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Attorneys for Respondents
 LOS ALTOS SCHOOL DISTRICT; BOARD OF
 TRUSTEES OF THE LOS ALTOS SCHOOL
 DISTRICT; and TIM JUSTUS

SUPERIOR COURT OF THE STATE OF CALIFORNIA
 COUNTY OF SANTA CLARA

BULLIS CHARTER SCHOOL,

Petitioner,

v.

LOS ALTOS SCHOOL DISTRICT;
 BOARD OF TRUSTEES OF THE LOS
 ALTOS SCHOOL DISTRICT; and TIM
 JUSTUS, in his capacity as District
 Superintendent,

Respondents.

Case No. 109CV144569

**DECLARATIONS OF PARENTS AND
 COMMUNITY MEMBERS IN SUPPORT
 OF RESPONDENTS' OPPOSITION TO
 MOTION TO COMPEL COMPLIANCE
 WITH JUDGMENT AND WRIT AND
 CROSS-MOTION FOR DECLARATORY
 RELIEF**

Date: August 15, 2012
 Time: 9:00 a.m.
 Dept: 2

Judge: Hon. Patricia Lucas

Respondents Los Altos School District, Board of Trustees of the Los Altos School District, and Tim Justus, in his capacity as District Superintendent (together, “Respondents”) submit the following declarations of Los Altos School District parents and community members in support of Respondents’ Opposition to Bullis Charter School’s Motion to Compel Compliance with Judgment and Writ and Respondents’ Motion for Declaratory Relief:

1. Declarations of Mike and Laurie Uhler (with Exhibits 1 – 3)
2. Declaration of Rita Rosenfeld (with Exhibits A – H)
3. Declaration of Molly Black (with Exhibit A)
4. Declaration of Kristine Bardman (with Exhibit A)
5. Declaration of Reed Clay

DATED: July 24, 2012

Respectfully submitted,
REED SMITH LLP

Paul D. Fogel
Raymond A. Cardozo
Attorneys for Respondents

BURKE, WILLIAMS & SORESENSEN, LLP

John R. Yeh
Donald A. Velez
Attorneys for Respondents

DECLARATION OF LAURIE A. UHLER and G. MICHAEL UHLER

We, Laurie A. Uhler and G. Michael Uhler, declare:

1. We are a married couple residing in Los Altos and have a daughter who attended Bullis Charter School ("BCS") for the 2007-2008 school year. We have personal knowledge of the following facts and could and would competently testify thereto if called as a witness. Because we were, individually and collectively, privy to different events in this story, we have created a joint declaration. We use the terms "we", "us" and "our" in cases where we were both privy to the events, and the terms "Laurie" and "Michael" in cases where one of us was privy to the event. The events described herein are accurate to the best of our individual and collective recollections.

2. Until 2006, our family lived in Menlo Park. As our daughter approached school age, we began considering public school options in the area and identified Los Altos as having the highest-performing elementary schools and the quaint small town atmosphere in which we wanted to raise a family. In mid 2006, we began looking for a house and purchased one in north Los Altos. We moved into our new house in December 2006.

3. We had assumed that our daughter would be attending Santa Rita Elementary School, the neighborhood school that was within walking distance of our new house. However, we saw the sign for BCS in December 2006, wondered what it was, and attended a parent information night. Because our daughter was exhibiting certain behaviors that concerned us, including heightened anxiety, we were particularly attracted by the promise of small class sizes, the "individualized learning plans", "nurturing environment" and breadth of the program. As a result, we entered the lottery and were offered a kindergarten slot for our daughter for the 2007-2008 school year.

4. Prior to her beginning kindergarten, and at our own expense, we engaged experts to review and analyze her behavior and development. We received an occupational therapy report the week before kindergarten started, with a diagnosis of Sensory Integration Disorder.

5. At a mixer shortly after school started, our daughter exhibited some strong anxiety and Laurie spoke with Joanna Monfort-Torres, our daughter's kindergarten teacher, told her about

the diagnosis, and Ms. Monfort-Torres suggested that we schedule a Student Study Team (“SST”) meeting. This meeting was held early in the fall, and present at that meeting were Ms. Monfort-Torres, Marie Stuart, the BCS assistant principal, a Santa Clara County Office of Education Occupational Therapist (“OT”) and the two of us.

6. During the SST meeting, we discussed our daughter’s diagnosis and indicated that we would be starting private weekly OT therapy, which was supported by the County OT. Ms. Monfort-Torres was dismissive of the diagnosis, questioned the validity and argued with the OT. The County OT confirmed that it was indeed valid and even suggested specific accommodations that could be used in the classroom.

7. During this meeting, Ms. Stuart did nothing to focus the discussion or encourage Ms. Monfort-Torres to listen to the feedback. Given Ms. Stuart’s reported role at BCS as overseeing all special education issues, it was both disappointing and surprising that she did not contribute to the meeting in any meaningful way. In the end, the meeting ended with an agreement that we would stay in close contact with Ms. Monfort-Torres and, together, would reassess the need to do a full Individualized Education Plan (“IEP”) if that was warranted.

8. In late 2007, Laurie met with Ms. Monfort-Torres to discuss our daughter’s behavior. In part, this meeting was prompted by the fact that our daughter would burst into tears and come running to Laurie at dismissal. Instead of a collaborative discussion about how to increase our daughter’s success, Ms. Monfort-Torres lectured Laurie that “it is not normal to pick up a 5-year-old child and hug them at the end of the day. You’re making it worse by doing that.” Later in the same discussion, Ms. Monfort-Torres told Laurie that she thought the behavior was due to a “parenting issue.” That comment, and the overall hostility expressed by Ms. Monfort-Torres throughout the fall, led us to conclude that the best interests of our daughter was not her top priority.

9. We subsequently met with Wanny Hersey, the BCS principal, to raise the issues that we were having with Ms. Monfort-Torres. Ms. Hersey expressed surprise and told us that Ms. Monfort-Torres was “one of her best.” She also stated that she had not heard this kind of feedback before, something that Laurie believed to be false, having talked to one other parent who was

having similar problems and who had discussed this with Ms. Hersey before we did.

10. In early 2008, after the Christmas break, Ms. Monfort-Torres informed us that our daughter was non-compliant, refusing to complete a math activity and breaking down and crying. She told us that our daughter was “failing kindergarten.” As we dug into it, we discovered that BCS was using a computerized math-training program called FASTT Math, which had timed elements.

11. In doing some research, Michael discovered that FASTT Math was targeted by the publisher for students in second grade and above and is inappropriate for use in kindergarten, especially with children like our daughter who we believed might have some visual processing problems. When Laurie asked that our daughter be able to use untimed training, manipulatives, or flash cards, Ms. Monfort-Torres informed her that BCS “did not do it that way – we’re a technology-based school. She needs to use the laptop or she will fall behind her peers”. Ms. Monfort-Torres finally agreed to use other methods after we insisted that she address the specific needs of our daughter.

12. Our daughter worked with a parent volunteer, but wondered why she was being singled out and sent off into a corner. We did not see the “individualized learning plan” or “instilling a love of learning” philosophy that was one of the hallmarks of the parent information night. Instead, we were met with arrogance and hostility.

13. Having lost confidence in Ms. Monfort-Torres’ ability to be objective, we asked for an IEP meeting in the spring of 2008 during which we could capture and codify an action plan. We were told that we needed another SST meeting before an IEP meeting could be convened. But before we could have the SST meeting, we were informed that we had to meet with Ms. Stuart and Ms. Monfort-Torres to explain why we wanted to have an SST meeting; this, despite Ms. Monfort-Torres’ own concerns regarding our daughter’s performance.

14. At that meeting, we had the distinct impression that the Ms. Stuart wasn’t interested in the problem. Ms. Monfort-Torres denied having concerns about our daughter, reversing the position that she took in ongoing communication with Laurie. At the conclusion of the meeting, and only after we insisted, BCS agreed to proceed with an SST meeting.

15. In preparation for the SST meeting, Laurie asked Ms. Monfort-Torres to complete a standardized questionnaire, provided by our daughter's psychologist, to update Ms. Monfort-Torres input as part of the assessment and compare it to Ms. Monfort-Torres' input from the fall. Although this was exactly the same form completed without issue at the beginning of the school year, this time Ms. Monfort-Torres became extremely hostile and told Laurie that "there were certain procedures to be followed" and she could not just "fill out a form". It was finally completed by Ms. Monfort-Torres days before the SST, and only after Laurie explained the intent of the form multiple times to both Ms. Monfort-Torres and Ms. Stuart – that it was to help us all understand the issues facing our daughter. BCS staff had our permission to communicate directly with our daughter's psychologist regarding the questionnaire. In the end, the information provided by Ms. Monfort-Torres on this assessment tool was deemed "invalid" by the psychologist because it was so skewed to the positive.

16. Despite several reminders from Michael, it took BCS administration approximately 2 ½ months to convene the second SST meeting. It was scheduled less than a week before the school year ended. With the meeting being pushed out so far, nothing that came out of it would be helpful to our daughter in kindergarten. It also prevented us getting a head start on addressing the issues for a successful first grade year.

17. At the SST meeting, our daughter's educational psychologist provided her findings and recommendations. During her discussion of our daughter, Ms. Monfort-Torres was overtly hostile and argumentative to both Laurie and the psychologist. At one point, Ms. Monfort-Torres refused to continue any discussion and walked to the corner of the room and stood with her back to us. Ms. Stuart took no action to rein her in or make the meeting productive. As we left the meeting, our daughter's psychologist told us that we should not allow Ms. Monfort-Torres to meet alone with the prospective first grade teacher because she felt that the needs of our daughter would not be adequately represented without an advocate.

18. That evening, Michael sent an email to Ms. Hersey and Ms. Stuart and told them that that we were appalled with the behavior of BCS staff. Having received no response in two weeks,

Michael followed this up with another email expressing our disappointment that we hadn't received any response. That finally elicited a response from the Ms. Stuart: "I looked at it as information only."

19. Between the overt hostility of Ms. Monfort-Torres and the inaction -- some might say intentional delay -- of the BCS administration, we felt that our daughter's needs were not being met and that it was very unlikely that they would be met if she were to return to BCS for first grade. In effect, we felt that we were pushed out. Rather than return to BCS for first grade, we moved our daughter to LASD's Santa Rita School. We're happy to report that she has since been getting the accommodation that she needs.

20. Please note that at no point did we ask for services, just simple accommodations that could be used in the classroom, several of which were suggested by the county OT at the first SST meeting. If BCS staff and administration are unable to provide simple accommodations, one only wonders how they would respond to a request to provide actual service.

21. Based on our personal experience with BCS during the year in which our daughter attended kindergarten at BCS, and conversations with a friend who seemed to be having a similar experience, we became concerned about BCS's treatment of special needs children. We began looking into various issues related to BCS's conduct regarding special needs children and as we learned more, our concern deepened. In May of this year, Michael wrote to the Santa Clara County Board of Education ("SCCBoE") and the Santa Clara County Office of Education ("SCCOE"), BCS's chartering authority, to express some of these concerns. A true and correct copy of that letter, along with its attachments is attached as Exhibit 1 hereto.

22. Based on the concerns stated in Michael's letter, which include BCS's misuse of special education funds, a request for inappropriate materials in BCS's application process, and an apparent gap in how many special education children were being served by BCS, Michael made a request on or about May 17 to BCS, the SCCOE, and the California Department of Education ("CDE") pursuant to the California Public Records Act for copies of all records relating to those concerns. The CDE and the SCCOE responded appropriately and Michael received approximately

100 pages of records. The documents attached as Exhibit 2 were included in the documents furnished to Michael from those agencies. A lawyer for BCS responded on their behalf and indicated that the only records that BCS possessed were BCS's independent auditor's reports and a report that was commissioned by the SCCOE. Because many of the documents received from the SCCOE disclose communication between BCS and the SCCOE, the documents released by BCS do not appear to be responsive to Michael's CPRA request.

23. In continuing to investigate, and using data obtained from the CDE, the SCCOE and the Los Altos School District ("LASD") web site, it became apparent to Michael that there is a significant gap between BCS and LASD in special education students as a percentage of total enrollment, as well as special education expense per student across the two entities. The documents attached as Exhibit 3 illustrate this concern. This example, as well as others, reinforces the concerns that Michael captured in his letter to the SCCOE.

I declare under penalty of perjury under the laws of the state of California that the foregoing is true and correct. Executed on July 22, 2012, 2012 in Los Altos, California.

By Laurie A. Uhler
Laurie A. Uhler

I declare under penalty of perjury under the laws of the state of California that the foregoing is true and correct. Executed on July 22, 2012, 2012 in Los Altos, California.

By G. Michael Uhler
G. Michael Uhler

UHLER EXHIBIT 1

May 8, 2012

Dear Superintendent Weis and
Santa Clara County Board of Education members,

Introduction

Thank you for allowing me to speak at the Santa Clara County Board of Education meeting on May 2, 2012. I'd like to expand on my comments in a forum that's not limited to three minutes.

At the SCCBoE meeting, several board members correctly pointed out that charter schools in general - and Bullis Charter School specifically - offer a choice in education to the community. I completely agree. However, BCS is a public school of the SCCOE, and one choice that it CANNOT offer is the choice to avoid serving special needs students.

BCS has a pattern of behavior, going back at least as far as the 2005-2006 school year, that appears to demonstrate that BCS is, in fact, under-serving this population, and the SCCOE must provide active oversight to eliminate that behavior. My family's own experience, and that of others, suggests that this pattern is both real and ongoing.

To introduce myself again, I live in Los Altos with my wife and two children, both of whom attend Santa Rita School - my son in kindergarten and my daughter in fourth grade. We moved to Los Altos from Menlo Park specifically because of the quality of the public schools, knowing nothing of the history of the district and BCS. In fact, had we known about the discord between the district and BCS, we would not have moved to Los Altos.

Before my daughter's kindergarten year, we attended a BCS open house, were impressed with the program, and applied for and received a spot for my daughter in kindergarten for the 2007-2008 school year. We have direct experience with both the BCS and LASD programs, and I'll link this back to the special needs situation in a moment.

As I said at the SCCBoE meeting, my specific concern is accommodation and services for special needs students and, specifically, whether BCS properly serves that population. I have a few examples that I'd like to share, and a number of questions and suggestions that I'd like to make to the SCCOE.

First Example – Openness in Accepting Applications from Special Needs Students

The BCS registration package¹ asks the applicant to provide, among other things

- The student's IEP if one is active (top right of page 3)
- A copy of the parent/legal guardian's valid Driver's License (middle of page 10)

The requirement to provide a driver's license goes back at least as far as the 2005-2006 school year. The requirement to provide the IEP was included over time. For the 2005-2006 school year, the registration packet asked if the child had an active IEP and the records request included the IEP, with no qualifier that this information would be requested only if the student was accepted². The requirement to attach the IEP to the registration form was introduced at least as far back as the 2008-2009 school year³

Dr. Weiss mentioned at the SCCBoE meeting that both are illegal and indicated that BCS administration had been asked to remove both items.

Besides being illegal, a request for an IEP as part of the application process certainly creates the perception that the IEP will be used as part of the consideration for acceptance and reinforces what appears to be a widespread perception that BCS is less than welcoming to the special needs community.

Further, this topic was raised with SCCOE staff on March 21, 2012. If a request by the SCCOE to BCS to remove an illegal requirement from the BCS application package is still outstanding, having been in place for at least 7 years, how does that give the special needs community any comfort that the SCCOE is providing adequate oversight to BCS?

¹ BCS registration forms package (copy attached to this email) downloaded from the BCS enrollment page (<http://www.bullischarterschool.com/Page/106>) on May 3, 2012 at 12:27pm.

² Internet archive of BCS site snapshot from February 26, 2005 (<http://web.archive.org/web/20050308024525/http://www.bullischarterschool.com/registration.asp>)

³ Internet archive of BCS site snapshot from November 21, 2007 (<http://web.archive.org/web/20071218223234/http://www.bullischarterschool.com/registration.asp>)

Question:

When can we expect that BCS will act to remove from their application package the long-standing illegal request for an IEP and driver's license information?

Second Example – Inappropriate use of Special Education Funds

For the school year 2005-2006, BCS submitted a special education program expenditure report to the SCCOE. While it's not apparent exactly what caused this to happen, the SCCOE then engaged the Financial Crisis & Management Assistance Team (FCMAT) to review this submission.

The FCMAT visited the district on January 25 and 25, 2007 and issued its report on June 1, 2007.⁴ Allow me to quote certain passages from that report:

As submitted to the county office on August 30, 2006, the Bullis Charter School special education program's expenditure reimbursement report for 2005-2006 showed a total of \$133,294 in expenses. The county office Assistant Superintendent for Student Services reviewed the expenditures and questioned them. He referred the expenditure request claim to the county office's Controller for an opinion. The Controller reviewed the special education expenditure claims and concluded that approximately 75% of the expenditures should not be paid with state and/or federal special education funds.

FCMAT believes that the county office Controller's assessment is correct and that Bullis Charter School should not be reimbursed for the bulk of its claimed special education expenditures. Any special education funds that were disbursed to the charter school in excess of the allowable claims should be returned from the charter school to the county office and from the county office to SELPA I. FCMAT bases this conclusion on the following findings.

Bullis' special education expenditures submitted to the county office did not reflect the actual special education services the school provided to the six students at the school with IEPs.

The school's practices and processes for providing special education services have raised many concerns.

Expenditure claims were submitted for school staff attending the State Charter School Conference in Sacramento, but there was no basis to justify these costs as being for the purposes of special education. Expenditure claims were made for the principal and two staff members to visit programs in Finland, however, the

⁴ FCMAT Santa Clara County Office of Education Management Review report (copy attached to this email) downloaded from the FCMAT Reports Archive page ([http://www.fcmat.org/stories/storyReader\\$5671](http://www.fcmat.org/stories/storyReader$5671)) on May 3, 2012 at 1:14 pm.

programs in Finland were related to students with severe developmental disabilities. No students at Bullis had these disabilities, and there were no plans to target this population in the near future. Expending special education funds for these purposes would be inappropriate.

The report also includes what appear to be actual charges submitted for reimbursement, which are worth examining. As mentioned in the report, expenses include thousands of dollars to send 18 staff members to the California Charter Schools Conference and to send staff to Finland. While certainly small in comparison, there are also charges for *Draeger's*, *Chef Chu's*, *Edible Arrangements*, *A Matter of Thai* and *Chlli's*. The fact that these were included for reimbursement shows a lack of common sense and disregard for judicious spending of special education funds (or any funds for that matter).

The FCMAT report includes 12 specific recommendations, including further follow-up on the 2005-2006 expenses, additional training for BCS staff and a number of suggestions for improved administrative controls.

According to the minutes of the SCCBOE meeting of August 15, 2007, Superintendent Wilcox presented the FCMAT report to the Board on that date, but it is not clear what follow-up occurred.

At the SCCBoE meeting, I was very disappointed in the response from the gentleman whom I believe to be Dr. Shelton (pending availability of the audio recording). He indicated that he was not aware of the report and would have to look into it. Note that the Board, Dr. Weis and staff received an email on April 2, 2012 from a parent asking about the report. The most recent response from Dr. Weis to the parent was dated May 1, 2012 in which he indicated that the matter was reviewed and closed. Given the timeline and Dr. Shelton's response, I wonder how seriously the SCCOE is actually investigating the event.

Question:

What actions were taken as a result of the FCMAT review?

Question:

Were any funds that were already disbursed to BCS subsequently recovered, as per the FCMAT report?

Question:

Of the 12 recommendations included in the FCMAT report, how many were implemented and who specifically is accountable for providing oversight for on-going BCS special education funds expenditures?

Third Example – Our Experience and On-Going Behavior

One might say that the previous example is old news and should not be considered as part of an overall behavior pattern. However, let me note that my daughter attended kindergarten at BCS during the 2007-2008 school year, which immediately followed the date of the FCMAT report. One would think that BCS administration would be hypersensitive to the needs of special needs students, but that wasn't to be.

At the time entered kindergarten, my daughter was anxious and had other behaviors that concerned us. At our own expense, we engaged experts to review and analyze her behavior and received a preliminary report the week before kindergarten started.

In the first few weeks of school, we held an SST meeting with the teacher, BCS administration, the county OT, and myself and my wife. During the meeting, the teacher refused to accept the preliminary diagnosis and began arguing with the county OT. That set the tone for the rest of the year in terms of teacher behavior, and administration inaction in addressing that behavior.

In the spring of 2008, we asked for an IEP meeting in which we could capture and codify an action plan. We were told that we needed another SST meeting before an IEP meeting could be convened. Despite several reminders, it took BCS administration 2 ½ months to convene the second SST meeting, and it was scheduled for a week or two before school ended – not much time to address the issue if my daughter was to be successful in first grade.

