




Santa Clara County Office of Education

Jon R. Gundry
County Superintendent of Schools

November 19, 2014

TO: Santa Clara County Board of Education

FROM: Toni Cordova
Chief Strategy Officer

VIA:  Jon R. Gundry
County Superintendent of Schools

SUBJECT: Decision on the Charter Petition for Morgan Hill Prep Charter School

Associated Goal:

Improve student equity and reduce access discrepancies to high quality education

Background:

On September 26, 2014, the Santa Clara County Office of Education, Office of Innovative Schools (OIS) received a charter petition from Navigator Schools seeking approval to open Morgan Hill Prep School. This petition was submitted on appeal from Morgan Hill Unified School District, having been denied by the District's Board of Education on September 23, 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 October 15, 2014. The Board must "either grant or deny the charter within 90 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 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, Morgan Hill Prep Charter 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 Morgan Hill 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 meets 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 meets 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 AND PROPOSED FINDINGS OF FACT REGARDING REVIEW OF
THE MORGAN HILL PREP CHARTER SCHOOL PETITION

November 19, 2014

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I. Summary

On September 26, 2014, the Santa Clara County Office of Education, Office of Innovative Schools (“OIS”) received a petition (“Petition”) from Navigator Schools (Navigator) seeking approval to open Morgan Hill Prep School (“Morgan Hill Prep”) within the boundaries of Morgan Hill Unified School District (MHUSD). The proposed opening year of the school is 2015-16, with a first year enrollment of approximately 240 students in grades K-3. In addition to this Petition, Navigator has submitted a petition to Salinas School District to open Salinas Prep and to Alisal School District to open Steinbeck Prep, both in the fall of 2015.

This petition was submitted on appeal from Morgan Hill Unified School District, having been denied by the District’s Board of Education on September 23, 2014.

Staff reviewed the Petition for Morgan Hill Prep Charter School (MHP) utilizing the criteria for charter approval set forth in Education Code Section 47605. Through this report, Staff provides the County Board with an assessment of the sufficiency of the Petition with respect to all criteria for approval. This Staff Report contains staff’s analysis of the Petition, and the written findings.

II. Procedural Requirements

California Education Code Section 47605 requires that “no later than 60 days after receiving a petition... the county board of education shall 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.” The Education Code further requires that the governing board of the school district “shall either grant or deny the charter within 60 days of receipt of the petition.”

The County Board held a public hearing on the Petition on October 15, 2014, and will make a decision about whether to grant or deny the Petition at its meeting on November 19, 2014.

III. Criteria for Charter Approval

a. Signatures from Parents or Teachers

Education Code section 47605 (a)(1) provides that a petition for the establishment of a charter school “may be submitted to the governing board of the school district after either of the following conditions are met:

- (A) The petition has been 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 . . . [or]
- (B) The petition has been 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

Education Code section 47605 (a)(1)(3) further provides that

[a] petition shall include a prominent statement indicating that a signature on the petition means that the parent or 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.

b. Required Factual Findings for Charter Petition Denial

Education Code section 47605 establishes the requirements a petitioner must satisfy in order for his or her petition for a charter school to be approved. "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 to support one or more of the following findings:

- (1) The charter school presents an unsound educational program for the pupils to be enrolled in the charter school.
- (2) The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition.
- (3) The petition does not contain the number of signatures required by statute.
- (4) The petition does not contain an affirmation of each of the conditions required by statute.
- (5) The petition does not contain reasonably comprehensive descriptions of all of the following:
 - (A) A description of the educational program of the school, designed, among other things, to identify those pupils whom the school is attempting to educate, what it means to be an "educated person" in the 21st century, and how learning best occurs. The goals identified in that program shall include the objective of enabling pupils to become self-motivated, competent, and lifelong learners.
 - (B) The measurable pupil outcomes identified for use by the charter school.
 - (C) The method by which pupil progress in meeting those pupil outcomes is to be measured.
 - (D) The governance structure of the school, including, but not limited to, the process to be

followed by the school to ensure parental involvement.

