent of Schools  
Santa Clara County Office of Education

SANTA CLARA COUNTY BOARD OF EDUCATION  
1290 Ridder Park Drive  
San Jose, California 95131

APPROVED  
Board Agenda  
February 4, 2015  
Regular Meeting #2153  
San Jose Room  
5:00 p.m.

1. Call to Order

a. Roll Call

Member(s) Present:

Grace Mah, Area 1  
Michael Chang, Area 2  
Leon Beauchman, Area 3  
Joseph Di Salvo, Area 4  
Anna Song, Area 5  
Darcie Green, Area 6  
Claudia Rossi, Area 7

b. Adoption of Agenda

MOTION #2153-1 by Trustee Chang to adopt the agenda as presented. Trustee Rossi seconded the motion and it carried 6-0-1 with Trustee Song absent.

c. Pledge of Allegiance

*(Trustee Song arrived at the meeting at approximately 5:10 p.m.)*

President Green asked Trustee Rossi to lead the pledge of allegiance.

2. Employee of the Month

Trustee Mah introduced Lindsey Wong, February's Employee of the Month. She noted Lindsey's contributions, presented a plaque and an engraved pen in recognition of his work and introduced Ken Blackstone, Director of Media and Communications, who spoke about Lindsey's technical and problem solving skills. Lindsey thanked the Board for the recognition and introduced his family and thanked them for their support.

3. Public Comments of Persons Desiring to Address the Board

There were no public comments.

4. The Board held a Closed Session to consider the following item:

- A. Subject Matter: Inter-District Transfer Appeal Filed on Behalf of Student  
Resident District: Mountain View Whisman School District  
Desired District: Cupertino Union School District

5. Report of actions taken in Closed Session

In the matter of Closed Session item 4.A., President Green reported that a motion (#2153-2) was made by Trustee Di Salvo and seconded by Trustee Mah to deny the appeal since the student appellant is not a resident of the school district. Vote carried 7-0.

6. Public Comments of Persons Desiring to Address the Board

There were no public comments.

7. Superintendent's Report

- a. Attended a hard hat tour of the Silicon Valley Educare facility
- b. Attended the quarterly California County Superintendents Educational Services Association (CCSESA) meeting
- c. Attended a recent Santa Clara County School Board's Association (SCCSBA) meeting as a guest speaker
- d. Attended an Innovation Public Schools Seminar: *Personalizing Learning and Using Data to Drive Achievement*
- e. Met with individuals from the Parents Teachers Association (PTA)
- f. Visited Bullis Charter School
- g. Hosted the Next Generation Science Standards (NGSS) Symposium
- h. Invited the Board to the Heart & Soles run
- i. Announced the test run of the video taping of the February 4, 2015 board meeting

8. Consent Action Items

- a. Request Approval of Minutes of Regular Board Meeting of January 14, 2015 (#2151)
- b. Request Approval of Minutes of Regular Board Meeting of January 21, 2015 (#2152)
- c. Request Approval of the Submission of a Grant Application to the California Department of Education for the California State Preschool Program, Quality Rating Improvement System Block Grant Program
- d. Request to Approve the Receipt of a Non-Competitive Grant Award from the California Department of Education—Early Education and Support Division in the Amount of \$669,603 to the Local Planning Council
- e. Request Approval to Accept Title III Technical Assistance Grant
- f. Request Adoption of Second Reading of Recommended Deleted Board Policy 5144.1
- g. Request Adoption of Second Reading of Revised Board Policy 5144 and Board Bylaw 9270
- h. Request Adoption of Resolution in Support of February 2015 as National African American History Month

MOTION #2153-3 by Trustee Di Salvo to adopt the agenda as presented. Trustee Song seconded the motion and it carried 7-0.

9. Public Hearing

A. Public Hearing on the Material Revision to Discovery Charter School II Petition

President Green explained the hearing process and Toni Cordova, Chief Strategy Officer, provided an opening statement on the material revision.

Dale Jones, lead petitioner, presented an overview on the material revision request and answered clarifying questions from the Board.

10. Action Items

A. Decision on the Material Revision to University Preparatory Academy Charter School Petition

President Green explained the decision process and Toni Cordova, Chief Strategy Officer, presented a staff report.

Dan Ardaz, executive director of University Preparatory Academy Charter School respectfully requested that the Board consider the material revision request.

MOTION #2153-4 by Trustee Beauchman to approve the material revision to University Preparatory Academy Charter School with the following underlined edit to the second sentence in the material revision: “UPA does grant preference in the public random drawing as to siblings of students already attending UPA, children of UPA educators, administrators, and staff, students who reside in the elementary school attendance area for Canoas Elementary School (in accordance with Education Code Section 47605.3 and 47614.5), and students who are eligible to receive Free or Reduced Price Meals as determined by federal forms documentation. In addition, students who reside in the Santa Clara County have priority over students who reside in other counties. See section 4. Trustee Song seconded the motion and it carried 7-0.

B. Decision on Wei Yu International Charter School Petition

President Green explained the decision process and Toni Cordova, Chief Strategy Officer, presented a staff report.

Leticia Treslo, petitioner, responded to staff report.

Board President Heather Sutton, Superintendent Mark Barmore and Karen Johnson, Assistant Superintendent of Business Services from the Moreland School District, commented on the petition.

The following individuals spoke in opposition of the petition:

1. Josie Arce
2. Kim Carson
3. Sriram Chatrathi
4. Eva Chestnut
5. Kim Lawrence
6. Paul Mack

The following individuals spoke in support of the petition:

1. Raja Sundaram
2. Stephanie Black
3. Jingxu Hu
4. Carolina Gopar
5. Alicia Perales
6. Lucia Morales
7. Delila Rojas
8. Sonia Maiello
9. Tiffany Foster
10. Warren Turkal
11. Debbie Chou
12. Danyela Souza
13. Roy Stanley
14. Nick Driver
15. David Dorflinger

The Board asked clarifying questions and deliberated.

MOTION #2153-5 by Trustee Song to deny the Wei Yu International Charter School petition. Trustee Rossi seconded the motion and it carried 7-0.

11. Information Item

A. Williams Complaint Report

Dr. Mary Ann Dewan, Chief Schools Officer, reported that no Williams complaints were received during the October through December 2014 reporting period.

12. Board Committee Reports

Superintendent Gundry

- Attended the Budget Study Committee meeting

Darcie Green

- Announced her appointment to the Statewide Legislative Committee

13. County Board of Education Member Reports

Leon Beauchman

- Attended a meeting at the City of San Jose's Mayor's Office regarding Downtown College Preparatory

Joseph Di Salvo

- Attended a meeting at the City of San Jose's Mayor's Office regarding Downtown College Preparatory

14. Future Agenda Items

Requested items by Board members may be addressed at this time.

1. Charter Schools Workshop, May 7 [tentative date] (member Beauchman)
2. Early Childhood/Strong Start Update May 6 (member Mah)
3. Mindfulness for Students, summer/fall (member Chang)
4. Charter Annual Reports (member Mah)
5. Civics Education (member Di Salvo)
6. Expulsion/Suspension Rates regarding SCCOE's community schools and charter schools (member Green)
7. Pension offers by Charter Schools (member Di Salvo)
8. Budget priority—potential one-time monies (member Mah)

15. Adjournment

The meeting adjourned at 9:47 p.m.

Respectfully submitted,



Jon R. Gundry, County Superintendent of Schools  
Ex-Officio Secretary

:ca