At the SST meeting, our consultant provided her findings. In the process, the teacher was overtly hostile and the BCS assistant principal took no action to rein her in or make the meeting productive. At the end of the meeting, I sent an email to the BCS principal and assistant principal and told them that that we were appalled with the behavior of BCS staff. Having received no response in two weeks, I followed this up with another email expressing my disappointment that we hadn't even received a response. That finally elicited a response from the assistant principal: "I looked at it as information only."

Between the overt hostility of the teacher and the inaction (some might say intentional delay) of the BCS administration, we felt that our daughter's needs were not being met and that it was unlikely that they would be met if she were to return to BCS for first grade. In effect, we felt that we were pushed out. Rather than return to BCS for first grade, we moved my daughter to LASD's Santa Rita School. I'm happy to report that she has been getting the accommodation that she needs.

Please note that at no point did we ask for services, just simple accommodations that could be used in the classroom, several of which were suggested by the county OT at the first SST meeting. If BCS staff and administration are unable to provide simple accommodation, one only wonders how they would respond to a request to provide actual service.

But, once again, this could all be considered dated information. However, the gentleman who spoke after me at the SCCBoE meeting (to whom I have never spoken) conveyed an experience very similar to our own – from two years ago. Further, my wife and I know of people who have been subject to this same behavior on the part of BCS administration and staff – THIS YEAR.

So there is a long-term pattern on the part of BCS administration and staff in failing to provide appropriate accommodation and service for special needs students.

Question:

What specific oversight is the SCCOE providing to BCS administration and staff to determine if there is a pattern of inappropriate behavior and what is being done to address that?

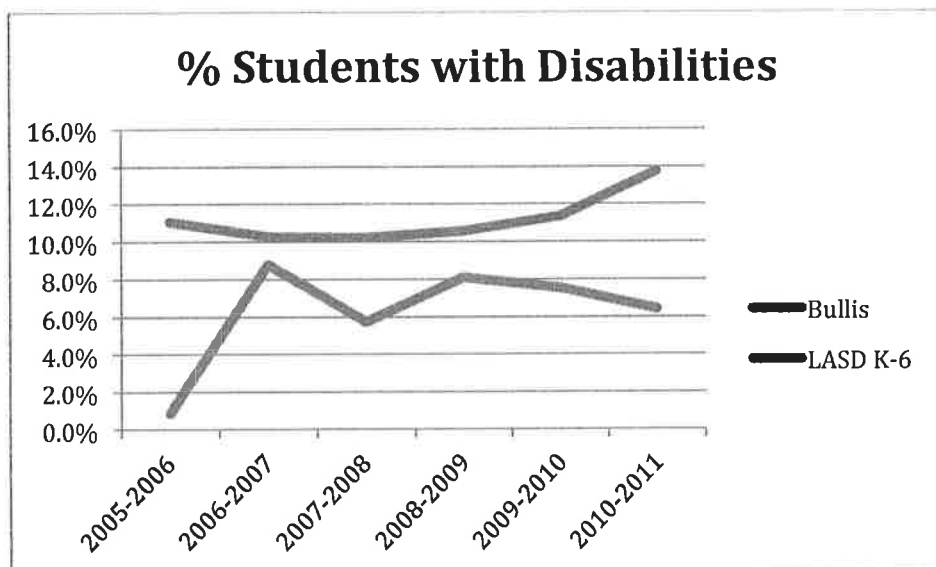
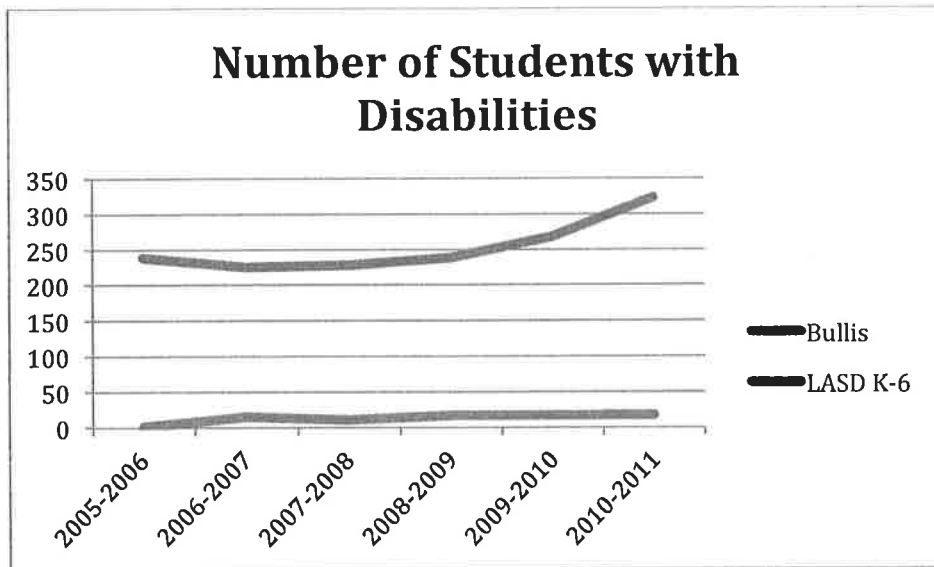
Fourth Example – Population of Special Needs Students

In looking at how well BCS serves special needs students, one metric is to compare the per-capita population at BCS against the same metric at LASD schools. The following table was constructed from the Ed-Data⁵ site, which appears to be the only easily available source of data that includes both total population and “students with disabilities” (their term, not mine).

Year	Students with Disabilities		Total Population		% Students with Disabilities	
	BCS	LASD K-6	BCS	LASD K-6	BCS	LASD K-6
2005-2006	1	238	119	2,151	0.8%	11.1%
2006-2007	15	225	171	2,191	8.8%	10.3%
2007-2008	11	228	192	2,231	5.7%	10.2%
2008-2009	17	238	210	2,252	8.1%	10.6%
2009-2010	17	268	226	2,362	7.5%	11.3%
2010-2011	18	323	281	2,349	6.4%	13.8%

As you can see, the total population of BCS students with disabilities has been flat over time, whereas the corresponding number for LASD students has been increasing, rather substantially, over time. The following charts show the data graphically.

⁵ Ed-Data API information (http://www.ed-data.k12.ca.us/App_Resx/EdDataClassic/fsTwoPanel.aspx?#!bottom=/layouts/EdDataClassic/Accountability/APIGrowth.asp?tab=0&reportNumber=1&level=07&fyfyr=1011&county=43&district=69518&school=6047377) for each LASD school and BCS. 2010-2011 information from API Growth tab; previous years from API Base tab.



Note that the percentage of students with disabilities has been increasing at LASD and decreasing at BCS. This is due to two effects:

- Many more students with disabilities at LASD with incrementally more total students
- Many more total students at BCS with no more students with disabilities

The most recent data shows a 2-to-1 per-capita gap between LASD and BCS in serving special needs students.

Some people say that the ED-Data information distorts the real numbers in a way that is unfavorable to BCS. I also downloaded the equivalent data from the California Department of Education DataQuest⁶. However, the population of special education students is not available for BCS on that site. If the SCCOE has this information for BCS, I will recalculate the results using more accurate information.

Question:

Does the SCCOE believe that a substantial gap between BCS and LASD in providing services to special needs students is reasonable? If not, what oversight will the SCCOE provide to address this?

Summary

As a public school, Bullis Charter School has an obligation to appropriately serve special needs students. Despite this, it has a reputation for under-serving that population. As I've demonstrated in this letter, BCS exhibits a long-term pattern of behavior that actively discourages families of special needs students from applying or attending. For those who make it past those hurdles, BCS then fails to adequately serve the needs of students who do attend. Consider these points:

- The illegal request for IEP and driver's license information in the application
- The apparent misappropriation of special education funds during the 2005-2006 school year
- Our experience and those of other families in subsequent years
- The continued and significant gap in the special needs population between BCS and LASD

A pattern of four behaviors - all of which go to under-serve special needs students - is unlikely to be a coincidence. In aggregate, they clearly show that BCS is choosing not to serve that segment of the population and has no intention of changing its behavior absent explicit oversight by the SCCOE.

As I said in the introduction to this letter, choice is good. But the choice not to serve special needs students properly is both illegal and immoral, and the SCCOE has an obligation and requirement to address this behavior.

Call for Action

I ask you to please take specific actions to remedy these long-standing problems:

⁶ CDE DataQuest (<http://data1.cde.ca.gov/dataquest/>)

- Modify the MOU to make it clear that BCS is responsible for providing special needs services, not the SCCOE. The current MOU only requires that BCS follow the law and administrative procedures, which is clearly not sufficient based on the patterns described above.
- Substantially increase SCCOE oversight of BCS special needs services. Consider adding actionable goals for BCS, implement the recommendations made in the FCMAT report and require regular reports and reviews of special needs services.
- Create actionable plans within the SCCOE that reverse the long-term trends and make BCS a viable choice for special needs students.

If the SCCOE is not willing to address this in either the MOU or in another legally binding document, then the SCCOE has no right to claim that it is providing appropriate oversight to Bullis Charter School.

Respectfully,

Mike Uhler
Los Altos, CA



102 W. Portola Ave.
Los Altos, CA 94022

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Fax: (650) 947-4989

Bullis Charter School Registration Checklist

Open Enrollment Period: November 1, 2011 – February 3, 2012

Thank you for registering your child in Bullis Charter School. Enclosed in this packet are the registration materials that **must** be fully completed before your child is eligible for enrollment to Bullis Charter School for Fall 2012.

Please note: Submitting a completed Registration Packet does not automatically guarantee enrollment. If your child is accepted to Bullis Charter School, additional enrollment forms will be sent to you and must be completed prior to admission. Your enrollment or wait-list confirmation as well as the additional enrollment forms will be mailed at the conclusion of this Open Enrollment Period.

Included in this registration packet are the following forms. It is important that **all** required forms are completed and submitted within the dates of this Open Enrollment Period in order to be eligible for enrollment for Fall 2012.

Required documentation for applications (1 per child):

- ____(1) Registration Form*
- ____(2) Home Language Survey*
- ____(3) Ethnicity/Parent Education Level/Mobility Survey*
- ____(4) Request for Student Records – Release of Information*
- ____(5) Copies of most recent report card, progress report, and testing results
***may not be applicable for Kindergarten applicants ***
- ____(6) Copy of the child's Birth Certificate
Proofs of Residency
- ____(7) Copy of parent/legal guardian's driver's license
- ____(8) Recent copy of property tax bill, or deed or lease/rental agreement
- ____(9) Recent copy of utility or phone bill showing residency address
- ____(10) One of the following: **(Los Altos School District residents only)**
 - Proof of residency from Santa Clara County Registrar of Voters; or
 - Current DMV vehicle registration showing residency property address
 - One other recent bill mailed to your residence address

Optional: (Not required for registration, however, MUST be complete before a child is allowed to attend school)

- ____(11) Registration Health Requirements

Information on this form may be shared with the Santa Clara County Office of Education, BCS's chartering agency.

**Please send or bring completed Registration Packet to:
102 West Portola Avenue, Los Altos, CA 94022-1210
Registration Packets that are received after February 3, 2012
will not be eligible for the 2012-13 Open Enrollment Period.**

Please contact the office if you do not receive written confirmation of your completed application within two weeks of submitting the application.

If you have questions about the application process, please contact us at info@bullischarterschool.com.

*Additional copies of these forms can be downloaded from the Bullis Charter School Website at: www.BullisCharterSchool.org

2012-2013 REGISTRATION FORM

102 West Portola Avenue, Los Altos, CA 94022-1210

NAME:

Last Name	First Name	Middle Name
-----------	------------	-------------

PRIMARY PHONE #: () _____ **MALE** ☐ **FEMALE** ☐

School District of Residence: _____

● **PARENT/GUARDIAN INFORMATION:** Child lives with: ☐ Both Parents ☐ Mother ☐ Father ☐ Legal Guardian

• **Mother/Guardian Name:** _____ **Occupation:** _____

Home Phone (if different from above): _____ Business Phone: _____

Cell/Pager #: _____ E-mail: _____

• **Father/Guardian Name:** _____ **Occupation:** _____

Address (if different from above): _____

Home Phone (if different from above): _____ Business Phone: _____

Cell/Pager #: _____ E-mail: _____

Grades Attended	Date Enrolled	Date Left	School	Public (Y/N)	State	County

● Languages spoken at home: 1. _____ 2. _____

● Other children at home:

Name	Grade / School	Name	Grade / School	Name	Grade / School
------	----------------	------	----------------	------	----------------

● Are there any Custody, Visitation, or other orders limiting access to this child? ☐ Yes ☐ No

If yes, specify orders: _____

● Please list the names of relatives/friends/neighbors ***IN CLOSE PROXIMITY TO THE SCHOOL***, to whom we may release your child or contact if you cannot be reached. NOTE: In the event of an emergency or disaster, the parent/guardian will be phoned first.

[illegible]

<u>Name</u>	<u>Phone #</u>	<u>Name</u>	<u>Phone #</u>
-------------	----------------	-------------	----------------

Name	Phone #	Name	Phone
------	---------	------	-------

OVER...

**STUDENT HEALTH HISTORY
CURRENT HEALTH INFORMATION**

● Information obtained from this health history will be included on a confidential health conditions list, if appropriate.

Does your child have any of the following medical conditions? Please check the appropriate boxes:

- ☐ Current seizures
If checked, on medication? ☐ Yes ☐ No
- ☐ Current asthma
If checked: ☐ uses inhaler ☐ on medication
- ☐ Diabetes
If checked: Insulin dependent? ☐ Yes ☐ No
- ☐ Bee sting allergy
If checked, requiring: ☐ Epi-pen ☐ Benadryl
- ☐ Behavior problems
- ☐ Hearing aids
- ☐ Movement limitations
- ☐ Prosthesis
- ☐ Speech problems
- ☐ Recent hospitalizations. If checked, please explain: _____
- ☐ Severe allergies requiring medication. If checked, please explain: _____
- ☐ Other (please explain): _____

● Vision or eye problems: ☐ Yes ☐ No

If yes, wears glasses:

- ☐ for board work
- ☐ for reading
- ☐ all the time

Date of last eye exam: _____

● Medication: If your child requires medication at school, all medication sent to school must be in the prescription container with a current date and an "Authorization for Administration of Medication" form must be on file (obtain from the school office). Please indication:

Medication: _____ Dsge: _____ Hr(s) given: _____

Medication: _____ Dsge: _____ Hr(s) given: _____

SPECIAL EDUCATION

Does the student have an active IEP?

☐ No ☐ Yes

If Yes, please attach a copy of the IEP with your application.

	Date Entered	Date of Last IEP Meeting
<input type="checkbox"/> Mental Retardation (10/MR)		
<input type="checkbox"/> Hard of Hearing (20/HH)		
<input type="checkbox"/> Deaf (30/Deaf)		
<input type="checkbox"/> Specific Learning Disability, please name: _____ (40/SLI)		
<input type="checkbox"/> Visual Impairment (50/VI)		
<input type="checkbox"/> Emotional Disturbance (60/ED)		
<input type="checkbox"/> Orthopedic Impairment (70/OI)		
<input type="checkbox"/> Other Health Impairment, please specify: _____ (80/OHI)		
<input type="checkbox"/> Speech/Language Impairment (90/SLD)		
<input type="checkbox"/> Deaf-Blind (100/DB)		
<input type="checkbox"/> Multiple Disability, please specify which ones: _____ (110/MD)		
<input type="checkbox"/> Autism (120/AUT)		
<input type="checkbox"/> Traumatic Brain Injury (130/TBI)		

Please identify which school district developed the IEP: _____

The undersigned declares that the address of the student given above is the true and correct primary residence of the child within the boundaries of the Bullis Charter School, and that the undersigned will immediately inform the School of any change in address which subsequently occurs.

The undersigned declares that the above information is true and correct to the best of his/her knowledge.

Parent/Guardian signature

Date



Bullis Charter School
102 West Portola Avenue
Los Altos, CA 94022
(650) 947-4939 tel
(650) 947-4989 fax

HOME LANGUAGE SURVEY

State and Federal Law requires schools to determine the language(s) spoken at home by each student. This information is essential in order for schools to provide meaningful instruction for all students.

Your cooperation in helping us meet this important requirement is requested. Please answer the following questions and return this form along with your Registration Packet. Thank you.

Name of student: _____

Last

First

Middle

Grade

(present grade)

Age

List only one language for each question. If language spoken is Chinese, please specify Cantonese or Mandarin.

1. Which language did your son or daughter learn when he or she first began to talk?

2. What language does your son or daughter most frequently use at home?

3. What language do you use most frequently to speak to your son/daughter?

4. Name the language most often spoken by the adults at home.

Signature of Parent or Guardian

For Office Use Only:
Code: _____



Bullis Charter School

102 West Portola Avenue
Los Altos, CA 94022
(650) 947-4939 tel
(650) 947-4989 fax

Name of student: _____
Last First Middle Present Grade

The following information is required/mandated for state testing reports.

ETHNICITY

Is this student Hispanic or Latino? *(Select only one)*

- ☐ No, not Hispanic or Latino
☐ Yes, Hispanic or Latino (500)

The above part of the question is about ethnicity, not race. No matter what you selected above, **please continue to answer the question to the right** by marking one or more boxes to indicate what you consider your child's race to be.

RACE

What is this student's race? *(Select one or more)*

- ☐ American Indian or Alaska Native (100)

Asian

- ☐ Chinese (201)
☐ Japanese (202)
☐ Korean (203)
☐ Vietnamese (204)
☐ Asian Indian (205)
☐ Laotian (206)
☐ Cambodian (207)
☐ Filipino (400)
☐ Hmong (208)
☐ Other Asian (299)

Native Hawaiian or Other Pacific Islander

- ☐ Hawaiian (301)
☐ Guamanian (302)
☐ Samoan (303)
☐ Tahitian (304)
☐ Other Pacific Islander (399)

- ☐ Black or African American (600)

- ☐ White (700)

PARENT EDUCATION LEVEL SURVEY

Please mark only one area that indicates the education level of the most educated parent or guardian.

14	Not a high school graduate
13	High school graduate
12	Some college—includes any college credit or AA degree
11	College graduate—must have Bachelor's degree
10	Graduate school/post-graduate training (any units beyond Bachelor's degree)
15	Decline to state or unknown

MOBILITY SURVEY

- Circle the grade in which you are enrolling your child.
K 1 2 3 4 5 6 7 8
 - Circle the grade when your child first entered /attended this district.
K 1 2 3 4 5 6 7 8
 - What month and year did/will your child first attend a public school in California? Month _____ Year _____
- If your child was **NOT** born in the United States, please answer questions #4, 5, and 6.
- When did/will your child first enter the United States?
Month _____ Year _____
 - From what country did your child enter the United States?

 - When did/will your child first attend school in the United States? Month _____ Year _____



Bullis Charter School
102 West Portola Avenue
Los Altos, CA 94022
(650) 947-4939 tel
(650) 947-4989 fax

REQUEST FOR STUDENT RECORDS— RELEASE OF INFORMATION

To the Parent or Guardian:

Please remember to sign the attached form and include it along with your completed Registration Packet by February 3, 2012.

Please know that your child's records will NOT be requested unless your child is offered a spot at Bullis Charter School AND you accept that spot by completing an Enrollment Confirmation form. Records are requested shortly before the end of the school year.

Incomplete or late Registration Packets will not be eligible for consideration for this Open Enrollment Period.

Thank you.



Bullis Charter School
102 West Portola Avenue
Los Altos, CA 94022
(650) 947-4939 tel
(650) 947-4989 fax

REQUEST FOR STUDENT RECORDS

To the Parent or Guardian: Please complete and sign the statement below:

Applicant Name:

_____ (Last) (First) (Middle)

Current School: _____ Current Grade: _____

School Address: _____

I authorize _____ (current school) to release school records on file for the above student to Bullis Charter School.

Parent/Guardian: _____ Relationship: _____
(Print Name)

Parent/Guardian Signature: _____ Date: _____

To the School: The student list above is registering to Bullis Charter School. To aid our enrollment process, please send the following information for the student:

- All Report Card/Progress Reports
- Results of all standardized tests and evaluations
- Results of all Cognitive Abilities tests and evaluations
- Results of all criterion-referenced tests and evaluations
- Current Health Card
- All Student Study Team (SST) evaluations and recommendations
- All Special Education Records including evaluations and Individual Education Program (IEP)

Please send this information (including this form) to:

Bullis Charter School
102 West Portola Avenue
Los Altos, CA 94022-1210



Bullis Charter School
102 West Portola Avenue
Los Altos, CA 94022
(650) 947-4939 tel
(650) 947-4989 fax

REQUEST FOR MOST RECENT REPORT CARD, PROGRESS REPORT, AND TESTING RESULTS

To the Parent or Guardian:

**Please remember to include a copy of the following items
along with your completed Registration Packet by February 3,
2012.**

- 1. Most recent report card or progress report**
- 2. STAR or any other testing results**

***We understand that this may not be applicable for children
applying for kindergarten.***

**Incomplete or late Registration Packets will not be eligible for
consideration for this Open Enrollment Period.**

Thank you.