- (E) The qualifications to be met by individuals to be employed by the school.
- (F) The procedures that the school will follow to ensure the health and safety of pupils and staff.
- (G) 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.
- (H) Admissions requirements, if applicable.
- (I) The manner in which annual, independent, financial audits shall be conducted, in accordance with regulations established by the State Board of Education, and the manner in which audit exceptions and deficiencies shall be resolved.
- (J) The procedures by which pupils can be suspended or expelled.
- (K) The manner by which staff members of the charter schools will be covered by the State Teachers' Retirement System, the Public Employees' Retirement System, or federal social security.
- (L) The public school attendance alternatives for pupils residing within the school district who choose not to attend charter schools.
- (M) A description of the rights of any employee 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.
- (N) The procedures to be followed by the charter school and the entity granting the charter to resolve disputes relating to provisions of the charter.
- (O) A declaration 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 Educational Employment Relations Act.
- (P) A description of the procedures to be used if the charter school closes. The procedures shall ensure a final audit of the school to determine the disposition of all assets and liabilities of the charter school, including plans for disposing of any net assets and for the maintenance and transfer of pupil records.

IV. Review of the Petition

Staff reviewed the Petition for Voices MH utilizing the criteria for charter approval set forth in Education Code Section 47605. Staff's assessment of the information provided in the Petition with respect to each of the criterion in Education Code Section 47605 is set forth below.

a. Required signatures

A charter petition must be signed by either: (1) a number of parents/guardians equivalent to at least one-half of the number of students that the charter school estimates will enroll in the charter school for its first year of operation; or (2) a number of teachers 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. Education Code section 47605(l) provides that “[t]eachers in charter schools shall be required to hold a Commission on Teacher Credentialing certificate, permit, or other document equivalent to that which a teacher in other public schools would be required to hold. . . . It is the intent of the Legislature that charter schools be given flexibility with regard to noncore, noncollege preparatory courses.”

The Petition was signed by 4 teachers, who by signing the Petition “certify that they are meaningfully interested in teaching at the charter school...” Staff concludes that the Petition contains the required number of teacher signatures.

b. Required Elements of the Charter Petition

This Staff Report contains staff’s analysis of the Petition, and the supporting written 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 reasonably comprehensive descriptions of the required elements of a charter petition, including but not limited to the Education Program and Method of Measuring Measurable Pupil Outcomes.

Findings

Staff’s review and analysis of the Petition resulted in the following findings:

1. *The charter school presents an unsound educational program for the pupils to be enrolled in the charter school.*

Curriculum – The Petition does not contain curriculum maps for grades TK-8. Without curriculum maps in the four core curricular areas, staff is unable to assess the charter’s educational program.

Teaching Methodologies – Petition states that much of the content provided to students is delivered through Power Point Presentations. Staff’s concern is that the use of predetermined sequence of slides in Power Point Presentations does not easily accommodate “opportunities for teachable moments” and for “differentiated instruction,” responding to students’ needs and maximizing learning. Differentiated Instruction acknowledges the uniqueness of each student in terms of experiences, personal characteristics and attributes that he/she brings to the classroom. Furthermore, the Petitioner lists *Teaching Methodologies* used for instruction and a directory of *Strategies for EL Instruction*, the methods and practices of these strategies and the method of delivery of content via Power Point presentation contradict each other.

State Priorities (Educational Program LCFF/LCAP) – The Petition does not identify State numerically significant subgroups other than English Learners (EL) and does not include “specific” annual actions for each subgroup to achieve these goals to comply with the State Priorities under LCFF/LCAP.

The Petition lacks adequate and proper criteria for English Learner Reclassification. There is no consideration for the reclassification of students in first and second grade. The charter sets a limit to reclassification to grades 3-8.

The Petition fails to include an alternate “locally available assessment result (alternate measure)” in their criteria to compare student’s performance in English Language Arts (in the absence of administered California State Tests of student performance on basic skills in 2014).

The Petition lacks a grade appropriate core curriculum to teach English Language Development (ELD) for grades 3rd-8th. The ELD curriculum included in the Petition *Language for Learning Series* (SRA-McGraw Hill) is a grade leveled program intended for grades TK-2nd. While one of the target populations for the charter is English Learners, the charter does not adequately address the needs of this population with a curriculum that includes assessments to monitor language proficiency for all grade levels (TK-8th).

Teacher Training and Experience – The list of teacher training content lacks professional development in meeting the unique demands of working with English Language Learners. While the Petition mentions training in 2012 ELD Standards, it fails to mention training in cultural diversity awareness, lesson design and delivery in providing English Learners access to the core content. The Petition lacks a comprehensive professional development plan that accommodates English Learners.

Home and School Community Support and Connection – The Petition lacks support from the Morgan Hill’s English Learner population residing in the community of Morgan Hill. The Petitioner’s choice of obtaining “teacher” signatures instead of choosing to obtain signatures from “parent or legal guardians’ signatures” interested in enrolling their children in the charter school, to show evidence that the charter would be supported by the community, demonstrates questionable support from the community for the school.

2. *The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition.*

Recruitment and Enrollment

Two non-profit Charter Management Organizations (CMOs) have submitted charter petition appeals to the County Office of Education for TK/K-8 charter schools in the Morgan Hill Unified School District. Both petitioners seek to open their schools in west side Morgan Hill in the fall of 2015.

Navigator plans to open Morgan Hill Prep (MHP) in fall 2015 with 240 students in grades K-3.

Petitioner plans to grow by one grade per year (60 students per grade) and plans to enroll 360 students in grades K-5 by its third year (2017-18). Navigator “intends to serve a student population that is reflective of the Morgan Hill District, in particular the Westside of Morgan Hill.”

It is assumed that Navigator is targeting the same student population as is Voices which is primarily the students attending the five Morgan Hill Unified schools identified in the Voices petition. Navigator plans to enroll 240 K-3 students in Year 1. This would be 16% of the current K-3 enrollment in the five target schools.

The 360 students planned for Morgan Hill Prep in Year 3 would equal roughly 16% of the current K-5 enrollment in the five target schools.

By Year 6 (2021-22), the Morgan Hill Prep enrollment is projected to be 540 students, nearly 20% of the enrollment of the five targeted schools.

Both charter schools seem to be targeting the same community and population, and it raises some questions about the reliability of their enrollment targets.

In Year 1, Voices plans to enroll approximately 42 kindergarten students and Navigator plans to enroll 60, for a total of 102 kindergarten students, 25% of the total current kindergarten enrollment in the five target schools. The two schools combined plan to enroll 116 First grade students, 35% of the total current First grade enrollment of the five target schools.

By Year 8, the combined enrollment of the two schools is projected to be 1,044, 38% of the total K-8 enrollment of the five targeted schools.

Two schools opening at the same time, in the same community and targeting the same population could be problematic and raises questions about how they will meet their enrollment targets and about their ability succeed.

Fiscal Concerns

The Petitioner has applied for the Public Charter School Grant Program (PCSGP), has passed peer review and anticipates receipt of \$575K over a 3-year period. If the Federal grant cycle is extended beyond the end of this fiscal year, it is likely that the petitioner would receive the higher sub-grant amount. However, the petition and grant budgets do not align and it appears that many of the grant expenditures have either been omitted from the petition budgets or are not reflected in the correct budget year.