Bullis Charter School
102 West Portola Avenue
Los Altos, CA 94022
(650) 947-4939 tel
(650) 947-4989 fax

REQUEST FOR BIRTH CERTIFICATE

To the Parent or Guardian:

Please remember to include a photocopy of your child's birth certificate along with your completed Registration Packet by February 3, 2012.

Incomplete or late Registration Packets will not be eligible for consideration for this Open Enrollment Period.

Thank you.



Bullis Charter School
102 West Portola Avenue
Los Altos, CA 94022
(650) 947-4939 tel
(650) 947-4989 fax

REQUEST FOR PROOF OF RESIDENCY

To the Parent or Guardian:

Please remember to include ALL of the following along with your completed Registration Packet by February 3, 2012.

- 1. Copy of parent/legal guardian's valid Driver's License; and**
- 2. A recent copy of your Santa Clara Property Tax Bill or a deed or a copy of your current rental/lease agreement in your name showing residence property address; and**
- 3. A copy of recent utility bill in the name of the parent/guardian for the current month showing residence property address; and**
- 4. One of the items below in your name (*Los Altos School District Residents only*):**
 - Proof of Residency from the Santa Clara County Registrar of Voters; or
 - Current DMV vehicle registration showing residency property address; or
 - One other recent bill mailed to your residence address.

Incomplete or late Registration Packets will not be eligible for consideration for this Open Enrollment Period.

Thank you.



Bullis Charter School
 102 West Portola Avenue
 Los Altos, CA 94022
 (650) 947-4939 tel
 (650) 947-4989 fax

REGISTRATION HEALTH REQUIREMENTS

The following health requirements are **mandatory** for enrollment:

Immunizations:

Kindergarten/ 1st Grade	<ul style="list-style-type: none"> ▪ 4 doses Polio (3 doses, if last one given after 4th birthday) ▪ 5 doses DPT (4 doses, if the last one given after 4th birthday) ▪ 2 doses MMR (both after 1st birthday) ▪ 3 doses Hepatitis B ▪ 1 dose Varicella <i>*Physician-documented varicella (chickenpox) disease history or immunity meets the varicella requirement.</i> ▪ 1 TB skin test <i>Must be administered at the time of the physical exam, prior to entering kindergarten. Must include date given, date read, and result.</i> • Physical exam done no earlier than 18 months before entering 1st grade
Grades 2-6	<ul style="list-style-type: none"> ▪ 4 doses Polio (3 doses, if last one given after 2nd birthday) ▪ 4 doses DPT (3 doses, if the last one given after 2nd birthday); Booster shot recommended for 7th graders, if 5 years since last dose ▪ 2 doses MMR ▪ 3 doses Hepatitis B (or must start series of 3 shots) ▪ 1 dose of Varicella for children under 13 years; 2 doses if immunized on or after 13th birthday <i>*Physician-documented varicella (chickenpox) disease history or immunity meets the varicella requirement.</i> <p>If student is transferring from a school <u>outside</u> of Santa Clara County:</p> <ul style="list-style-type: none"> ▪ 1 TB skin test, unless written evidence of a Mantoux (PPD) skin test given within 6 months prior to school entrance is presented.
Grades 7/8	<p>Same as Grades 2-6, PLUS:</p> <ul style="list-style-type: none"> • Tdap booster (1 dose given after 7th birthday)

Please note: School verification of immunization is to be by written medical records from a physician or immunization clinic. All new and transfer students must present a current immunization record at the time of enrollment to Bullis Charter School. There is no grace period. (BP 5100)

Quick Links: **Home**

NEW - On-Site Fiscal Support
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 Teleconferences
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 FCMAT/CSIS Job Opportunities
 Contact FCMAT

Help and Services

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 Fiscal Tools
 Professional Development

Documents and Resources

Fiscal Documents & Resources
 Published Reports
 SharePoint Server
 Legislation and Regulations
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 Links

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Community College Reports

Charter Schools

Charter School Reports



1300 17th Street - CITY
 CENTRE
 Bakersfield, CA 93301
 661-636-4611

Petaluma Office
 422 Petaluma Blvd. North, Ste
 C

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[Click here for reports published in 2008](#)

Reports below are listed chronologically with the most recent reports at top. Reports are identified by the name of the client, the date of publication, a report number in parentheses, and the report type/subject. All reports are in Adobe Acrobat (pdf) format.

Reports with a clickable link are accessible immediately. Reports without a clickable link on this page may be obtained by request. Simply contact FCMAT using the Contact Us menu item or the Staff Directory link to the left, or by telephone at (661) 636-4611.

Note: Reports on community colleges, reports on charter schools, and comprehensive reviews of districts which have received state loans and are under a recovery plan, are located on other pages. Please see the links above or under the Published Reports menu item for these reports.

2007

West Fresno final report 12-7-07 (667) - food services

LACOE - Gorman ESD final report 12-6-07 (659) - fiscal crisis

Clovis USD final report 11-8-07 (658) - organization and staffing

Oakland USD final report 11-2-07 (651) - special education

Merced Union final report 10-31-07 (662) - maintenance and facilities

Cotati-Rohnert Park USD final report 10-22-07 (642) - fiscal

Glendale final report 10-15-07 (640) - fiscal

Ocean View final report 10-9-07 (646) - technology

San Lorenzo Valley USD final report 9-24-07 (653) - budget development

Enterprise ESD final report 9-12-07 (655) - maintenance and operations; facilities

Atascadero USD final report 7-27-07 (645) - maintenance and operations; facilities

Santa Clara COE Los Gatos USD Extraordinary Audit 7-26-07 (629) - AB 139 extraordinary audit

Evergreen final report 7-24-07 (643) - special education

Perris UHSD final report 7-18-07 (627) - technology

Victor Valley UHSD final report 7-16-07 (626) - organization and staffing

Albor Charter School Extraordinary Audit 7-16-07 (563) - AB 139 extraordinary audit

Emery management letter 7-5-07 (652) - facilities

Scotts Valley USD final report 7-2-07 (633) - special education and transportation

Black Oak Mine USD final report 6-25-07 (637) - fiscal

Clovis USD final report 6-13-07 (628) - special education

Twin Ridges final report 6-13-07 (607) - fiscal

Berkeley USD final report 6-7-07 (631) - special education and transportation

San Maleo COE final report 6-4-07 (630) - fiscal

Santa Clara - Bullis final report 6-1-07 (621) - special education

Petaluma, CA 94952
707-776-2850

Request Our Services

Oakley UESD final report 6-1-07 (644) - organization and staffing

Poway management letter 5-23-07 (641) - transportation

Heber ESD final report 5-7-07 (623) - maintenance and operations

Sacramento COE final report 5-4-07 (618) - special education

Dos Palos-Oro Loma JUSD final report 4-30-07 (622) - maintenance and facilities

Golden Valley final report 4-18-07 (624) - maintenance, facilities, warehouse, organization and staffing

Woodland JUSD final report 4-18-07 (616) - food services, purchasing and warehouse

Hacienda La Puente final report 4-12-07 (548) - budget development

Anderson Union management letter 4-12-07 (635) - fiscal

Amador COE management letter 4-11-07 (634) - fiscal

Temple City USD final report 4-2-07 (613) - human resources

West Fresno ESD final report 3-28-07 (586) - fiscal, human resources

Las Virgenes USD final report 3-26-07 (608) - technology

Central USD final report 3-20-07 (611) - technology

Lucia Mar final report 3-16-07 (615) - special education

Pomona USD final report 3-13-07 (612) - fiscal

Banta ESD final report 3-6-07 (610) - organization and staffing

Hughson USD final report 3-1-07 (609) - organization and staffing

Alpine County final report 2-26-07 (619) - fiscal

Vallecito UESD management letter 2-22-07 (625) - fiscal

Santa Monica-Malibu final letter 2-8-07 (614) - fiscal crisis

Fallbrook UESD final report 1-25-07 (587) - transportation

Fresno USD final report 1-19-07 (598) - special education

Fresno USD final report 1-19-07-2 (598) - technology

"Fresno USD final report 1-23-07" (598) - purchasing and warehouse

Nuview UESD final report 1-18-07 (576) -reorganization

El Dorado COE final report 1-12-07 (599) - technology

Siskiyou COE final report 1-10-07 (605) - special education

Colusa final report 1-9-07 (585) - special education

Lafayette final report 1-5-07 (602) - organization and staffing

Simi Valley Unified final report 1-5-07 (589) - technology

Golden Plains final report 1-3-07 (588) - multiyear financial forecast

2006

South San Francisco USD final report 12-20-06 (603) - food services, purchasing and warehouse

Menlo Park City ESD final report 12-15-06 (604) - transportation

Davis JUSD final report 12-14-06 (595) - fiscal

Kern COE final report 12-5-06 (597) - reorganization

Esparto USD final report 11-16-06 (594) - transportation

Berkeley USD final report 11-8-06 (596) - purchasing and warehouse

Kerman USD final report 11-8-06 (506) - transportation

San Bernardino COE - Victor Valley USD final report 11-1-06 (577) - fiscal

Victor Valley UHSD final report 10-4-06 (570) - organization and staffing

San Benito HSD final report 10-3-06 (580) - technology

Fallbrook SD final report 9-28-06 (571) - transportation

Simi Valley USD final report 9-21-06 (590) - organization and staffing

Sacramento City USD final report 9-21-06 (574) - fiscal

Temple City USD final report 9-20-06 (578) - organization and staffing

Alameda USD final report 9-12-06 (573) - technology

San Diego COE final report 9-1-06 (505) - technology

Alameda USD final report 8-28-06 (568) - special education

Corning UESD final report 8-23-08 (558) - organization, staffing and transportation

Antioch USD final report 7-27-06 (538) - technology

San Mateo - Foster City SD final report 7-13-06 (560) - technology

El Monte UHSD final report 7-11-06 (536) - transportation

Golden Valley USD final report 7-7-06 (553) - food services

Ross School District final report 6-30-06 (532) - technology

San Joaquin COE - Stockton USD final report 6-29-06 (572) - fiscal

Cypress Grove Charter HS management letter 6-26-06 (579) - organization and staffing

Grossmont UHSD final report 6-26-06 (501) - maintenance and operations

Ramona City USD final report 6-22-06 (561) - fiscal

Contra Costa COE - West Contra Costa USD Extraordinary Audit 6-20-06 (545)

Jefferson SD final report 6-19-06 (546) - fiscal

Merced City SD final report 6-14-06 (582) - fiscal

Orange COE - North Orange SELPA final report 6-12-06 (513) - SELPA

Centralia SD final report 6-8-06 (541) - special education

Monterey COE - Chualar USD final report 6-6-06 (575) - fiscal

Pacific Grove USD final report 6-6-06 (557) - food services

Valley Center - Pauma USD final report 6-2-06 (567) - fiscal

Amador COE final report 6-2-06 (566) - special education

Mendocino USD final report 6-2-06 (551) - fiscal

Sonoma COE - Healdsburg USD final report 5-31-06 (469) - fiscal

King City SD final report 5-30-06 (550) - fiscal

Berkeley USD final report 5-25-06 (556) - attendance

Ventura COE Extraordinary Audit 5-25-06 (496) - AB 139 extraordinary audit

Travis USD final report 5-15-06 (552) - budget development

Buena Park SD final report 4-27-06 (539) - technology

Washington USD final report 4-27-06 (534) - budget development

San Mateo-Foster City SD final report 4-25-06 (543) - technology

Alum Rock UESD final report 4-6-06 (542) - fiscal

Golden Valley USD final report 4-5-06 (531) - fiscal

Berkeley USD final report 3-31-06 (509) - technology

Alameda USD final report 3-29-06 (540) - fiscal

Yreka UESD final report 3-28-06 (544) - food services

Tahoe-Truckee USD final report 3-27-06 (535) - transportation

Siskiyou COE - Willow Creek ESD final report 3-23-06 (547) - fiscal

Contra Costa COE - Mt. Diablo USD final report 3-14-06 (490) - technology

San Dieguito UHSD final report 3-13-06 (528) - special education and transportation

Culver City USD management letter 3-3-06 (519) - fiscal

Yolo COE final report 3-2-06 (525) - organization and staffing

Thermalito USD final report 2-27-06 (537) - maintenance and facilities

Carlsbad USD final report 2-24-06 (530) - technology

Fresno USD final report 2-14-06 (527) - fiscal

Sierra-Plumas JUSD final report 2-8-06 (522) - fiscal

Clovis USD final report 2-6-06 (529) - technology

Culver City USD final report 1-23-06 (520) - child development

West Fresno ESD final report 1-17-06 (549) - transportation

Santa Ynez Valley UHSD final report 1-12-06 (526) - organization and staffing



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1300 17th Street - CITY CENTRE, Bakersfield, CA 93301, 661-636-4611
Fiscal Crisis and Management Assistance Team (FCMAT)
Petaluma Office - 422 Petaluma Blvd. North, Suite C, Petaluma, CA 94952, 707-775-2850



Santa Clara County Office of Education

Management Review

June 1, 2007

Joel D. Montero
Chief Executive Officer



FCMAT

FISCAL CRISIS & MANAGEMENT
ASSISTANCE TEAM

CSIS California School Information Services

June 1, 2007

Colleen B. Wilcox, Ph.D., Superintendent
Santa Clara County Office of Education
1290 Ridder Park Drive
San Jose, CA 95131

Dear Dr. Wilcox:

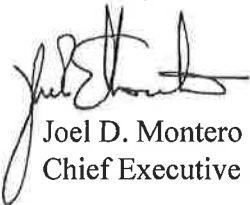
In January 2007, the Fiscal Crisis and Management Assistance Team (FCMAT) entered into an agreement with the Santa Clara County Office of Education for a special education review regarding Bullis Charter School. Specifically, the agreement asked FCMAT to perform the following:

1. Verify that the charter's use of funds and service delivery follows federal and state regulations and local agreements, including the budget allocation plan, SELPA I; local plan, SELPA I, charter school policy, SELPA I, and the memorandum of understanding (MOU) between the charter and the COE.
2. Verify/list the type and cost of special education services provided to students along with the number and federal classification of those receiving services.
3. Review proposed changes to the SELPA charter policy specifically regarding excess cost (or share of encroachment) for COE charter schools and return of unused funds to districts of residence within the SELPA.

FCMAT visited the district January 24 and 25, 2007. This report is the result of that effort.

It has been a pleasure to serve you, and please give our regards to all the staff of the Santa Clara County Office of Education.

Sincerely,



Joel D. Montero
Chief Executive Officer

FCMAT

Joel D. Montero, Chief Executive Officer

1300 17th Street - CITY CENTRE, Bakersfield, CA 93301-4533 • Telephone 661-636-4611 • Fax 661-636-4647
422 Petaluma Blvd North, Suite. C, Petaluma, CA 94952 • Telephone: 707-775-2850 • Fax: 707-775-2854 • www.fcmat.org
Administrative Agent: Larry E. Reider - Office of Kern County Superintendent of Schools

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Foreword

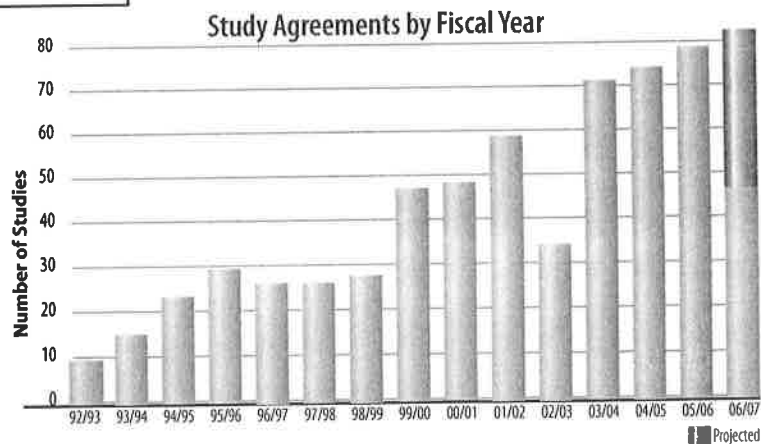
FCMAT Background

The Fiscal Crisis and Management Assistance Team (FCMAT) was created by legislation in accordance with Assembly Bill 1200 in 1992 as a service to assist local educational agencies in complying with fiscal accountability standards.

AB 1200 was established from a need to ensure that local educational agencies throughout California were adequately prepared to meet and sustain their financial obligations. AB 1200 is also a statewide plan for county offices of education and school districts to work together on a local level to improve fiscal procedures and accountability standards. The legislation expanded the role of the county office in monitoring school districts under certain fiscal constraints to ensure these districts could meet their financial commitments on a multiyear basis. AB 2756 provides specific responsibilities to FCMAT with regard to districts that have received emergency state loans. These include comprehensive assessments in five major operational areas and periodic reports that identify the district's progress on the improvement plans

Since 1992, FCMAT has been engaged to perform more than 600 reviews for local educational agencies, including school districts, county offices of education, charter schools and community colleges. Services range from fiscal crisis intervention to management review and assistance. FCMAT also provides professional development training. The Kern County Superintendent of Schools is the administrative agent for FCMAT. The agency is guided under the leadership of Joel D. Montero, Chief Executive Officer, with funding derived through appropriations in the state budget and a modest fee schedule for charges to requesting agencies.

Total Number of Studies	628
Total Number of Districts in CA.....	982
● Management Assistance.....	594 (94.59%)
● Fiscal Crisis/Emergency	34 (5.41%)
Note: Some districts had multiple studies.	
● Districts (7) that have received emergency loans from the state.	(Rev. 2/7/07)



Introduction

Background

Located in Northern California, the Santa Clara County Office of Education provides instructional, administrative, human resources, business and technical support services to the county's 32 school districts. Instructional services provided by the county office include special education, Head Start, environmental education, regional occupational programs, alternative schools and migrant education.

The county office is also the chartering local educational agency for Bullis Charter School, which is located in the community of Los Altos and serves more than 250 students. The charter school operates as a public school of the county office rather than as a local educational agency.

In January 2007, the county office entered into an agreement with the Fiscal Crisis and Management Assistance Team to complete a management study that would perform the following:

1. Verify that the charter's use of funds and service delivery follow federal and state regulations and local agreements, including the budget allocation plan, SELPA I; local plan, SELPA, charter school policy, SELPA I, and the memorandum of understanding (MOU) between the charter and the COE.
2. Verify/list the type and cost of special education services provided to students along with the number and federal classification of those receiving services. (Based on the December 1, 2005 pupil count).
3. Review proposed changes to the SELPA I charter policy specifically regarding excess cost (or share of encroachment) for COE charter schools and return of unused funds to districts of residence within the SELPA I.

Study Team

The study team was composed of the following members:

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Study Guidelines

The study team visited the county office January 24-25, 2007 to interview employees, review documents and collect information. This report is the result of that effort and is divided into the following sections:

- I. Executive Summary
- II. Service Delivery and Expenditures
- III. Service Type and Cost
- IV. Local Agreements
- V. SELPA I Charter Policy

Executive Summary

Service Delivery and Expenditures

Expenditure of special education funding is guided by state and federal laws and regulations as referenced in the document attached as Appendix A to this report. State and federal funds to support special education are disbursed through Special Education Local Plan Areas (SELPA) to local education agencies (LEAs). The county office received such funds to help provide special education services in its charter schools.

The county office allows the charter schools to provide special education services and to submit claims for reimbursement. On August 30, 2006, Bullis Charter School submitted claims for special education reimbursement for the 2005-2006 fiscal year. FCMAT reviewed the claims and found that most are not valid claims under state and federal laws and regulations related to special education.

The county office should continue the reimbursement review that it has begun and; if appropriate, recover and return to the SELPA any excess special education funds that may have been previously distributed to Bullis Charter School. Training should be provided and safeguards should be established to prevent inappropriate disbursement of special education funds.

Service Type and Cost

On December 1, 2005, Bullis Charter School identified six students as needing special education services. In reviewing the students' individual education plans (IEPs) and the services they received, FCMAT found that the school's IEP process had the following shortcomings:

- Some IEPs contained entire assessment reports.
- Some IEP teams did not include all necessary participants, including parents, county office staff members, and a school nurse.
- Some important IEP elements were missing, including information on student academic achievement and functional performance.

Staff training and increased support should be provided for the IEP process. Designated instructional services (DIS) should be provided by a service provider that meets state and federal criteria and is contracted and overseen by the county office.

SELPA I Charter School Policy

FCMAT reviewed the draft policy and believes the document should incorporate the following provisions:

4 | EXECUTIVE SUMMARY

- It should apply to all charter schools in the SELPAs.
- It should allow for the county office to represent the needs of students with disabilities.
- It should state that unused SELPA funds are returned to the SELPAs from which they came.
- It should avoid regulating internal matters between charter schools and the county office in dealing with encroachment.

Findings and Recommendations

Service Delivery and Expenditures

Expenditures of special education funds can be used only to comply with Part 30 of the Education Code (Section 56000, et. seq.), meet the requirements of the Individuals with Disabilities Education Act (Title 20, USC Section 1400, et. seq.), implement federal regulations, and carry out SELPA policies. These funds must be used to ensure the provision of a free appropriate public education (FAPE), resulting in beneficial access to educational opportunities. Students who are not disabled may incidentally benefit from special education expenditures intended to provide FAPE to one or more students with a disability. However, special education funds may not be expended primarily on general education programs that may benefit a student with a disability. The pertinent sections of the law are as follows (Further details are provided in the document attached as Appendix A to this report):

EC 56836.04. (a) The superintendent shall continuously monitor and review all special education programs approved under this part to assure that all funds appropriated to special education local plan areas under this part are expended for the purposes intended.

(b) Funds apportioned to special education local plan areas pursuant to this chapter shall be expended exclusively for programs operated under this part.

35 CFR §300.202 Use of amounts.

(a) General. Amounts provided to the LEA under Part B of the Act

(1) Must be expended in accordance with the applicable provisions of this part;

(2) Must be used only to pay the excess costs of providing special education and related services to children with disabilities, consistent with paragraph (b) of this section; and

(3) Must be used to supplement State, local, and other Federal funds and not to supplant those funds.

35 CFR§ 300.208 Permissive use of funds.

(a) Uses. Notwithstanding §§ 300.202,300.203(a), and 300.162(b), funds provided to an LEA under Part B of the Act may be used for the following activities:

(1) Services and aids that also benefit nondisabled children. For the costs of special education and related services, and supplementary aids and services, provided in a regular class or other education-related setting to a child with a disability in accordance with the IEP of the child, even if one or more nondisabled children benefit from these services.

FCMAT compared the backup data supplied to the Santa Clara County Office of Education by Bullis Charter School with its request for reimbursement of special education related expenditures (More information is provided in the document attached as Appendix B to this report).

As submitted to the county office on August 30, 2006, the Bullis Charter School special education program's expenditure reimbursement report for 2005-2006 showed a total of \$133,294 in expenses. The county office Assistant Superintendent for Student Services reviewed the expenditures and questioned them. He referred the expenditure request claim to the county office's Controller for an opinion. The Controller reviewed the special education expenditure claims and concluded that approximately 75% of the expenditures should not be paid with state and/or federal special education funds.

State and federal special education funds are distributed through SELPA I to the county office, and the county office uses these funds to reimburse charter schools that are operating as schools in the county office for the purpose of special education. Funds are disbursed to the charter schools in three installments throughout the year, with the final installment coming after the end of the fiscal year, when a review of expenditure claims is completed. As a result of reviews of Bullis Charter School's expenditure claims by the Assistant Superintendent and the Controller, the county office did not distribute the final installment. Based on the Controller's conclusion that approximately 75% of the claims should not be paid with special education funds, it was determined that the charter school may have already received more in special education funds than it was entitled to receive. Before calculating the amount of overdisbursement to Bullis Charter School and seeking to have the overdisbursement returned, the county office contracted with FCMAT as an outside source to review the expenditure claim and determine whether the claimed expenditures should be paid with special education funds.

FCMAT believes that the county office Controller's assessment is correct and that Bullis Charter School should not be reimbursed for the bulk of its claimed special education expenditures. Any special education funds that were disbursed to the charter school in excess of the allowable claims should be returned from the charter school to the county office and from the county office to SELPA I. FCMAT bases this conclusion on the following findings.

Bullis' special education expenditures submitted to the county office did not reflect the actual special education services the school provided to the six students at the school with IEPs.

Some direct service expenditures for special education assessment, speech and language therapy, and occupational therapy appear to be valid expenditures of special education funds since those services were specified in students' IEPs. Payments for direct services for counseling and psychological services (other than special education assessment) did

not appear to be valid expenditures because those services were not identified in the IEPs of students with disabilities. Following is a summary of these expenditures, with more detail attached to the appendix section of this report.

**Overview of Special Education Direct Service Expenditures
Reviewed for 2005-2006**

<u>Special Education Expenditures</u>	<u>Object</u>	<u>Total</u>
Teachers' salary	1100	\$19,209
Instructional aides' salaries	2100	28,655
Employee benefits	3101 – 3901	7,438
Speech and language services		\$19,033
Occupational therapy		6,825
Psychological services		6,819
Counseling (resource specialist teacher)		1,555
Community health awareness		<u>6,118</u>
Direct Services subtotal		\$40,350

According to the December 1, 2005 pupil count, the cost of providing services for students is as follows:

1. \$40,350 divided by six students equals \$6,725 per student.
2. \$19,033 divided by six students equals \$2,172 per student for speech.
3. \$ 6,825 divided by one student equals \$6,825 per student for occupational therapy.

No IEPs identified counseling or psychological services as services to be provided. Psychological assessment would be a valid special education expenditure.

No appropriately credentialed special education teacher was involved with the six students. All six students received speech and language services, and one also received occupational therapy. These services were provided by contracted personnel.

Instructional aide time was claimed, however, none of the six students had aide time reflected on his or her IEP. Consequently, certificated and classified salary and employee benefits are not valid expenditures of special education funds by Bullis Charter School.

It is difficult to determine the cost of special education services for the school's six identified students with IEPs. Ongoing county office oversight or review of the billings and reimbursements were not provided until the final claim was received. Little or no backup information was submitted. The information on invoices from vendors of

psychological services, speech and language services, occupational therapy and other services was not specific enough to identify the specific service provided, the recipient, and the length of time each service was provided.

Some invoices included inappropriate charges such as those for participating in student study teams (which is not a special education function), providing instruction on handwriting to general education students, and providing counseling services for general education students, which may incidentally benefit one or more students with a disability.

The cost of occupational therapy at the school for the school year was \$6,825, and claims were fully charged to special education. However, most of the activity seemed to be related to providing services to the general education population. Only one student received occupational therapy services as identified on the IEP.

Psychological services for general education students were also being charged to special education. The billing process did not provide for sufficient detail to make meaningful determinations on these expenditures.

Additional invoices stated that students were receiving counseling services, however, none of the special education students' IEPs included counseling services as of the December 1, 2005 pupil count.

The school's practices and processes for providing special education services have raised many concerns. The special education services provided at Bullis Charter School were primarily for designated instruction and services (DIS). These services are to be provided by an employee, a certified nonpublic nonsectarian agency, or employees, vendors, or contractors of a public health or mental health agency (5 CCR 3051). Yet the DIS providers at Bullis Charter School are not employees of the school. They are not employees, vendors, or contractors of a public health or mental health agency that are responsible for providing these services to the students. Based on the most recent CDE database, none of the providers are certified nonpublic nonsectarian agencies. Therefore, payment for their services with special education funds may be inappropriate.

Bullis is a charter school operating as a public school of the county office. It is not operating as a local educational agency (LEA) and SELPA member for the purpose of providing special education. Since state laws and regulations permit only school districts, special education local plan areas, county offices of education, and local educational agencies to contract with certified nonpublic nonsectarian agencies, it is impermissible for Bullis Charter School to contract with these agencies to provide these services. These contracts should be between the certified nonpublic nonsectarian agency and the county office.

Overview of Expenditures for Travel and Conference
Reviewed for 2005-06

Special Education Expenditures	Object	Total
Travel and Conferences	5200	\$21,718
Professional/Consult Services	5800	<u>46,963</u>
	Total	\$68,681

Bullis submitted expenditure claims for travel and conferences for \$21,718, and claims for professional/consultant services for \$46,963. These claims for special education funding are inappropriate. Expenditure claims were submitted for school staff attending the State Charter School Conference in Sacramento, but there was no basis to justify these costs as being for the purposes of special education. Expenditure claims were made for the principal and two staff members to visit programs in Finland, however, the programs in Finland were related to students with severe developmental disabilities. No students at Bullis had these disabilities, and there were no plans to target this population in the near future. Expending special education funds for these purposes would be inappropriate. General legal fees also should not be claimed against special education.

Two sizeable travel expenditures did not appear to have been made primarily to ensure that students with disabilities were provided with FAPE. The entire school staff apparently attended the State Charter School Conference in Sacramento, but there was no basis to justify these costs as being for the purposes of special education. At most, special education funds should have been used only to the extent that the conference focused on providing services to students with disabilities.

The director and two key staff members visited programs in Finland because these programs are "considered among the best in the world for educating students with disabilities in general education settings." This trip raises serious concerns. It is unclear how the methods and strategies observed by the participants could be used to improve the programming opportunities provided to the charter school's students with disabilities. Five of these students were speech and language impaired, and one student had autism spectrum disorder. Information about the Finnish programs indicated that it focuses on children with more severe developmental disabilities. Since no students with these disabilities are enrolled at Bullis Charter School, and there are no plans to target this population in the near future, the value of the trip is questionable.

Reimbursements for travel and mileage were based on very little documentation, and no per diem standards were utilized. Meal reimbursements varied widely. Lodging reimbursements suggested that no effort was made to implement reasonable controls such as room sharing. Mileage reimbursement rates appeared to vary instead of being based on a standard mileage rate. There was little emphasis on car pooling when several individuals traveled. Little information was provided on the time and location of travel.

FCMAT reviewed a credit card statement in the name of the school. Almost every item included the object code, indicating where the expenditure should be charged. Among these items were numerous charges for what appeared to be meals at area restaurants. No explanation was provided on why these meals were considered appropriate special education expenditures.

FCMAT was also provided with an expenditure report and a very simplified budget. The budget included \$120,000 as special education revenue, but contained no specified expenditures for special education. The expenditure report shows the expenditures spread in equal amounts over four quarters. A transmittal letter sent with the expenditure report states the following: "Finally, the report evenly allocates the totals by object code into the four quarters of the fiscal year. We believe this is a reasonable estimate for the timing of these expenditures since our accounting practice is not to differentiate fiscal year expenses by quarter." The reasoning behind the expenditure reimbursement request was that even if \$10,000 of the request was found not to be reimbursable, the balance would still put expenditures at about the same level as estimated revenues.

Recommendations

The charter school and county office should:

1. Compare the expenditure claim submitted by Bullis Charter School on August 30, 2006 with state and federal standards as was done by the county office Assistant Superintendent and the county office Controller and FCMAT. The county office should reimburse for valid claims, and not reimburse for invalid claims. If more special education funds were distributed to Bullis Charter School than were justified by valid expenditure claims, the county office should collect the excess funds from the charter school and return them to SELPA I.
2. Ensure that Bullis staff, directors, and contractors who handle fiscal matters for the school are fully trained in appropriate fiscal procedures for school finance, and especially state and federal requirements for expenditures of special education funds. The county office may want to consider providing this type of training, or assist in finding such training.
3. Plan for the 2007-08 school year by performing the following:
 - Determining the special education services to be provided and the entity that is responsible for providing them.
 - Identifying the level of funding that will be available for the school to provide special education services and to support the special education program.

- Developing an annual budget of revenues and expenditures for the special education program at the school to be revised, as appropriate, at interim periods throughout the year.
- Developing standards for travel/conference reimbursements and appropriate expenditures to be charged to special education funds.
- Agreeing on a fiscal accounting system that facilitates the identification of expenditures charged to special education resources.
- Establishing an ongoing fiscal reporting system and a schedule for transmitting funds to the school.

The county office should:

4. Cease the practice of making initial disbursement of SELPA funds before receiving expense claims from the charter schools operating as schools in the county office for special education purposes.
5. Provide the school staff with professional development on special education finance, budgetary processes, the correct and contemporaneous coding of revenues and expenditures, the determination of appropriate uses of special education funds, and the effective use of standards for travel and conference reimbursement.
6. Assign a business office staff member in the county office, such as the special education Fiscal Analyst or the Controller, to function as the school contact person. This person must be knowledgeable in areas such as contracts and expense claims.
7. Provide the school with detailed information on its expectations regarding requests for reimbursement for special education expenditures. Invoices provided by DIS providers lack important information, for example, the actual services provided. These invoices also should include information such as dates, time, the student's name, and the activity provided. When referring to attendance at IEP meetings, the invoice should specify the provider's purpose for being at the meeting. Invoices for staff training should reflect the purpose of the training and the names of the people who attended.
8. Work closely with the school staff regarding fiscal controls and the timely reporting of fiscal matters. The school should either use the county office's travel policies and forms or develop its own with the approval of the county office.
9. Require the school to provide sufficient information to prevent inappropriate services from being charged to special education such as prereferral, instruction, curriculum, and prevention activities. A manual or handbook should be reviewed with the school staff to emphasize appropriate expenditures for special education.

10. Require documents to be properly reviewed for possible math errors and the presence of backup data (such as invoices for services) and to ensure all necessary details are included before they are forwarded to the county office. The Business Services Department should establish checks and balances so that the schools have benchmarks to follow. The division also needs to work with the school regarding appropriate forms, use of credit cards, travel reimbursement and prior approval for travel. Monthly meetings should be held to discuss these topics.
11. Require the school to provide sufficient information to tie current expenditures of federal and state special education dollars to special education student services. The following statement, which is from the conditions on grants made to county offices of education to reimburse mental health agencies that provide special education services, seems applicable in this situation: "Invoices or other documents must provide sufficient detail to enable the COE to establish a link between the services claimed and the individual student's IEP."
12. Review and discuss the current business services provided for the school and identify options such as contracting with the county office or a school district for these services.

Service Type and Cost

The following information is from the IEPs of Bullis Charter School students identified in the December 1, 2005 CASEMIS report.

Student Information – Bullis Charter December 1, 2005

1. Six students were identified as needing special education services.
2. Four of the students were identified as meeting the eligibility criteria in accordance with California Code of Regulations – Title 5 – Education, 3030c, which covers a language or speech disorder (CASEMIS identification is 040 and Education Code 56333).
3. One student did not meet the eligibility criteria for language or speech disorder; however, the IEP team recommended speech and language services in accordance with Education Code 56323.
4. One student was determined to be eligible to receive services as autistic. (CASEMIS identification is 120 and California Code of Regulations – Title 5 – Education 3030 (g)).
5. One IEP provided for “In class specialist assistance when appropriate,” but this was not indicated in the specific section regarding services to be provided.

Numerous federal and state code sections on special education describe the intent and purpose of providing these services. The intent is to ensure beneficial access to a free appropriate public education (FAPE) to a student who requires special education as a result of a disability. Special education is defined as follows:

“Special education” means specially designed instruction, at no cost to the parent, to meet the unique needs of individuals with exceptional needs, whose educational needs cannot be met with modification of the regular instruction program, and related services, at no cost to the parent, that may be needed to assist these individuals to benefit from specially designed instruction.” EC Section 56031

Assessing students is a critical aspect of the IEP process. During these assessments, an IEP team determines the student’s eligibility. If special education services are deemed appropriate, the team also determines what specially designed instruction and related services a student needs to benefit from his or her educational program. Not all students with a disability need specially designed instruction since some may need only technology services, differential instruction, accommodations pursuant to Section 504 of the Rehabilitation Act of 1973, or other alternatives. It is critical for IEP teams to be clear and accurate in determining eligibility and service needs. One of the services that may

be specified in a student's IEP is DIS, which shall be made available when the instruction and services are necessary for the pupil to benefit educationally. Other services an IEP team could determine as necessary include a resource specialist program or special day class services. All these services are clearly delineated in the Education Code, the SELPA's local plan, handbooks, etc. Bullis Charter School is providing only DIS services.

**Delivery of Special Education DIS services at Bullis Charter School
as of December 1, 2005**

1. All six students receive speech and language services twice a week.
2. All six students receive individualized speech and language services.
3. Four students also receive speech and language services in the classroom.
4. Four students received services for 30 minutes, twice a week.
5. One student received services for 60 minutes, twice a week.
6. One student received services 120 minutes, twice a week.
7. All students were in grades kindergarten through third.
8. One of the six students receives occupational therapy.
9. None of the students are receiving counseling.
10. None of the students receives services in a resource specialists program or special day class.

FCMAT found that identified students were eligible for special education services pursuant to state and federal statutes and implementing regulations.

The school's special education IEP process has some shortcomings. IEPs must contain specific items, and the services required should be based on specific assessment. The assessment report and the resulting IEP are two of the most important elements of special education. The assessment is intended to identify the reasons a student may not be performing as well as he/she should educationally, help identify strategies and services that may improve his/her educational performance, and if a disability is the causative factor, determine whether the student requires special education. Based on the assessment information, the IEP specifies the types and levels of services to be provided and sets expectations for improved educational performance as a result of those services. The team that conducts the assessment must be multidisciplinary and must conduct a multifaceted assessment. The members of the IEP team must include the parent, the child's special education provider, a general education teacher and an administrator or designee who can supervise the provision of special education services and who has the authority to commit the resources of the local educational agency to implement the IEP.

Bullis Charter School's special education procedures do not include the participation of a school nurse or other individual with the ability and authorization to conduct vision and hearing screenings. This is a potential deficiency since screenings are generally accepted

elements of most assessments and are specifically required for students suspected of having a specific learning disability, a very likely disabling condition among the school's general population.

The school was also inconsistent in fully using the SELPA's IEP forms. Important elements were missing in some IEPs, which raises concerns about their specificity, effectiveness, and potential for legal proceedings. While IEPs must contain "A statement of the individual's present levels of academic achievement and functional performance," it is generally inadvisable to include the full assessment report in the IEP itself.

Recommendations

The county office should:

1. Communicate to the school that assessment reports should not be part of a student's IEP. This is a separate document and should not be attached to the IEP.
2. Provide, or arrange through the SELPA, training for the school staff on how to write legal and effective IEPs. The county office also should provide the school's special education providers with training on the IEP process, including laws and regulations.
3. Discuss with the school, and possibly provide, hearing and vision screening for students initially referred to special education and for their three-year reviews.
4. Provide the required DIS to the school directly or through contracts with certified nonpublic agency providers. The current providers of speech and language services, occupational therapy, and counseling are not nonpublic school agency certificated. In accordance with Education Code 56365, these services need to be under contract with a district, a special education local plan area or a county office of education if no appropriate public education program is available. The school and the county office should work cooperatively in providing these services in accordance with the Education Code.
5. Work with the SELPA to ensure all IEP forms are the most current forms available and comply with all special education laws and regulations.
6. Review IEP forms regularly for compliance purposes.
7. Ensure that a county office administrative representative participates in all IEP meetings conducted by the school as a required member of the IEP team. Training in conducting IEP meetings should also be provided to the school staff.

8. Invite DIS service providers to attend county-sponsored meetings on topics such as student assessment, writing goals and objectives, exit criteria and other important areas.
9. Provide the school's Speech and Language Therapist with speech and language scales and other resources related to the best practices used by California therapists. One example is the North Inland Special Education Region Communication Severity Scale.
10. Include the school's administrator in all county office meetings on special education.
11. Provide the school administrator with a copy of the Santa Clara SELPA 1 Local Plan, Policies and Procedures and other pertinent information regarding special education and services.
12. Ensure that the school's staff receives announcements on professional development activities regarding special education.
13. Provide the school administrator with a copy of the CDE publication, Technical Assistance for California Charter Schools on Implementing Special Education Service Requirements.
14. Develop, with the collaboration of the school staff, a plan(s) to improve lines of communication between the school and the county office. This plan(s) should be shared with the school board and the County Superintendent.

SELPA Charter Policy

FCMAT reviewed a draft of the proposed charter school policy being considered for adoption by Santa Clara County SELPAs.

The first sentence states that this policy applies to “all independent Charter Schools.” Although the term “independent charter school” is used colloquially, California Education Code recognizes no distinction between “dependent” and “independent” charter schools. The SELPAs should have a policy that applies to all charter schools. If there is a need to specify anything in the policy for charters that are operated by local school boards, private nonprofit boards, or for-profit corporations (common criteria by which charter schools are termed “dependent” or “independent”), those specific areas should be clearly identified.

The first paragraph states that the policy applies to charter schools chartered by educational entities that are members of the Santa Clara County SELPAs I, II, III, IV, VII, and the Southeast Consortium and to charter schools chartered by the State Board of Education. However, charter schools can seek to become members of a different SELPA than their chartering entities. Therefore, the policy should also apply to any charter school that seeks to become a member of one of the Santa Clara County SELPAs as an LEA, regardless of the chartering entity.

The second sentence of the third paragraph states: “Students enrolled in Charter Schools, **chartered by member LEAs**, shall receive services in a manner similar to other students.” Since this limiting statement could exempt charter school LEA members chartered by other entities, the bolded phrase should be replaced with “**operating within SELPAs I, II, III, IV, VII.**”

The first sentence of the first paragraph on the second page reads: “Funding for special education services, participation for provision of services shall be based on the categorization of the individual Charter School (**chartered by a LEA** or functioning as a LEA). The phrase in boldface should read “**operating as a public school of its chartering entity.**”

In the first sentence of the third paragraph on the second page, the word “to” should be inserted after the word “prior.”