A significant concern is the narrative provided by the Petitioner in the PCSGP application as it indicates that the school will have mandatory volunteer service, which will be used to reduce operational costs. *“MHPS has a requirement of twenty hours per family, volunteers will handle many of the day-to-day operations’ costs from IT to custodial” and “The volunteer hours can be gained in a variety of ways. These include, but are not limited to: parent conferences, school-hosted community events, fundraisers, field trip chaperones, translation help, classroom support, maintenance, financial or material donations, office support, materials preparation, both on and off-campus tutoring, attendance at monthly*

MHPS parent trainings. Parents will have log sheet to record the activity and the time, which will be verified by a staff member. Twice per year parents will receive a progress report detailing the volunteer hours. Phone calls and home visitations will be done to ensure compliance.” An estimated value of the described services or donations is not provided in the budget narrative, nor is a plan to pay for these operational costs if 100% compliance is not achieved.

The Petitioner has opted not to pursue Prop 39 facilities from the district as projected in the petition, and has provided an estimated annual cost of \$144K for rent expense. The Petition has a significantly lower amount budgeted for rent, as the budgets were developed under the assumption that the school would receive Prop 39 facilities and the district would charge a 3% oversight fee: \$33K – year 1, \$43K – year 2, and \$54K – year 3. The Petitioner estimates that the school will receive the SB 740 Facilities Grant that provides the lessor of \$750/ADA or 75% of rent expense to schools that have 70% of their pupils qualifying for the Free and Reduced Meal Program (FRMP) or are located by an elementary school with at least 70% FRMP. Morgan Hill Prep estimates that 50% of their students will qualify for FRMP. P.A. Walsh STEAM Academy is the only school in MHUSD that met the grant criterion in 2013-14, which greatly limits Morgan Hill Prep’s ability to locate facilities in an area that would allow the school to qualify for the grant.

The petitioner plans to apply for the Charter School Revolving Loan (CSRL) upon approval and includes \$150K in the cash flow analysis; the amount is conservative and the timing of receipt is reasonable. The contingency plans to supplement cash flow needs should the CSRL not be received include short term loans between other Navigator Schools or a bank loan. However, the draft Charter Management Organization (CMO) agreement indicates that there are no provisions in the agreement that would allow borrowing between the CMO, or between other Navigator schools, and Morgan Hill Prep.

Navigator Schools is planning significant growth in the next year with the opening of Morgan Hill Prep, Salinas Prep, and building out the CMO. The expenditures that the CMO is likely to incur will be substantial, even with the 16% CMO fee that will be charged to the schools. As of September 30, the CMO had \$14K in cash and a pledge to receive \$700K over the next 3 years from Silicon Schools Fund. The level of anticipated growth and the CMO’s ability to financially support the two new schools and a new CMO is a concern.

Finally, the projected receipt of \$105K PCSGP reimbursement in July of year 1 is unlikely to occur as the Petitioner would not have accumulated sufficient expenditures to be reimbursed for that amount and the timing of the reimbursement does not follow the grant payment schedule.

3. *The petition does not contain reasonably comprehensive descriptions of all of the following:*

(E) The method by which pupil progress in meeting those pupil outcomes is to be measured.

The Petition mentions the use of reporting data, and that once a week, Staff will meet to review data, and that “adjustments will be made.” The Petition is vague in explaining what kind of adjustments and how staff will analyze data once the data is obtained (such as by

grade level, subgroups, instructional materials used, assessments used). The charter lacks a process for data analysis, and in addition data management may be an issue due to the of variety of assessments, and the variety of instructional programs listed that often contain their own assessments.

(F) Health and Safety Procedures

The petition contains no safety plan. In addition, the Petition does not specifically outline how staff will be trained, or if they will in First-aid and CPR.

V. 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, Method of Measuring Measurable Pupil Outcomes, and Employee Qualifications. Accordingly, staff recommends that the Board adopt the Resolution to Approve with noted requirements or conversely adopt the Resolution to Deny with the identified findings.