Distinctions are being made between charter schools operating as public schools of school districts and charter schools operating as public schools of the county office. In one instance the policy states, “The chartering entity will represent the needs of students with disabilities attending Charter Schools in the same manner as it does for its other schools.” Similar wording should be included that enables the county office to “represent the needs of students with disabilities attending charter schools” in the county office.

FCMAT concurs with the idea of returning unused funds to the SELPAs. However, the term “of residence” raises concern. This would require the county office to track all funding on a per-individual basis to return any unused funds for “each individual” to the SELPA of residence. “Unused funds” should be returned to the SELPAs in the same proportion in which they were received.

It would not be viable for the county office to enter into agreements to bill charter schools for excess costs based on the statewide average encroachment. Districts have special education costs that exceed the funds disbursed to them through the SELPAs, and therefore collect “encroachment” costs from their charter schools to cover such costs. County offices of education have no such costs. Any special education costs that exceed the funds disbursed to them through the SELPAs are charged by the county office to the charter school, or handled through whatever other arrangement the county office may make with the charter school through mutual agreement. There is no need for a SELPA policy to deal with the agreement between the county office and its charter schools any differently than how a school district would deal with its charter school.

On page five, the policy addresses funds that were not used to reimburse expenditures but that charter school LEAs have made on behalf of students with disabilities. This differential treatment of charter schools may contradict statute and should be reviewed carefully with legal counsel. If such a provision is included in the policy, the SELPA should develop appropriate policies, procedures, and forms for implementing the provision. Sufficient criteria for appropriate expenditures would need to be established beforehand.

Since there is a specific provision for charter schools to have access to an appropriate share of federal funds, it is important to clearly delineate the state and federal revenue used to reimburse charter school LEAs.

Appendices

- A. Proposed SELPA Charter Policy
- B. Billing Data
- C. Relevant State and Federal Law
- D. Study Agreement

SANTA CLARA COUNTY SELPAS I, II, III, IV, & VII

CHARTER SCHOOLS POLICY

PURPOSE AND SCOPE

This policy applies to all Charter Schools that are chartered by educational entities that are members of the Santa Clara County SELPAs I, II, III, IV & VII *and to any charter school that seeks to become a member of one of the Santa Clara County SELPAs as a LEA, regardless of the chartering entity.* This policy also applies to any Charter School petition granted by the State Board of Education (SBE) in which oversight responsibilities have been assigned to a member entity, *however, this policy shall not apply to any Charter School which was converted from a public school to a Charter School, or that was initiated by a School District or a charter that is accepted as a LEA in another SELPA outside of Santa Clara County.* This same policy has been adopted by the Southeast Consortium for Special Education in Santa Clara County, thus offering continuity across the county.

Students enrolled in Charter Schools are entitled to special education services provided in a manner similar to students enrolled in other public schools. Charter Schools must comply with all requirements of State and Federal law regarding the provision of special education services (EC 56000 et seq. and the Individuals with Disabilities Education Act (IDEA) (20 U.S.C. Chapter 33). Children with disabilities enrolled in Charter Schools, and their parents, shall retain all rights under the IDEA.

INTRODUCTION

Special education and related services shall be provided to all eligible individuals within the jurisdiction of Santa Clara County SELPAs I, II, III, IV & VII in accordance with each SELPA's Local Plan. Students enrolled in Charter Schools, ~~chartered by member LEAs,~~ *operating with SELPAs I, II, III, IV & VII* shall receive services in a manner similar to other students. No governing board shall grant a charter unless the charter includes assurances that special education instruction and/or services shall be provided to all eligible students with disabilities enrolled in the Charter School in accordance with the SELPA Local Plan. A LEA reviewing the petition for the establishment or renewal of a Charter School may not refuse to grant the petition because the charter school might enroll students with disabilities who reside in a SELPA other than the one in

which the LEA is a member. The Charter or the Memorandum of Understanding (MOU) must delineate the entity responsible for providing special education instruction and services to students enrolled in the Charter School. The document should reference any anticipated transfer of special education funds between the granting entity and the Charter School and any provisions for sharing funding deficits.

Funding for special education services, participation in the governance structure and responsibility for provision of services shall be based on the categorization of the individual Charter School (~~chartered by a LEA operating as a public school of its chartering entity~~ or functioning as a LEA). Schools chartered by a LEA shall negotiate their charter and MOU with the school district from which they are seeking the charter. Charter schools may also elect to be deemed a Local Education Agency (LEA) by providing verifiable written assurances that the Charter School will participate as a LEA in a SELPA for purposes of the provision of special education services.

Charter Schools that are deemed LEAs for special education purposes will only be admitted as a member of a SELPA if the Charter School has provided all assurances required by this policy and the admission is approved by a majority vote of the Executive Council of Superintendents of that SELPA. In compliance with State law the respective SELPA will treat the review and approval of a Charter School's request to be a LEA in the same manner as a request from another school district to join the SELPA.

SELPA INVOLVEMENT

Prior to the approval of a new charter or renewal of an existing charter or MOU, the Superintendent or designee of the chartering entity shall consult with the SELPA Director regarding the provision of special education services to students enrolled by the Charter School. The petitioner must provide adequate assurances that all eligible students enrolled in the Charter School will receive appropriate special education services in accordance with the Local Plan. The charter must provide assurances that no student will be denied enrollment in the Charter School due to a disability or the Charter School's inability to serve the student. The SELPA will be available to provide consultation on the potential fiscal impact and benefit that may be associated with granting the requested charter.

An approved charter must delineate the entity responsible for providing special education instruction and services, any anticipated transfer of special education funds between the granting entity and the Charter School and any provisions for sharing deficits in funding. These provisions may be included in a

Memorandum of Understanding.

CATEGORIES OF CHARTER SCHOOLS

For the purposes of provision of special education services, Charter Schools may be deemed either a public school within the chartering district/ county office or a Local Education Agency (LEA). A Charter School shall be deemed a public school within a chartering district/county office unless the Charter School provides written verifiable assurances that the Charter School will participate as a LEA in a SELPA approved by the State Board of Education (Note - EC 47642 clarifies that the Charter School will only receive special education funding through the SELPA Budget Allocation Plan.)

Public School within a District

Charter Schools that are deemed to be public schools within a district will participate in the State and Federal funding in the same manner as other schools within the chartering district. The chartering district will be responsible for ensuring that all children with disabilities enrolled in the Charter School receive special education and related services in a manner that is consistent with all applicable provisions of State and Federal law. The District will determine the policies and procedures necessary to ensure that the protections of special education law extend to students in the Charter School in the same manner as students in the general education program.

The chartering entity will receive and *appropriately distribute* all applicable special education funds, as outlined in the SELPA Budget Allocation Plan. The chartering entity will represent the needs of students with disabilities attending Charter Schools in the same manner as it does for its other schools. The chartering district will be responsible for ensuring that all eligible students are appropriately served. The district will be responsible for funding appropriate special education services in the Charter School, even though the student may live any where in the State of California. The district may contract for these services with public or private educational entities. When a student lives outside the boundaries of the chartering district, the district in which the child lives will have no responsibility to provide services or pay excess costs.

The district and Charter School may enter into agreements whereby the Charter School is billed for excess costs associated with providing special education services to identified students, including the administration of special education programs. The Charter School may also be held fiscally responsible through the MOU for a fair share of any encroachment on the district's general fund that is created by the provision of special education services throughout the district.

Public School within the County Office

Charter Schools that are deemed to be public schools within the Santa Clara County Office of Education (SCCOE) will participate in the State and Federal special education funding in the following manner: (1) the SELPA where the charter school is located will distribute special education funding to the SCCOE pursuant to the SELPA Budget Allocation Plan; (2) the SCCOE will use these funds to fund the actual cost of special education services provided by the Charter School up to the total amount generated; (3) any unused funds will be returned to the SELPAs *in the same proportion in which they were received, of residence*. The SCCOE will be responsible for ensuring that all children with disabilities enrolled in the Charter School receive special education and related services in a manner that is consistent with all applicable provisions of State and Federal law. The SCCOE will determine the policies and procedures necessary to ensure that the protections of special education law extend to students in the Charter School in the same manner as students in the general education program.

The chartering entity will receive and *appropriately distribute* all applicable special education funds, as outlined above. The chartering entity will represent the needs of students with disabilities attending Charter Schools in the same manner as it does for its other programs. The SCCOE will be responsible for ensuring that all eligible students are appropriately served. The SCCOE will be responsible for funding appropriate special education services in the Charter School, even though the student may live any where in the State of California. The SCCOE may contract for these services with public or private educational entities. When a student lives outside the boundaries of the SCCOE, the district in which the child lives will have no responsibility to provide services or pay excess costs.

The SCCOE and the Charter School may enter into agreements whereby the Charter School is billed for excess costs, based on the SELPA-Wide average *rate of local support per ADA eneroachment*, associated with the provision of special education services to identified students, including the administration of special education programs.

Charter School as a LEA within the SELPA

A Charter School may apply to become a LEA for the provision of special education services. Application must be made to the respective SELPA by February first of the school year preceding the school year in which the Charter School anticipates operating as a LEA within the SELPA. The Executive Council of Superintendents will determine whether the Charter School has provided the

requisite assurances.

The Charter School seeking to become a LEA must provide written, *verifiable* assurances of its capacity to:

Meet the terms of the Local Plan *and State and Federal Law* regarding: Identification, Referral and Placement.

Provide assurances of adequate staffing to meet Federal and State mandates.

Provide assurances that the Charter School will use SELPA approved forms and provide requested data in a timely manner.

Meet the terms of the Local Plan regarding Procedural Safeguards.

Meet the terms of the Local Plan regarding Regionalized Services.

Meet the terms of the Local Plan regarding Hospitals, Licensed Children's Institutions, and Juvenile Court/Community Schools.

Meet the terms of the Local Plan regarding costs of Programs and Services, including Transportation.

Meet the needs of all enrolled students eligible for special education services.

Once deemed a LEA, the Charter School, like all other members of the SELPA, will be responsible for and entitled to the following:

Participate in the governance of the SELPA in the same manner as other districts within the SELPA.

Participate in and receive regionalized services in the same manner as other districts in the SELPA.

Receive State and Federal funding for special education in the same manner as other districts within the SELPA.

~~Provide the SELPA with an accounting of annual expenditures pursuant to the requirements of each student's IEP. These expenditures will be reimbursed up to the total amount generated through the respective SELPA Budget Allocation Plan. Any funds not expended will be redistributed to the respective SELPA member districts, including LEA Charter Schools, in the next fiscal year.~~

Be responsible for all costs incurred in the provision of special education services. These costs may include, but are not limited to, instruction, transportation, County Office special education placements, non-public school/agency placements, inter/intra SELPA placements, due process proceedings, complaints and attorney fees.

Document that all State and Federal special education funds apportioned to the Charter School are used for the sole purpose of providing special education instruction and/or services to identified students with disabilities. Such funds shall be used to supplement and not supplant other sources of Federal, State and local funds apportioned to Charter Schools.

Issues requiring conflict resolution related to governance and administration will be reviewed by the SELPA Director of Special Education Operations Committee and referred to the Executive Council of Superintendents, if necessary.

Approved by:

SELPA I Executive Council (Date)

SELPA II Executive Council (Date)

SELPA III Executive Council (Date)

SELPA IV Executive Council (Date)

SELPA VII Executive Council (Date)

Counseling			Sp/Lang			Psych Serv/Assess		
	Hours	Bill		Hours	Bill		Hours	Bill
CHAC	1st Sem	\$ 3,059	Comm Wonders	8.50	\$ 357	Lisa Walton	18.25	\$ 1,368.75
			Comm Wonders	40.25	\$ 1,701	Lisa Walton	15.5	\$ 1,200.00
			Comm Wonders	49.50	\$ 2,037	Lisa Walton	16	\$ 1,200.00
			Comm Wonders	80.00	\$ 3,360	Lisa Walton	18	\$ 1,350.00
			Comm Wonders	47.00	\$ 1,974	Lisa Walton	fing prnt	\$ 50.00
			Comm Wonders	35.00	\$ 1,470	Lisa Walton	22	\$ 1,650.00
			Comm Wonders	64.50	\$ 2,701			
			Comm Wonders	48.50	\$ 2,037			
			Comm Wonders	81.00	\$ 3,396			
			Comm Wonders	454.25	\$ 19,033			
		\$ 6,118					89.75	\$ 6,819
No. of St	0			6.00	\$ 3,172		0	
Per Stud	N/A						N/A	

RSP ???

Hours

Bill

6 \$ 450
17 \$ 1,105

Occupational Therapy

Hours

Bill

Linda Ma

10.50 \$ 630
16.75 \$ 1,005
16.75 \$ 1,005
11.25 \$ 675
25.50 \$ 1,530
3.25 \$ 195
7.50 \$ 450
11.50 \$ 690
10.75 \$ 645
113.75 \$ 6,825

6

23.00 \$ 1,555

???

N/A

\$ 6,825 \$ 6,725

<u>Activity or Staff Person</u>	<u>Amount</u>	<u>Relationship to Special Education</u>
CHC Schools Attuned to Generalist Path	\$ 340.00	Unclear
CHC Schools Attuned to Generalist Path	\$ 340.00	"
Step Up to Writing Cupertino	\$ 368.56	Tenuous
Step Up to Writing - Supplies	\$ 220.90	"
Step Up to Writing Garden Grove	\$ 368.59	"
Step Up to Writing Unknown	\$ 367.48	"
Step Up to Writing - Supplies	\$ 220.90	"
Subscription to Time for Kids	\$ 132.50	Unclear
Calif Charter Schools Conference		
18 Staff to CA Charter Schools Conf	\$ 4,570.00	Minimal, if any. Should be Implementation Grant?
Staff Mileage to CA Chart School Conf	\$ 113.74	at .885 Should be Implementation Grant?
Staff Reimbursement Supplies	\$ 29.21	Unclear
Staff Mileage to CA Chart School Conf	\$ 121.04	at .445. Should be Implementation Grant?
Staff Mileage to CA Chart School Conf	\$ 121.04	at .445. Should be Implementation Grant?
Staff Mileage to CA Chart School Conf	\$ 121.04	at .445. Should be Implementation Grant?
Staff Lodging at CA Chart School Conf	\$ 208.18	Includes Parking Should be Implementation Grant?
Staff Lodging at CA Chart School Conf	\$ 208.18	Includes Parking Should be Implementation Grant?
Staff Lodging at CA Chart School Conf	\$ 208.18	Includes Parking Should be Implementation Grant?
Staff Mileage to CA Chart School Conf	\$ 103.58	at .445. Should be Implementation Grant?
Staff Parking at CA Chart School Conf	\$ 32.00	should be Implementation Grant?
Staff Mileage to CA Chart School Conf	\$ 121.04	at .445. Should be Implementation Grant?
Hyatt Lodging	\$ 192.18	
Hyatt Lodging	\$ 208.18	
Hyatt Lodging	\$ 190.00	
Hyatt Lodging	\$ 192.18	
Hyatt Lodging	\$ 192.18	
Hyatt Lodging	\$ 208.18	
Hyatt Lodging	\$ 208.18	
Hyatt Lodging	\$ 416.36	
Hyatt Lodging	\$ 757.28	
Hyatt Lodging Credit	\$ (32.00)	
Hyatt Internet Access	\$ 29.95	
Spataro's	\$ 81.15	
Sub-Total	\$ 8,392.87	
Staff Reimbursement "Costa Rica"	\$ 200.00	Totally Unclear what it is, why spec ed?

Reg for 2 Staff at Strategic Planning Prg

\$ 4,390.00 Totally Unclear why Spec Ed. Moore Grant?

Reimb Staff for Overseas Travel

Flight Tickets for 3 Staff (Organizational Dev.	\$ 3,011.85	It is not clear how this visit was to
Lodging in Melville, New York	\$ 1,195.67	benefit the students receiving
Unknown at Marriott in New York	\$ 20.26	special education currently
Ibahn's in S. Jordan UT	\$ 2.95	attending Bulls. While it was shown
Connolly's in New York	\$ 47.50	that they did witness some programs
Legal Sea Food in New York	\$ 69.26	involving the full inclusion of severely
Spectacular Limo Link in New York	\$ 95.50	disabled students, there was only
Super Shittle in CA	\$ 94.40	one such student enrolled in Bulls
Taxi in Finland	\$ 36.55	
Havis in Helsinki	\$ 229.51	
Taxi in Finland	\$ 20.24	
Raddison SAS Plaza in Finland	\$ 157.17	
Raddison SAS Plaza in Finland	\$ 136.57	
Taxi in Finland	\$ 24.12	
Java Café in Finland	\$ 8.97	
VR Helsinki VR	\$ 79.26	
MamaRosa Ravintola in Finland	\$ 111.50	
Taxi in Finland	\$ 14.77	
Taxi in Finland	\$ 16.74	
Taksi KL Salo Toivo & Kum	\$ 43.44	
La Bodega Ravintola	\$ 112.61	
La Famiglia	\$ 95.78	
Alepa Asematnnei	\$ 40.51	
Taxi in Finland	\$ 48.98	
Raddison SAS Plaza in Finland	\$ 1,257.76	
Taxi in Finland	\$ 41.65	
Raddison SAS Plaza in Finland	\$ 996.79	
Raddison SAS Plaza in Finland	\$ 1,529.36	
Taxi in Finland	\$ 12.83	
Cell Phone	\$ 57.57	
Sub-Total	\$ 9,610.07	

Hong Kong Rest in Mtn.View
Le Boulanger in Los Altos

\$ 24.75
\$ 85.52

Drager's Spiket in Los Altos	\$ 239.58
Execucar/SSLA	\$ 103.84
Chef Chu's in Los Altos	\$ 170.54
Edible Arrangements	\$ 60.50
A Matter of Thai	\$ 109.56
Amazon	\$ 24.99
Amazon	\$ 14.86
Amazon	\$ 140.00
Chili's Mtn View	\$ 62.02
Total Billings Reviewed	\$ 25,988.03

COUNTY SUPERINTENDENT

1241.5.

(c) At any time during a fiscal year, the county superintendent may review or audit the expenditures and internal controls of any charter school in his or her county if he or she has reason to believe that fraud, misappropriation of funds, or other illegal fiscal practices have occurred that merit examination. The review or audit conducted by the county superintendent shall be focused on the alleged fraud, misappropriation of funds, or other illegal fiscal practices and shall be conducted in a timely and efficient manner. The county superintendent shall report the findings and recommendations to the governing board of the charter school at a regularly scheduled meeting, and provide a copy of the information to the chartering authority of the charter school, within 45 days of completing the review, audit, or examination. The governing board of the charter school shall, no later than 15 calendar days after receipt of the report, notify the county superintendent and its chartering authority of its proposed response to the recommendations.

1263. It is the intent of the Legislature that certificated personnel serving in the public schools have a responsible understanding of the nature and range of physical, mental, and emotional disabilities of children and youth and of the major implications of such disabilities. In furtherance of this intent, county superintendents of schools are encouraged, in cooperation with school districts, community college districts and colleges and universities, to sponsor workshops or similar activities for certificated personnel to provide opportunities to gain or increase these understandings.

It is not the intent of the Legislature that this section be interpreted as a requirement for the issuance or the renewal of any credential.

**STATE EDUCATION CODE
CHARTER SCHOOLS AND SPECIAL EDUCATION**

47604.33. (a) Each charter school shall annually prepare and submit the following reports to its chartering authority and the county superintendent of schools, or only to the county superintendent of schools if the county board of education is the chartering authority:

(1) On or before July 1, a preliminary budget. For a charter school in its first year of operation, the information submitted pursuant to subdivision (g) of Section 47605 satisfies this requirement.

(2) On or before December 15, an interim financial report. This report shall reflect changes through October 31.

(3) On or before March 15, a second interim financial report. This report shall reflect changes through January 31.

(4) On or before September 15, a final unaudited report for the full prior year.

(b) The chartering authority shall use any financial information it obtains from the charter school, including, but not limited to, the reports required by this section, to assess the fiscal condition of the charter school pursuant to subdivision (d) of Section 47604.32.

(c) The cost of performing the duties required by this section shall be funded with supervisory oversight fees collected pursuant to Section 47613

47605

....(l) Teachers in charter schools shall 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. These documents shall be maintained on file at the charter school and are subject to periodic inspection by the chartering authority. It is the intent of the Legislature that charter schools be given flexibility with regard to non-core, non-college preparatory courses.

(m) A charter school shall transmit a copy of its annual, independent, financial audit report for the preceding fiscal year, as described in subparagraph (I) of paragraph (5) of subdivision (b), to its chartering entity, the Controller, the county superintendent of schools of the county in which the charter school is sited, unless the county board of education of the county in which the charter school is sited is the chartering entity, and the department by December 15 of each year. This subdivision does not apply if the audit of the charter school is encompassed in the audit of the chartering entity pursuant to Section 41020.

47605.6.

....c) A county board of education that approves a petition for the operation of a county-wide charter may, as a condition of charter approval, enter into an agreement with a third party, at the expense of the charter school, to oversee, monitor, and report to the county board of education on the operations of the charter school. The county board of education may prescribe the aspects of the charter school's operations to be monitored by the third party and may prescribe appropriate requirements regarding the reporting of information concerning the operations of the charter school to the county board of education.

47605.6.

....(e) (1) 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. Except as provided in paragraph (2), admission to a charter school shall not be determined according to the place of residence of the pupil, or of his or her parent or guardian, within this state.

(2) (A) A charter school shall admit all pupils who wish to attend the school.

47613. (a) Except as set forth in subdivision (b), a chartering agency may charge for the actual costs of supervisorial oversight of a charter school not to exceed 1 percent of the revenue of the charter school.

(b) A chartering agency may charge for the actual costs of supervisorial oversight of a charter school not to exceed 3 percent of the revenue of the charter school if the charter school is able to obtain substantially rent free facilities from the chartering agency.

47613.

....(d) This section does not prevent the charter school from separately purchasing administrative or other services from the chartering agency or any other source.

47632. For purposes of this chapter, the following terms shall be defined as follows:

....(j) "Sponsoring local educational agency" means the following:

(1) If a charter school is granted by a school district, the sponsoring local educational agency is the school district.

(2) If a charter is granted by a county office of education after having been previously denied by a school district, the sponsoring local educational agency means the school district that initially denied the charter petition.

47642. Notwithstanding Section 47651, all state and federal funding for special education apportioned on behalf of pupils enrolled in a charter school shall be included in the allocation plan adopted pursuant to subdivision (i) of Section 56195.7 or Section 56836.05, or both, by the special education local plan area that includes the charter school.

47644. For each charter school deemed a local educational agency for the purposes of special education, an amount equal to the amount computed pursuant to Section 56836.08 for the special education local plan area in which the charter school is included shall be apportioned by the Superintendent of Public Instruction pursuant to the local allocation plan developed pursuant to subdivision (i) of Section 56195.7 or Section 56836.05, or both. If the charter school is a participant in a local plan that only includes other charter schools pursuant to subdivision (f) of Section 56195.1, the amount computed pursuant to Section 56836.11, as adjusted pursuant to the incidence multiplier set forth in Section 56836.155, shall be apportioned by the superintendent for each unit of average daily attendance reported pursuant to subdivision (a) of Section 56836.06.

47646. (a) A charter school that is deemed to be a public school of the local educational agency that granted the charter for purposes of special education shall participate in state and federal funding for special education in the same manner as any other public school of that local educational agency. A child with disabilities attending the charter school shall receive special education instruction or designated instruction and services, or both, in the same manner as a child with disabilities who attends another public school of that local educational agency. The agency that granted the charter shall ensure that all children with disabilities enrolled in the charter school receive special education and designated instruction and services in a manner that is consistent with their individualized education program and is in compliance with the Individuals with Disabilities Education Act (20 U.S.C. Sec. 1400 et seq.) and implementing regulations.

(b) In administering the local operation of special education pursuant to the local plan established pursuant to Chapter 3 (commencing with Section 56205) of Part 30, in which the local educational agency that granted the charter participates, the local educational agency that granted the charter shall ensure that each charter school that is deemed a public school for purposes of special education receives an equitable share of special education funding and services consisting of either, or both, of the following:

(1) State and federal funding provided to support special education instruction or designated instruction and services, or both, provided or procured by the charter school that serves pupils enrolled in and attending the charter school. Notwithstanding any other provision of this chapter, a charter school may report average daily attendance to accommodate eligible pupils who require extended year services as part of an individualized education program.

(2) Any necessary special education services, including administrative and support services and itinerant services, that is provided by the local educational agency on behalf of pupils with disabilities enrolled in the charter school.

(c) In administering the local operation of special education pursuant to the local plan established pursuant to Chapter 3 (commencing with Section 56205) of Part 30, in which the local educational agency that granted the charter participates, the local educational agency that granted the charter shall ensure that each charter school that is deemed a public school for purposes of special education also contributes an equitable share of its charter school block grant funding to support districtwide special education instruction and services, including, but not limited to, special education instruction and services for pupils with disabilities enrolled in the charter school.

STATE EDUCATION CODE SPECIAL EDUCATION

56145. Individuals with exceptional needs attending charter schools pursuant to Part 26.8 (commencing with Section 47600) shall be served in the same manner as individuals with exceptional needs are served in other public schools.

56146. It is the intent of the Legislature that local plans for special education local plan areas, adopted pursuant to Chapter 2.5 (commencing with Section 56195), shall provide for federal funds available under Part B of the Individuals with Disabilities Education Act (20 U.S.C. Sec. 1400 et seq.) to individuals with exceptional needs enrolled in charter schools.

56195.7. In addition to the provisions required to be included in the local plan pursuant to Chapter 3 (commencing with Section 56205), each special education local plan area that submits a local plan pursuant to subdivision (b) of Section 56195.1 and each county office that submits a local plan pursuant to subdivision (c) of Section 56195.1 shall develop written agreements to be entered into by entities participating in the plan. The agreements need not be submitted to the superintendent. These agreements shall include, but not be limited to, the following:

(a) A coordinated identification, referral, and placement system pursuant to Chapter 4 (commencing with Section 56300).

(b) Procedural safeguards pursuant to Chapter 5 (commencing with Section 56500).

(c) Regionalized services to local programs, including, but not limited to, all of the following:

(1) Program specialist service pursuant to Section 56368.

(2) Personnel development, including training for staff, parents, and members of the community advisory committee pursuant to Article 3 (commencing with Section 56240).

(3) Evaluation pursuant to Chapter 6 (commencing with Section 56600).

(4) Data collection and development of management information systems.

(5) Curriculum development.

(6) Provision for ongoing review of programs conducted, and procedures utilized, under the local plan, and a mechanism for correcting any identified problem.

(d) A description of the process for coordinating services with other local public agencies that are funded to serve individuals with exceptional needs.

(e) A description of the process for coordinating and providing services to individuals with exceptional needs placed in public hospitals, proprietary hospitals, and other residential medical facilities pursuant to Article 5.5 (commencing with Section 56167) of Chapter 2.

(f) A description of the process for coordinating and providing services to individuals with exceptional needs placed in licensed children's institutions and foster family homes pursuant to Article 5 (commencing with Section 56155) of Chapter 2.

(g) A description of the process for coordinating and providing services to individuals with exceptional needs placed in juvenile court schools or county community schools pursuant to Section 56150.

(h) A budget for special education and related services that shall be maintained by the special education local plan area and be open to the public covering the entities providing programs or services within the special education local plan area. The budget language shall be presented in a form that is understandable by the general public. For each local educational agency or other entity providing a program or service, the budget, at minimum, shall display the following:

(1) Expenditures by object code and classification for the previous fiscal year and the budget by the same object code classification for the current fiscal year.

(2) The number and type of certificated instructional and support personnel, including the type of class setting to which they are assigned, if appropriate.

(3) The number of instructional aides and other qualified classified personnel.

(4) The number of enrolled individuals with exceptional needs receiving each type of service provided.

(i) For multidistrict special education local plan areas, a description of the policymaking process that shall include a description of the local method used to distribute state and federal funds among the local educational agencies in the special education local plan area. The local method to distribute funds shall be approved according to the policymaking process established consistent with subdivision (f) of Section 56001 and pursuant to paragraph (3) of subdivision (b) of Section 56205.

(j) (1) In accordance with Section 1413 of Title 20 of the United States Code, each single-district special education local plan area established pursuant to Section 56195.1 shall have a written procedure for the ongoing review of programs conducted, and procedures utilized pursuant to Section 56205, under the local plan as defined pursuant to Section 56027 and administered pursuant to Section 56195, and a mechanism for correcting any identified problem pursuant to paragraph (6) of subdivision (c).

(2) Multidistrict special education local plan areas established pursuant to subdivision (b) of Section 56195.1 and a district or districts joined with the county office in accordance with subdivision (c) of Section 56195.1 shall have a written agreement entered into by entities participating in the local plan that includes a provision for ongoing review of programs conducted, and procedures utilized, under the local plan, and a mechanism for correcting any identified problem pursuant to paragraph (6) of subdivision (c).

(3) The written procedure referenced in paragraph (1) and the written agreement referenced in paragraph (2) need not be submitted to the superintendent but shall be available upon request by the department.

56205,

....(b) 2) An annual service plan shall be adopted at a public hearing held by the special education local plan area. Notice of this hearing shall be posted in each district in the special education local plan area at least 15 days prior to the hearing. The annual service plan may be revised during any fiscal year according to the policymaking process established pursuant to subparagraphs (D) and (E) of paragraph (12) of subdivision (a) and consistent with subdivision (f) of Section 56001 and with Section 56195.9. The annual service plan shall include a description of services to be provided by each district and county office, including the nature of the services and the physical location at which the services will be provided, including alternative schools, charter schools, opportunity schools and classes, community day schools operated by districts, community schools

operated by county offices, and juvenile court schools, regardless of whether the district or county office is participating in the local plan. This description shall demonstrate that all individuals with exceptional needs shall have access to services and instruction appropriate to meet their needs as specified in their individualized education programs.

56363. (a) As used in this part, the term "designated instruction and services" means "related services" as that term is defined in paragraph (26) of Section 1401 of Title 20 of the United States Code and Section 300.24 of Title 34 of the Code of Federal Regulations. The term "related services" means transportation, and such developmental, corrective, and other supportive services (including speech-language pathology and audiology services, interpreting services, psychological services, physical and occupational therapy, recreation, including therapeutic recreation, social work services, school nurse services designed to enable an individual with exceptional needs to receive a free appropriate public education as described in the individualized education program of the child, counseling services, including rehabilitation counseling, orientation and mobility services, and medical services, except that such medical services shall be for diagnostic and evaluation purposes only) as may be required to assist an individual with exceptional needs to benefit from special education, and includes the early identification and assessment of disabling conditions in children.

(b) These services may include, but are not limited to, the following:

(1) Language and speech development and remediation. The language and speech development and remediation services may be provided by a speech-language pathology assistant as defined in subdivision (f) of Section 2530.2 of the Business and Professions Code.

(2) Audiological services.

(3) Orientation and mobility services.

(4) Instruction in the home or hospital.

(5) Adapted physical education.

(6) Physical and occupational therapy.

(7) Vision services.

(8) Specialized driver training instruction.

(9) Counseling and guidance services, including rehabilitation counseling.

(10) Psychological services other than assessment and development of the individualized education program.

(11) Parent counseling and training.

(12) Health and nursing services, including school nurse services designed to enable an individual with exceptional needs to receive a free appropriate public education as described in the individualized education program.

(13) Social worker services.

(14) Specially designed vocational education and career development.

(15) Recreation services.

(16) Specialized services for low-incidence disabilities, such as readers, transcribers, and vision and hearing services.

(17) Interpreting services.

(c) The terms "designated instruction and services" and "related services" do not include a medical device that is surgically implanted, or the replacement of that device.

56365. (a) Services provided by nonpublic, nonsectarian schools, as defined pursuant to Section 56034, and nonpublic, nonsectarian agencies, as defined pursuant to Section 56035, shall be available. These services shall be provided pursuant to Section 56366, and in accordance with Section 300.401 of Title 34 of the Code of Federal Regulations, under contract with the district, special education local plan area, or county office to provide the appropriate special educational facilities, special education, or designated instruction and services required by the individual with exceptional needs if no appropriate public education program is available.

56366. It is the intent of the Legislature that the role of a nonpublic, nonsectarian school or agency shall be maintained and continued as an alternative special education service available to a local educational agency and parents.

(a) The master contract for nonpublic, nonsectarian school or agency services shall be developed in accordance with the following provisions:

(1) The master contract shall specify the general administrative and financial agreements, including teacher-to-pupil ratios, between the nonpublic, nonsectarian school or agency and the local educational agency to provide the special education and designated instruction and services, as well as transportation specified in each pupil's individualized education program. The administrative provisions of the contract also shall include procedures for recordkeeping and documentation, and the maintenance of school records by the contracting local educational agency to ensure that appropriate high school graduation credit is received by each pupil. The contract may allow for partial or full-time attendance at the nonpublic, nonsectarian school.

(2) (A) The master contract shall include an individual services agreement for each pupil placed by a local educational agency that will be negotiated for the length of time for which nonpublic, nonsectarian school or agency special education and designated instruction and services are specified in the pupil's individualized education program.

(B) The master contract shall include a description of the process being utilized by the local educational agency to oversee and evaluate placements in nonpublic, nonsectarian schools, as required by federal law. This description shall include a method for evaluating whether each pupil is making appropriate educational progress. At least once every year, the local educational agency shall do all of the following and, to the extent possible, the following shall be conducted as part of the development and provision of an individualized education program:

(i) Evaluate the educational progress of each pupil placed in a nonpublic, nonsectarian school, including all state assessment results pursuant to the requirements of Section 52052.

(ii) Consider whether or not the needs of the pupil continue to be best met at the nonpublic, nonsectarian school and whether changes to the individualized education program of the pupil are necessary, including whether the pupil may be transitioned to a public school setting. This consideration shall be made at the meeting required by subdivision (d) of Section 56343.

(C) In the case of a nonpublic, nonsectarian school that is owned, operated by, or associated with a licensed children's institution, the master contract shall include a method for evaluating whether the nonpublic, nonsectarian school is in compliance with the mandate

set forth in Section 56366.9 of this code and subdivision (b) of Section 1501.1 of the Health and Safety Code.

(3) Changes in educational instruction, services, or placement provided under contract may only be made on the basis of revisions to a pupil's individualized education program.

At any time during the term of the contract or individual services agreement, the parent, the nonpublic, nonsectarian school or agency, or the local educational agency may request a review of a pupil's individualized education program by the individualized education program team. Changes in the administrative or financial agreements of the master contract that do not alter the individual services agreement that outlines each pupil's educational instruction, services, or placement may be made at any time during the term of the contract as mutually agreed by the nonpublic, nonsectarian school or agency and the local educational agency.

(4) The master contract or individual services agreement may be terminated for cause. The cause shall not be the availability of a public class initiated during the period of the contract unless the parent agrees to the transfer of the pupil to a public school program. To terminate the contract either party shall give 20 days' notice.

(5) The nonpublic, nonsectarian school or agency shall provide all services specified in an individualized education program, unless the nonpublic, nonsectarian school or agency and the local educational agency agree otherwise in the contract or individual services agreement.

(6) Related services provided pursuant to a nonpublic, nonsectarian agency master contract shall only be provided during the period of a pupil's regular or extended school year program, or both, unless otherwise specified by the pupil's individualized education program.

(7) The nonpublic, nonsectarian school or agency shall report attendance of pupils receiving special education and designated instruction and services, as defined by Section 46307, for purposes of submitting a warrant for tuition to each contracting local educational agency.

(8) (A) A nonpublic, nonsectarian school is subject to the alternative accountability system developed pursuant to Section 52052 in the same manner as public schools and each pupil placed in the nonpublic, nonsectarian school by a local educational agency shall be tested by qualified staff of the nonpublic, nonsectarian school in accordance with that accountability program. The test results shall be reported by the nonpublic, nonsectarian school to the department.

(B) Beginning with the 2006-07 school year testing cycle, each nonpublic, nonsectarian school shall determine its STAR testing period subject to subdivisions (b) and (c) of Section 60640. The nonpublic, nonsectarian school shall determine this period based on completion of 85 percent of the instructional year at that nonpublic, nonsectarian school, plus and minus 10 days, resulting in a 21-day period. Each nonpublic, nonsectarian school shall notify the district of residence of a pupil enrolled in the school of its testing period. Staff at the nonpublic, nonsectarian school who administer the assessments shall attend the regular testing training sessions provided by the district of residence. If staff from a nonpublic, nonsectarian school have received training from one local educational agency, that training will be sufficient for all local educational agencies that send pupils to the nonpublic, nonsectarian school. The district of residence shall order testing materi-

als for its pupils that have been placed in the nonpublic, nonsectarian school. The board shall adopt regulations to facilitate the distribution of and collection of testing materials.

(9) With respect to a nonpublic, nonsectarian school, the school shall prepare a school accountability report card in accordance with Section 33126.

56836.04. (a) The superintendent shall continuously monitor and review all special education programs approved under this part to assure that all funds appropriated to special education local plan areas under this part are expended for the purposes intended.

(b) Funds apportioned to special education local plan areas pursuant to this chapter shall be expended exclusively for programs operated under this part.

FEDERAL REGULATIONS--CHARTER SCHOOLS AND SPECIAL EDUCATION

§ 300.2 Applicability of this part to State and local agencies.

(a) States. This part applies to each State that receives payments under Part B of the Act, as defined in § 300.4.

(b) Public agencies within the State.

The provisions of this part—

(1) Apply to all political subdivisions of the State that are involved in the education of children with disabilities, including:

(i) The State educational agency (SEA).

(ii) Local educational agencies (LEAs), educational service agencies (ESAs), and public charter schools that are not otherwise included as LEAs or ESAs and are not a school of an LEA or ESA.

§ 300.18 Highly qualified special education teachers.

(a) Requirements for special education teachers teaching core academic subjects. For any public elementary or secondary school special education teacher teaching core academic subjects, the term highly qualified has the meaning given the term in section 9101 of the ESEA and 34 CFR 200.56, except that the requirements for highly qualified also—

(1) Include the requirements described in paragraph (b) of this section; and

(2) Include the option for teachers to meet the requirements of section 9101 of the ESEA by meeting the requirements of paragraphs (c) and (d) of this section.

(b) Requirements for special education teachers in general.

(1) When used with respect to any public elementary school or secondary school special education teacher teaching in a State, highly qualified requires that—

(i) The teacher has obtained full State certification as a special education teacher (including certification obtained through alternative routes to certification), or passed the State special education teacher licensing examination, and holds a license to teach in the State as a special education teacher, except that when used with respect to any teacher teaching in a public charter school, highly qualified means that the teacher meets the certification or licensing requirements, if any, set forth in the State's public charter school law;

§ 300.209 Treatment of charter schools and their students.

(a) Rights of children with disabilities. Children with disabilities who attend public charter schools and their parents retain all rights under this part.

(b) Charter schools that are public schools of the LEA.

(1) In carrying out Part B of the Act and these regulations with respect to charter schools that are public schools of the LEA, the LEA must—

(i) Serve children with disabilities attending those charter schools in the same manner as the LEA serves children with disabilities in its other schools, including providing supplementary and related services on site at the charter school to the same extent to which the LEA has a policy or practice of providing such services on the site to its other public schools; and

(ii) Provide funds under Part B of the Act to those charter schools—

(A) On the same basis as the LEA provides funds to the LEA's other public distribution based on relative enrollment of children with disabilities; and

(B) At the same time as the LEA distributes other Federal funds to the LEA's other public schools, consistent with the State's charter school law.

(2) If the public charter school is a school of an LEA that receives funding under § 300.705 and includes other public schools—

(i) The LEA is responsible for ensuring that the requirements of this part are met, unless State law assigns that responsibility to some other entity; and

(ii) The LEA must meet the requirements of paragraph (b)(1) of this section.

(c) Public charter schools that are LEAs. If the public charter school is an LEA, consistent with § 300.28, that receives funding under § 300.705, that charter school is responsible for ensuring that the requirements of this part are met, unless State law assigns that responsibility to some other entity.

(d) Public charter schools that are not an LEA or a school that is part of an LEA.

(1) If the public charter school is not an LEA receiving funding under § 300.705, or a school that is part of an LEA receiving funding under § 300.705, the SEA is responsible for ensuring that the requirements of this part are met.

(2) Paragraph (d)(1) of this section does not preclude a State from assigning initial responsibility for ensuring the requirements of this part are met to another entity. However, the SEA must maintain the ultimate responsibility for ensuring compliance with this part, consistent with § 300.149.

§ 300.208 Permissive use of funds.

(a) Uses. Notwithstanding §§ 300.202, 300.203(a), and 300.162(b), funds provided to an LEA under Part B of the Act may be used for the following activities:

(1) Services and aids that also benefit nondisabled children. For the costs of special education and related services, and supplementary aids and services, provided in a regular class or other education-related setting to a child with a disability in accordance with the IEP of the child, even if one or more nondisabled children benefit from these services.

(2) Early intervening services. To develop and implement coordinated, early intervening educational services in accordance with § 300.226.

(3) High cost special education and related services. To establish and implement cost or risk sharing funds, consortia, or cooperatives for the LEA itself, or for LEAs working in a consortium of which the LEA is a part, to pay for high cost special education and related services.

(b) Administrative case management. An LEA may use funds received under Part B of the Act to purchase appropriate technology for recordkeeping, data collection, and related case management activities of teachers and related services personnel providing services described in the IEP of children with disabilities, that is needed for the implementation of those case management activities.

STATE REGULATIONS SPECIAL EDUCATION (DIS)

5 CCR 3051 - Standards for Designated Instruction and Services (DIS)

3051. (a) General Provisions.