**RESOLUTION APPROVING THE CHARTER PETITION
OF MORGAN HILL PREP 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 Morgan Hill Prep Charter School presented their Petition to establish a charter school to the County Office of Education on September 26, 2014, having been denied by the District's Board of Education on September 23, 2014; and the County Board of Education held a public hearing on this matter on October 15, 2014; and

WHEREAS, the County Board of Education reviewed the Petition taking into consideration the testimony and documents submitted, including the Morgan Hill Prep Charter School Petition to the County Board of Education; the testimony presented at the public hearing; additional materials received from petitioners, the Morgan Hill Unified 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 will offer services to pupils who have performed at an average or below average level, and that such pupils will benefit from those services; 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:

- I. Provide the following evidence and information to ensure that the Morgan Hill Prep Charter School has addressed the concerns identified in the staff analysis:

By January 1, 2015

- i. Curriculum maps for grades TK-8th in the 4 core curricular areas.
- ii. Adjust language in the petition to limit the use of Power Point Presentations used to provide content instruction and to adjust language that demonstrates

- how *Teaching Methodologies and Strategies for EL Instruction* can be incorporated to provide content instruction.
- iii. A process for data analysis and data organization around essential questions about student performance, identifying use of assessments, discussion of data quality indicating what analytical areas to discuss (such as how student outcomes differ by demographics, grade levels, subgroups, instructional programs and how have specific programs, interventions, and services improved outcomes).
 - iv. Identify 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. Morgan Hill Prep Charter School’s subgroups should be similar to the subgroups that reside in Morgan Hill Unified School District.
 - v. Adjust English Learner Reclassification
 - Include reclassification of students in first and second grade, may use locally available assessment results when considering students in grade one for reclassification.
 - Include an alternate “locally available assessment result (alternate measure)” in criteria to compare student’s performance in English Language Arts (in the absence of administered California State Tests of student performance on basic skills in 2014).
 - vi. Adopt an ELD Curriculum that will serve students in grades 3rd-8th.
 - vii. Develop a comprehensive professional development plan and include the unique demands of working with English Language Learners, include training in cultural diversity awareness, lesson design and delivery in providing English Learners access to the core content. Adjust language on page 49 *Teacher Training Content* and add topics accordingly.
 - viii. Generate an outreach plan to gain support from Morgan Hill’s English Learner population residing in the community of Morgan Hill.
 - ix. Provide a signed and complete CMO agreement.
- II. Morgan Hill Prep 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 or Spark Charter School’s operations (hereinafter “MOU”). Failure to successfully negotiate and execute the Contract by January 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 five years of school operation, commencing on July 1, 2015, and continuing through June 30, 2020.

Passed and adopted by the Santa Clara County Board of Education at a meeting held on this 19th day of November, 2014 by the following vote:

AYE:

NO:

ABSTENTION:

ABSENT:

Leon F. Beauchman, President
Santa Clara County Board of Education

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

**RESOLUTION DENYING THE CHARTER PETITION
OF MORGAN HILL PREP 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 Morgan Hill Prep Charter School presented their Petition to establish a charter school to the County Office of Education on September 26, 2014, having been denied by the District's Board of Education on September 23, 2014; and the County Board of Education held a public hearing on this matter on October 15, 2014; and

WHEREAS, the County Board of Education reviewed the Petition taking into consideration the testimony and documents submitted, including the Morgan Hill Prep Charter School I Petition to the County Board of Education; the testimony presented at the public hearing; additional materials received from petitioners, the Morgan Hill Unified 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 does not contain reasonably comprehensive descriptions of the required elements.

NOW, THEREFORE, the County Board of Education makes the following findings:

1. The Petition for Morgan Hill Prep Charter School presents an unsound educational program for the pupils 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 of a charter petition, including but not limited to the Education Program and Method of Measuring Measurable Pupil Outcomes.

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 19th day of November, 2014 by the following vote:

AYE:

NO:

ABSTENTION:

ABSENT:

Leon F. Beauchman, President
Santa Clara County Board of Education

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