(1) Designated instruction and services may be provided to individuals or to small groups in a specialized area of educational need, and throughout the full continuum of educational settings.

(2) Designated instruction and services, when needed as determined by the individualized education program, shall include frequency and duration of services.

(3) All entities and individuals providing designated instruction and services shall be qualified.

(4) All entities and individuals providing designated instruction and services shall be:

(A) Employees of the school district or county office, or

(B) Employed under contract pursuant to Education Code sections 56365-56366.7.

Such persons shall be certified by the Department pursuant to Sections 3060-3064 of this Title, or

(C) Employees, vendors or contractors of the State Departments of Health Services or Mental Health, or any designated local public health or mental health agency.

5 CCR 3062. Contracts and Agreements.

(a) A master contract shall be used by a local education agency for entering into formal agreements with certified nonpublic schools or nonpublic agencies. The term of the contract shall not exceed one year. The contract shall specify the administrative and financial agreements between the local education agency and the nonpublic school or nonpublic agency.

(b) No master contract with the local education agency shall be contingent upon nonpublic school or nonpublic agency individual contracts or agreements with parents.

(c) The master contract shall, at a minimum, include:

(1) general provisions relating to modifications and amendments, notices, waivers, disputes, contractor's status, conflicts of interest, termination, inspection and audits, compliance with applicable state and federal laws and regulations, attendance, record-keeping, and reporting requirements;

(2) payment schedules to include, but not limited to payment amounts, payment demand, right to withhold and audit exceptions;

(3) indemnification and reasonable insurance requirements; and

(4) procedures and responsibilities for attendance and unexcused absences.

(d) All master contracts shall be re-negotiated prior to June 30.

(e) Services may be provided through dual enrollment in public and nonpublic school or nonpublic agency programs to meet the educational requirements specified in the individualized education program. The master contract or individual service agreement shall specify the provider of each service. The individual with exceptional needs shall be formally enrolled in both nonpublic and public school programs. The nonpublic school or nonpublic agency shall be reimbursed by the local education agency for services as

agreed upon in the contract.

(f) Substitute teachers shall be used consistent with the provisions of Education Code Section 56061.

(g) Nonpublic schools and nonpublic agencies shall provide contracting local education agencies with copies of current valid California credentials and licenses for staff providing services to individuals with exceptional needs.

(h) Nonpublic schools and agencies shall notify the Superintendent and contracting local education agencies in writing within forty-five (45) days of any credential or licensed personnel changes. Failure to provide properly qualified personnel to provide services as specified in the individualized education program shall be cause for the termination of all contracts between the local education agency and the nonpublic school or nonpublic agency.

FISCAL CRISIS & MANAGEMENT ASSISTANCE TEAM
STUDY AGREEMENT
January 11, 2007

The FISCAL CRISIS AND MANAGEMENT ASSISTANCE TEAM (FCMAT), hereinafter referred to as the Team, and the Santa Clara County Office of Education, hereinafter referred to as the COE, mutually agree as follows:

1. BASIS OF AGREEMENT

The Team provides a variety of services to school districts and county offices of education upon request. The COE has requested that the Team provide for the assignment of professionals to study specific aspects of the Bullis Charter School, hereinafter referred to as the Charter, Special Education operations. These professionals may include staff of the Team, County Offices of Education, the California State Department of Education, school districts, or private contractors. All work shall be performed in accordance with the terms and conditions of this Agreement.

2. SCOPE OF THE WORK

A. Scope and Objectives of the Study

The scope and objectives of this study are to:

- 1) Verify that the Charter's use of funds and service delivery follows federal and state regulations and local agreements, including the Budget Allocation Plan, SELPA I; Local Plan, SELPA I, Charter School Policy, SELPA I, and the Memorandum of Understanding (MOU) between the Charter and the COE.
- 2) Verify/list the type and cost of special education services provided to students along with the number and federal classification of those receiving services.
- 3) Review proposed changes to the SELPA Charter Policy specifically regarding excess cost (or share of encroachment) for COE Charter Schools and return of unused funds to districts of residence within the SELPA.

B. Services and Products to be Provided

- 1) Orientation Meeting - The Team will conduct an orientation session at the COE to brief COE/Charter management and supervisory personnel on the procedures of the Team and on the purpose and schedule of the study.
- 2) On-site Review - The Team will conduct an on-site review at the COE office and at school sites if necessary.
- 3) Progress Reports - The Team will hold an exit meeting at the conclusion of the on-site review to inform the COE/Charter of significant findings and recommendations to that point.

- 4) Exit Letter - The Team will issue an exit letter approximately 10 days after the exit meeting detailing significant findings and recommendations to date and memorializing the topics discussed in the exit meeting.
- 5) Draft Reports - Sufficient copies of a preliminary draft report will be delivered to the COE/Charter administration for review and comment.
- 6) Final Report - Sufficient copies of the final study report will be delivered to the COE/Charter following completion of the review.

3. PROJECT PERSONNEL

The study team will be supervised by Anthony L. Bridges, Deputy Executive Officer Fiscal Crisis and Management Assistance Team, Kern County Superintendent of Schools Office. The study team may also include:

- A. Dr. William Gillaspie, FCMAT Management Analyst
- B. James "Sarge" Kennedy, FCMAT Special Education Consultant
- C. Dorothy "Kay" Atchison, FCMAT Special Education Consultant

Other equally qualified consultants will be substituted in the event one of the above noted individuals is unable to participate in the study.

4. PROJECT COSTS

The cost for studies requested pursuant to E.C. 42127.8(d)(1) shall be:

- A. \$500.00 per day for each Team Member while on site, conducting fieldwork at other locations, preparing and presenting reports, or participating in meetings.
- B. All out-of-pocket expenses, including travel, meals, lodging, etc. Based on the scope of work identified in section 2 A, estimated total cost is \$6,000. The COE will be invoiced at actual costs, with 50% of the estimated cost due following the completion of the on-site review and the remaining amount due upon acceptance of the final report by the COE.
- C. Any change to the scope will affect the estimate of total cost.

Payments for FCMAT services are payable to Kern County Superintendent of Schools-Administrative Agent.

5. RESPONSIBILITIES OF THE COE

- A. The COE will provide office and conference room space while on-site reviews are in progress.
- B. The COE will provide the following (if requested):

- 1) A map of the local area
- 2) Existing policies, regulations and prior reports addressing the study request
- 3) Current organizational charts
- 4) Current and four (4) prior year's audit reports
- 5) Any documents requested on a supplemental listing

C. The COE Administration will review a preliminary draft copy of the study. Any comments regarding the accuracy of the data presented in the report or the practicability of the recommendations will be reviewed with the Team prior to completion of the final report.

Pursuant to EC 45125.1(c), representatives of FCMAT will have limited contact with COE pupils. The COE shall take appropriate steps to comply with EC 45125.1(c).

6. PROJECT SCHEDULE

The following schedule outlines the planned completion dates for key study milestones:

Orientation:	January 24, 2007
Staff Interviews:	January 24-25, 2007
Exit Interviews:	January 25, 2007
Preliminary Report Submitted:	March 8, 2007
Final Report Submitted:	To be determined
Board Presentation:	To be determined

7. CONTACT PERSON

Please print name of contact person: Joe Fimiani, Assistant Superintendent,
Student Services

Telephone 408 453-6560 FAX 408 453-6656

Internet Address Joe_Fimiani@sccoe.org

Colleen Wilcox 1/16/07
Dr. Colleen B. Wilcox, Superintendent Date
Santa Clara County Office of Education

Barbara Dean Jan 11, 2007
Barbara Dean, Deputy Administrative Officer Date
Fiscal Crisis and Management Assistance Team

UHLER EXHIBIT 2



LAW OFFICES OF SPECTOR, MIDDLETON, YOUNG & MINNEY, LLP

FEBRUARY 21, 2007

VIA: [Email and Facsimile]

Colleen B. Wilcox, Ph.D.
Santa Clara County Superintendent of Schools
Members of the Santa Clara County Board of Education
1290 Ridder Park Drive, Mail Code 271
San Jose, CA 95131-2304

**Re: Staff Analysis and Board Transmittal: Bullis Charter School Public
Hearing and Renewal**

Dear Superintendent Wilcox and Members of the Santa Clara County Board of
Education:

This office serves as general counsel for Bullis Charter School ("Charter
School"). We are in receipt of the Staff Analysis and Board transmittal post-dated
February 21, 2007 and received by the Charter School on February 17, 2007, regarding
the Bullis Charter School renewal. The purpose of this letter is to respond to these
documents on behalf of the Charter School.

BACKGROUND

In these documents the County Superintendent of Schools and Staff ("County
Staff") concludes that the Charter School has demonstrated an inability to successfully
implement the program set forth in their charter renewal request based upon three
factors:

- 1) The Charter School failed to meet and discuss the terms of the MOUs
for 2005-2006 or for 2006-2007.
- 2) The Charter School is failing to pursue the original Motion 1031-5 by
seeking in its renewal to alter the admissions preferences to be
implemented in the case of a public random drawing.
- 3) Bullis failed to provide adequate safeguards and documentation for the
expenditure of SELPA funds on special education activities.

The documents conclude by providing the County Board with two primary
options: either extend the charter for an additional two years with conditions, or
approve the renewal with conditions.

Legal Standard for Approval of a Charter Renewal

Given the academic and operational success of the Charter School, renewal of this School is legally mandated. California law requires the approval of a charter renewal unless specific written findings are found to support a denial. Pursuant to Education Code Section 47607, renewals are governed by the standards and criteria in Section 47605, the same criteria which was used to judge the initial charter. Section 47605 states as follows, "In reviewing petitions for the establishment of charter schools pursuant to this section, 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 [County] 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.

Section 47605(b) prohibits the denial of a charter unless the County Board makes written factual findings, specific to the particular petition, setting forth specific facts to support one or more of the following findings:

- 1) the charter school presents an unsound educational program for the pupils to be enrolled in the charter school
- 2) the petitioners are demonstrably unlikely to successfully implement the program set forth in the petition
- 3) the petition does not contain the appropriate number of signatures
- 4) the petition does not contain the appropriate affirmations
- 5) the petition does not contain a reasonably comprehensive description of the sixteen (16) required elements

The County Staff found that the Charter School offered a sound educational program, provided a reasonably comprehensive description of the sixteen (16) elements, and provided the appropriate signatures¹ and affirmations. In its Staff Analysis, the County Staff finds that only number 2, above, applied to the Charter School renewal, stating, "Staff found that Bullis Charter School has demonstrated an inability to successfully implement the program set forth in their charter renewal request". However, the Charter School has documented clear success in the past which would indicate equal or increased success in the coming renewal term. Academically, the Charter School is ranked ten (10) out of ten in both Statewide and Similar Schools Academic Performance rankings, with a 2006 Academic Performance Index of 955 (out of 1000). The Charter School has maintained a lengthy wait list since its opening; is fiscally sound; has submitted "clean" independent fiscal audits in each of its past years of operation; and has received accreditation from the Western Association of Schools and Colleges ("WASC").

¹ The County Staff considered the signatures submitted with the initial petition to be appropriate to support the renewal.

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Below, please find a response to each of the three allegations made by the County Staff to support finding number 2. The responses make it clear that none of the three allegations would support such a finding. In addition to the responses below, please consider that the State Board of Education, in its regulations which provide the criteria for the review and approval of charter petitions by the State Board of Education, has defined "Demonstrably Unlikely to Successfully Implement the Program Set Forth in the Petition" in Title 5 California Code of Regulations Section 11967.5.1(c). None of the County Staff's allegations contained in the Staff Analysis meet the criteria set forth in the State Board of Education regulations for denial of a charter. Attached, as Exhibit A, please find Section 11967.5.1

Accordingly, the renewal of the charter must be approved.

RESPONSES

County Allegation 1:

The Charter School failed to meet and discuss the terms of the MOUs for 2005-2006 or for 2006-2007

Charter School Response:

The 2004-2005 MOU provided the following:

"TERM

This MOU becomes effective July 1, 2004 and covers the 2004-2005 fiscal year. The School and Superintendent may use this agreement as the basis for developing similar understandings in future fiscal years. Both parties agree to meet and discuss the terms of this and any future MOUs in good faith and in a timely manner. If the parties do not agree to terms for a new agreement, this MOU will continue for the duration of the Charter, including any renewal of the Charter."

The County Staff and the Charter School have had numerous email exchanges in discussing the 2005-06 MOU (where things were discussed and changed by the County Staff including adding an extra option for special education) and both the County Staff and the Charter School worked and negotiated in good faith on revisions for the 2006-2007 MOU (including in person meetings with Porter Sexton and the Bullis Charter School Board at Bullis Charter School Board meetings, and meetings between Porter and Peter Evans of the Bullis Charter School Board). Wanny Hersey, Director of the Charter School also prepared appendices to the 2006-2007 MOU. Accordingly, in both years, good faith negotiations occurred as required by the 2004-2005 MOU.

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However, in both years the parties failed to reach agreement on the proposed changes; an outcome that the 2004/2005 MOU clearly recognizes might occur. As you can see above, the MOU provides an "evergreen clause" allowing the 2004-2005 MOU to continue for the duration of the Charter if the parties did not agree to terms for a new agreement. As such, the 2004-2005 MOU remained in place, and no violation of the 2004-2005 MOU occurred.

Accordingly, the County cannot claim that the failure to reach agreement on revisions to the MOU somehow supports a non-renewal of the charter

It is also important to note that the County Board and the Charter School have agreed upon a 2007-2008 MOU, (signed by the Charter School and handed to Dr. Porter Sexton on January 12, 2007), thus superseding the 2004-2005 MOU, and showing the good faith of the Charter School in moving into its renewal term. The 07-08 MOU includes the following language:

"If the School plans to operate in the 2008-09 fiscal year, plans for the 2008-09 fiscal must be submitted by June 30, 2008 for Superintendent approval, and will be incorporated as attachments into an MOU for 2008-09."

The County Board is considering whether the Charter School is demonstrably unlikely to successfully implement its program going forward. If negotiating subsequent MOUs is relevant to this determination, the Charter School has in fact already signed an agreement stating the Charter School will do so (and that it will be unable to operate if it does not). Accordingly, the discussion of the past MOUs is irrelevant and not a basis for this finding.

County Allegation 2:

The Charter School is failing to pursue the original Motion 1031-5 by seeking in its renewal to alter the admissions preferences to be implemented in the case of a public random drawing.

Charter School Response:

The Charter School has a legal right to propose material revisions to the charter during the renewal process. As an example, the charter must be revised to reflect current law at renewal (Education Code Section 47607). Accordingly, the Charter School was not bound to comply with the original Motion 1031-5 approving the charter when presenting the charter for renewal. The law allows exceptions to the prohibition on admission based on place of residence through preferences in the public random drawing beyond the required preference for "District residents" as long as the granting agency approves any additional preferences and they are consistent with law (Education Code Section 47605(d)).

In accordance with Education Code Section 47605(d), the Charter School has presented the County Board of Education with a charter renewal document that proposes an additional

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preference (residents of the attendance area for the former Bullis-Purissima Elementary School) beyond the legally mandated preference for district residents. This additional preference is consistent with the law, and thus may be legally considered and approved by the County Board. This proposal does not require the County Board to approve the additional preference. The Board, in the same manner as it did in Motion 1031-5, may deny the additional preference, and the Charter School will comply with it's the Board's action, in the same manner as it has complied with Motion 1031-5 for the prior three (3) years. Alternatively, the Board has complete legal authority to approve the additional preference during the renewal action.

Accordingly, the County Board cannot utilize the above, as a demonstration of the School's inability to set forth the Program in its charter.

County Allegation 3:

Bullis failed to provide adequate safeguards and documentation for the expenditure of SELPA funds on special education activities.

Charter School Response:

The Fiscal Crisis Management Assistance Team ("FCMAT") review has not been completed. A final report has not been provided by FCMAT. Thus, statements in the County's staff analysis indicating that FCMAT has "found" anything are inaccurate. Further, any "determinations" made by the County or SELPA I or "suspicions" have not been documented or provided in any manner to the Charter School. Once the final report has been provided by FCMAT, the Charter School affirms its intention to comply with its recommendations.

To date, FCMAT has provided an "Exit Letter" which summarizes the discussions on January 25, 2007 with FCMAT, County, and Charter School representatives. The Exit Letter, dated February 16, 2007, is attached to this response as Exhibit B. This letter is a necessary component to understanding the full "picture" related to the County's allegation regarding special education expenditures. You will see that throughout this letter, FCMAT identifies deficiencies in the operations of the County, SELPA I, and the Charter School. In the existing letter, FCMAT criticizes the lack of oversight by the County. For example, FCMAT states, "Bullis Charter is obligated to report the expenditures, but is provided with little or no guidance on the appropriate expenditure of these funds." The primary recommendation in the Exit Letter is as follows:

"The Santa Clara County Office of Education," as the chartering local educational agency for Bullis Charter School should implement the necessary measures to ensure proper use and accounting of all special education expenditures of state and federal funds in accordance with the California Schools Accounting Manual (CSAM) and the state and federal requirements regarding the use of these funds."

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 Re: Staff Analysis and Board Transmittal: Bullis Charter School Public Hearing and Renewal
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The Charter School has made every effort to work with the County Staff to ensure that its special education accounting practices and reimbursement requests align with County accounting standards and practices. The Charter School has repeatedly asked the County for information on what the County Staff considered to be acceptable special education accounting practices and expenditures "to support special education and related services. The County Staff, in response, provided the Charter School with maintenance of effort regulations, completely unrelated to the issue of defining and explaining acceptable and unacceptable special education expenditure practices. Accordingly, the Charter School is in full support of the early recommendations made throughout the Exit Letter, and based upon its discussions with FCMAT representatives, the Charter School anticipates that it will be in full support of any and all recommendations made in FCMAT's final report.

The Charter School has no desire, nor intention to receive funds to which it is not entitled, and thus, it is fully prepared to partially or even fully reimburse the County and/or SELPA should the final FCMAT report recommend that it do so. Even if all of the special education funds provided to the Charter School by the County in 2005-2006 were recommended to be repaid (which we don't expect) this would amount to under \$90,000. The Charter School has over \$600,000 in reserves, which is more than adequate to cover this contingency. Given this demonstration of fiscal viability coupled with the Charter School's ongoing requests for guidelines, and commitment to comply with FCMAT's recommendation for the County to establish such guidelines, the County cannot utilize the above allegation as a demonstration of the School's inability to set forth the Program in its charter

As a side note, the Staff analysis criticizes the Charter School for failing to provide documentation of 2006-2007 special education expenditures to date. However, the Staff's request for such expenditures was made after FCMAT's initial review of 2005-2006 expenditures, but prior to the Exit Letter from FCMAT, and of course, prior to the final FCMAT report, which has not been published to date. The Charter School explained to the County that it did not want to continue to provide a list of expenditures without guidelines from the County, and as the FCMAT report would be providing appropriate guidelines and parameters in its recommendations, it wished to wait until the final FCMAT report is published, and the County and Charter School has had an opportunity to discuss and establish a mutual understanding as to the County's guidelines and parameters, and requested documentation before providing another list of expenditures for County review. The Charter School's stance has been consistent with the actions by the County staff. Since the County staff's initial request for additional documentation supporting the 2005-2006 expenditures, the Charter School has been requesting guidelines from the County staff. With no guidelines forthcoming, and with all reimbursements from the County halted, the Charter School stopped invoicing the County for additional special education expenditures until guidelines are produced or the County reimburses the Charter School for the amounts from 2005-2006 in arrears.

It is also important to note that FCMAT representatives were asked more than once during the Exit meeting of January 25, 2007, whether any of the concerns raised by FCMAT

Colleen Wilcox, Ph.D., Superintendent of Schools
Members of the Santa Clara County Board of Education
Santa Clara County Office of Education
Re: Staff Analysis and Board Transmittal: Bullis Charter School Public Hearing and Renewal
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should affect the renewal of the Charter School, and each time FCMAT representatives unequivocally stated "No".

Extension of the Charter School Term Versus Renewal of the Charter for 5 Years

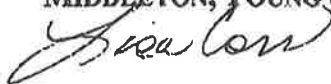
The initial term of the Charter was granted for three (3) years, thus requiring the renewal of the charter on or before June 30, 2007. Education Code Section 47607 states, "Each renewal shall be for a period of five years." Thus, absent an agreement between the County and the Charter School to contract outside of legal requirements, the only legally valid option before the Board is a five year renewal.

* * *

Accordingly, the Charter School seeks a full five (5) year renewal. If you should have any questions or wish to discuss this letter further, please feel free to give me a call.

Sincerely,

LAW OFFICES OF SPECTOR,
MIDDLETON, YOUNG & MINNEY, LLP



LISA A. CORR
ATTORNEY AT LAW

Lucretia Peebles

From: Charles Weis
Sent: Wednesday, April 18, 2012 3:20 PM
To: Cary Dritz; Lucretia Peebles
Subject: FW: SPED/FCMAT

FYI re:Bullis FCMAT Spec Ed issue resolution.

Chuck

Charles Weis, Ph.D.

County Superintendent of Schools
 Santa Clara County Office of Education
 1290 Ridder Park Drive, San Jose, CA 95131-2304
 P: 408.453.6511
 charles_weis@sccoe.org

From: Ken Moore [<mailto:Ken.Moore@moore.org>]
Sent: Wednesday, April 18, 2012 11:33 AM
To: Charles Weis
Cc: Julia Hover-Smoot
Subject: SPED/FCMAT

Dear Dr.Weis,

I have been made aware that a local parent is asking for a detailed account of what happened a number of years ago regarding special ed at BCS.

Below is an email that our accountants and I wrote in May 2008 that summarized the financial actions. Please feel free to use any of the data as you see fit.

-Ken

I am pleased to report that the Bullis Charter School has finally resolved all the outstanding Special Ed billing issues raised by the FCMAT report. As you may recall, the County staff felt the Charter School had improperly billed for reimbursement for Special Education expenses for the 2005-6 fiscal year.

For the past twelve months or so we have been working with County staff to review the billings. (They have been very cooperative and helpful.)

The school's contention all along was that: (1) it had not over-billed the County for sped services; and (2) the problems resulted from incomplete guidance from the County on how to properly bill.

Our view was confirmed with the final settlement of this issue. Specifically, the County last month issued Bullis an additional check for \$6,515 for 2005-6 Sped reimbursements. This was in addition to the \$73,948 that had been paid to the school before the FCMAT report.

In other words, after the FCMAT report and over a year of additional County review, Bullis was not asked to repay any monies. In fact, we received additional sped reimbursements of over \$6,000.

Consistent with this, I am also pleased to report that the County and the Charter School completely agreed on the sped payments for 2006-7. Again, the Charter School received additional monies from the County and was not asked to repay any amounts. (For 2007-8, the County is paying for our sped services directly, and there are no reimbursement issues.)



Santa Clara County Office of Education

Charles Weis, Ph.D.
County Superintendent of Schools

VIA EMAIL AND U.S. MAIL

May 30, 2012

Wanny Hersey, Superintendent/Principal
Bullis Charter School
102 W. Portola Avenue
Los Altos, CA 94022
whersey@bullischarterschool.com

RE: Formal Notice of Opportunity to Remedy Potential Violations of State and Federal Law

Dear Ms. Hersey,

During a recent review of the Bullis Charter School Registration Checklist and 2012-2013 Registration Forms posted on your website, we noticed that some changes have been made to the instructions given to parents regarding what information is required as a prerequisite to their child's inclusion in the lottery. Specifically, the Registration Checklist states that "Registration Health Requirements" are "Optional: (Not required for registration, however MUST be complete before a child is allowed to attend school)."

Notwithstanding this change to the Checklist, we believe the current Charter School Registration Checklist and Registration Forms infringe on the rights of children and parents under state and federal laws protecting the privacy of confidential health information and the privacy of educational records. Furthermore, the forms suggest that factors such as a child's disability or prior academic performance may play a role in whether they are offered admission at Bullis. While it is perfectly acceptable to require that parents submit records related to their child's health, disabilities, and past academic performance *after* they are offered admission so that this information can be used to provide appropriate services, it is not acceptable to require that parents submit this information as a condition for participation in the lottery. As a public school, admission to Bullis may not be conditioned upon a parents' willingness to waive his or her child's rights to privacy with respect to medical or educational records.

Under Education Code section 47607(c), a charter may be revoked by the authority that granted the charter if the authority finds, through a showing of substantial evidence, that the charter school did any of the following:

County Board of Education: Leon F. Beauchman, Michael Chang, Joseph Di Salvo, Julia Hover-Smoot, Grace H. Mah, Craig Mann, Anna Song
1290 Ridder Park Drive. San Jose, CA 95131-2304 (408) 453-6500 www.sccoe.org

A Champion for Children, Schools and Community

- (1) Committed a material violation of any of the conditions, standards, or procedures set forth in the charter.
- (2) Failed to meet or pursue any of the pupil outcomes identified in the charter.
- (3) Failed to meet generally accepted accounting principles, or engaged in fiscal mismanagement.
- (4) Violated any provision of law.

Pursuant to Section 47607(d), “[p]rior to revocation, the authority that granted the charter shall notify the school of any violation of this section and give the school a reasonable opportunity to remedy the violation.” This letter shall serve as notice to Bullis Charter School that we believe Bullis’s Registration Checklist and Registration Forms infringe upon the rights of students and parents under state and federal law. We therefore direct Bullis to amend its registration forms not later than June 13, 2012 to remedy this problem. Specifically, we direct Bullis to do the following:

1. Separate the Forms Required for Participation in the Admission Lottery from Forms that Must Be Completed Prior to Enrollment

Bullis labels all forms that parents must complete prior to their child being included in the admission lottery a “Registration Packet” rather than an “Application for Admission.” Although the Registration Checklist states that a child is only eligible to be considered for admission if “all required forms are completed and submitted within the dates of this Open Enrollment Period.” The Registration Checklist further states that “[i]f your child is accepted to Bullis Charter School, additional enrollment forms will be sent to you and must be completed prior to admission.”

Based on the information included in the Checklist, it is clear that the “Registration Packet” is the set of forms that must be filled out for a child to be considered for admission, and that after admission, a set of pre-enrollment forms will be sent to the child’s parents. In order to clearly distinguish between the materials that must be submitted for a child to be considered for admission from those that must be completed prior to enrollment, we direct Bullis to label the admission forms an “Application for Admission” and the pre-enrollment forms a “Registration Packet” or “Enrollment Packet” so that parents can clearly distinguish between the two.

2. Parents Cannot Be Directed to Provide Information Regarding Their Child’s Health or Disability In Order for Their Child to Be Admitted to Bullis

The second page of the “2012-2013 Registration Form” requires parents to fill out a section entitled “Student Health History / Current Health Information.” This section requires parents to disclose, among other things, whether their child has seizures, asthma, diabetes, behavior problems, hearing

aids, speech problems, or any recent hospitalizations and the reason for those hospitalizations. The section also requires parents to disclose any medication the child is taking. A section entitled "Special Education" requires that the parent disclose whether the child has a current IEP, and to check a box indicating whether the child is mentally retarded, hard of hearing, deaf, has been diagnosed with a learning disability, is emotionally disturbed, has autism, etc.

Although the Registration Checklist states that "Registration Health Requirements" are "[not required for registration," the sections regarding Student Health History/Current Health Information and Special Education are not part of the optional "Registration Health Requirements" included at the back of the Registration Packet.

Furthermore, even if the registration materials did make clear that filling out the Student Health History/Current Health Information and Special Education sections is non-mandatory, the inclusion of these sections in the application materials is nonetheless inappropriate. State and federal law prohibit charter schools from considering any of the information collected through these sections in deciding whether a student can enroll in the school. Only information that can lawfully be considered by Bullis in making enrollment decisions should be requested through the application materials. To request information that may not be considered suggests that impermissible factors may play a role in admission, and further suggests that parents must waive their child's right to medical privacy in order to be considered for enrollment. Although the forms state that "[h]aving an IEP does not affect a student's eligibility or opportunity for enrollment" and that "[a]dmission criteria will not consider intellectual or athletic ability, aptitude, [or] disability," the inclusion of these disclaimers does address the fact that parents have a right under state and federal law not to disclose this information.

As noted above, it is entirely reasonable for Bullis to ask that parents provide this information *after* admission and prior to enrollment, so that it can be used to ensure that a child's unique needs are met. Bullis's current "Registration Packet" makes clear that "[i]f your child is accepted to Bullis Charter School, additional enrollment forms will be sent to you and must be completed prior to admission." The forms requesting information about a child's health history, current health information, and eligibility for special education services should be included in the additional enrollment forms sent after a child has been admitted.

3. Parents Cannot Be Directed to Release Confidential Education Records In Order for Their Child to Be Admitted to Bullis

The Registration Packet further requires parents to fill out a "Request for Student Records" form under which the child's current school will provide Bullis with various confidential education records including the child's report cards and progress reports, results of all standardized tests and evaluations, results

of all Cognitive Abilities tests and evaluations, current health card, and all special education records and evaluations. As noted above, the privacy of these records is protected under state and federal law. Furthermore, a child's prior academic performance, test scores, cognitive abilities, health-related information, and eligibility for special education services cannot be considered during the application process. To request this information at the application stage suggests that such factors may play a role in the admission process, and further suggests that parents must waive their child's right to maintain the privacy of his or her educational records in order to be considered for enrollment.

As discussed above, it is entirely reasonable for Bullis to ask that parents provide this information *after* admission and prior to enrollment. The forms requesting that parents authorize the child's current school to provide all pertinent educational records to Bullis should be sent to parents after the child is offered admission.

4. Confidential Information Regarding Students May Not Be Shared with Persons Not Employed By Bullis

It is our understanding that parent volunteers may run or be involved in processing applications for the admissions lottery. Confidential information regarding prospective students may not be shared with persons not employed by Bullis. Furthermore, in order for Bullis to ensure that its application process is conducted in conformity with state and federal law, it must maintain control over all aspects of that process. For these reasons, we direct Bullis staff to oversee all aspects of the admission process, and to ensure that no parent volunteers or other non-staff members are given access to confidential information regarding students or prospective students.

Bullis must provide evidence that application and enrollment forms have been appropriately modified consistent with the direction provided above by June 13, 2012.

Sincerely,

Charles Weis, Ph.D., Santa Clara County Superintendent of Schools
Santa Clara County Office of Education

cc: Ken Moore, President, Bullis Charter School Board
Joseph Di Salvo, President, Santa Clara County Board of Education
Lucretia Peebles, Ph.D., Director, Charter Schools, Santa Clara County Office of Education
Cary Dritz, Ed.D., Deputy Superintendent, Santa Clara County Office of Education

Mary-Anne Bosward

From: Joe Fimiani
Sent: Wednesday, July 11, 2007 11:33 AM
To: Mary-Anne Bosward; Porter Sexton; Pamela Ptacek; Sally Hefner; Cathy Grovenburg
Cc: Mike Ramer; Mary Olival
Subject: RE: Bullis

Very interesting!

I think when Wanny speaks about staff, she speaks about contracted staff. Therefore, I don't think this alters the plan that we provide services.

Thanks to all of you, by the way, for your good work yesterday. I hope to get summary information out to you this afternoon or tomorrow morning.

Joe

From: Mary-Anne Bosward
Sent: Tuesday, July 10, 2007 9:15 PM
To: Joe Fimiani; Porter Sexton; Pamela Ptacek; Sally Hefner
Subject: Bullis

Hi!

I went on the Bullis Website to "browse" and thought that you would find the following interesting... This is separate from the Foundation which promotes donations of \$10,000 to \$100,000, but "will accept donations of a lesser amount".

Is there tuition?

Since BCS is a public school, there is no tuition. However, BCS receives less public funding than other Los Altos public schools because it does not share in local parcel tax revenues. As a small school with a full range of enrichment programs, BCS spends more per student than most public elementary schools.

In order to make its comprehensive program possible, BCS depends on its entire parent community to make generous donations each year. **We're asking each family to donate \$3,500 per child to the 2006-07 BCS Annual Campaign** to help us achieve our goal of \$900,000. All donations to BCS are tax-deductible to the full extent allowed by law.

Also, under their staff, they listed an SLP, OT and Psychologist. While they may not be full time (it did not say what FTE), if they are employees rather than contractors, does that alter the plan that we provide the special ed services?

M-A

M-A
Mary-Anne Bosward
Director, Special Education
Santa Clara County Office of Education
1290 Ridder Park Drive
San Jose, CA 95131

(408) 453-6542 Office
(408) 453-6656 FAX

UHLER EXHIBIT 3

Bullis Charter School ("BCS")

Year	Enrollment	Special Education Students	% Special Education	Special Education Expense	\$ / Special Education Student
2005-2006	228	6	2.6%	\$ 80,463	\$ 13,411
2006-2007	257	10	3.9%	\$ 70,705	\$ 7,071
2007-2008	286	13	4.5%	\$ 82,218	\$ 6,324
2008-2009	325	14	4.3%	\$ 69,799	\$ 4,986
2009-2010	340	16	4.7%	\$ 83,356	\$ 5,210
2010-2011	403	20	5.0%	\$ 235,600	\$ 11,780
2011-2012	465	29	6.2%		

Data Sources

Enrollment: CDE DataQuest

Special Education Students: CDE CPRA Request, confirmed by SCCOE CPRA Request

Special Education Expense: SCCOE CPRA Request

Notes

BCS Special Education Expense for 2011-2012 was not yet available from the SCCOE

Los Altos School District ("LASD")

Year	Enrollment	Special Education Students	% Special Education	Special Education Expense	\$ / Special Education Student
2005-2006	4036	356	8.8%		
2006-2007	4161	379	9.1%	\$ 5,603,261	\$ 14,784
2007-2008	4270	409	9.6%	\$ 5,792,488	\$ 14,163
2008-2009	4248	419	9.9%	\$ 5,960,618	\$ 14,226
2009-2010	4293	410	9.6%	\$ 6,472,504	\$ 15,787
2010-2011	4393	435	9.9%	\$ 7,363,443	\$ 16,927
2011-2012	4486			\$ 7,490,631	

Data Sources

Enrollment: CDE DataQuest

Special Education Students: CDE DataQuest

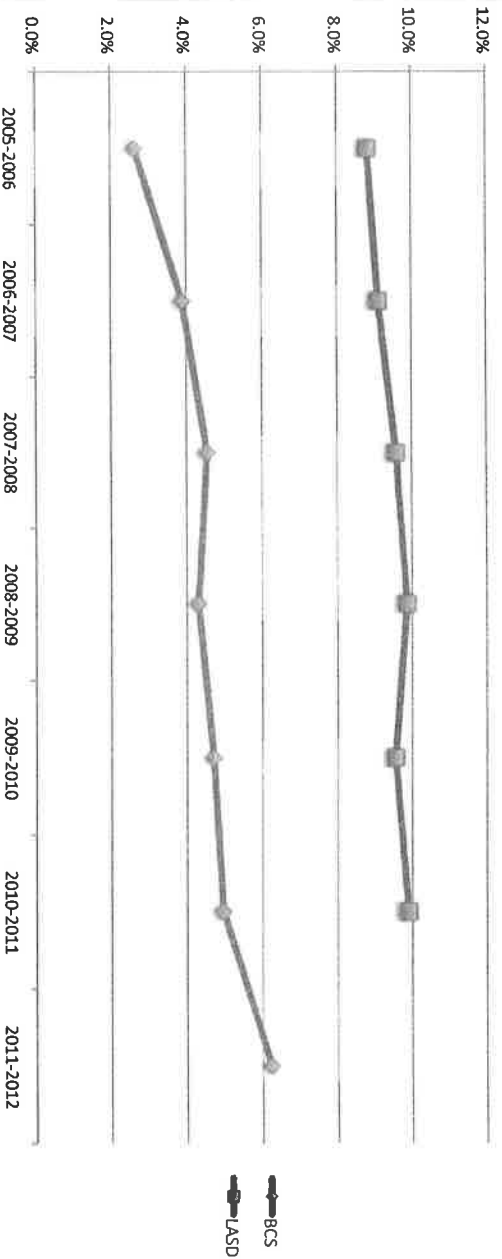
Special Education Expense: Los Altos School District Annual Budget 2010-2011, 2011-2012

Notes

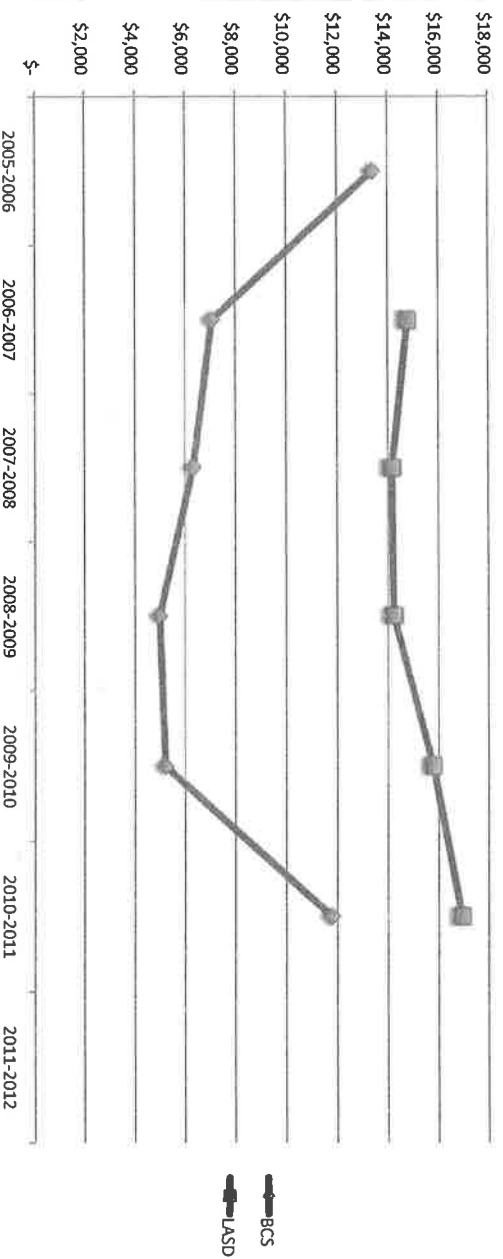
LASD Special Education expense for 2005-2006 was not available

LASD Special Education student data for 2011-2012 was not yet available on DataQuest

Special Education Students as a Percent of Total Enrollment



Special Education Expense Per Special Education Student



DECLARATION OF RITA ESTRADA ROSENFELD

I, Rita Estrada Rosenfeld, declare:

1. I currently reside in Mountain View, California within the boundaries of the Los Altos School District. I have personal knowledge of the following facts and could and would competently testify thereto if called as a witness.

2. I have a 13-year old son. He was diagnosed as having autism in 2001.

3. Since 2003, my son has participated in an IEP. (Prior to that, my son received early intervention services from the San Andreas Regional Center.)

4. My son attended Springer Elementary School, an elementary school in the Los Altos School District. During the 2011-2012 school year, my son was a 6th grader at that school.

5. When considering which junior high school my son should attend, I considered multiple schools, including the local public junior high school close to where we reside, Blach Junior High School, and the local charter school, Bullis Charter School.

6. I became interested in Bullis Charter School specifically in February 2012 because of its lower student-teacher ratio and because, as I understood it, our local school district was planning on housing Bullis Charter School's junior high school at the Blach Junior High School campus.

7. At that time, I believed that Bullis Charter School could provide a good option for my son because it offered more teacher interaction because of its lower teacher ratio in a much smaller middle school environment. Also, it would allow my son to attend the junior high school campus, Blach Junior High School, he had anticipated attending and would have opportunities to see his friends from Springer Elementary School at the Blach campus.

8. In order to apply to Bullis Charter School, I was asked to fill out an application form and provide certain information. Among the information I was required to provide was: (1) a copy of my California driver's license; (2) a copy of my son's current IEP; and (3) Star test results. Attached hereto as Exhibit A is a true and correct copy of the Bullis Charter School Registration Checklist and 2012-2013 Registration Form I submitted, listing all of the required

materials I submitted as part of my son's registration application, as well as indicating that I had submitted my son's IEP to Bullis Charter School. According to the registration checklist, my son's name would not be put into Bullis Charter School's lottery for consideration without submission of this information. I submitted a complete registration packet to Bullis Charter School on February 3rd, 2012. An office employee reviewed the application with me to ensure all documents requested by Bullis Charter School were included in the packet I was submitting.

9. Bullis Charter School mailed a notice to my home, dated February 7, 2012, indicating that my son had been accepted at Bullis Charter School and that I had to either accept or reject the offer by February 17. Attached hereto as Exhibit B is a true and correct copy of the letter sent to me and signed by BCS's Wanny Hersey. I received the notice on February 9, 2012.

10. On February 13, 2012, I called BCS and asked to speak to the person in charge of admissions. I was forwarded to Joan Mellea. I explained that my son has special needs and I would need to understand how he would be supported at the school prior to accepting his placement. Joan suggested I email Marie Stuart to request a meeting. I sent an email to Marie Stuart, Bullis Charter School's assistant principal and person in charge of that school's special education program to discuss my son's educational needs.

11. On February 15, I called BCS and spoke to Joan Mellea again. I let her know that Ms. Stuart had not replied to my email and the deadline for formally accepting the spot for my son was in two days. Ms. Stuart contacted me later that day. She wanted to know why I wanted to meet. I explained that my son has an IEP and requires significant support and that I wanted to understand how BCS would handle his needs.

12. Ms. Stuart said that as a public school, BCS is required to accept IEP students, but that they don't have Special Day Classes or programs for children like my son and that special day students are served at the district. She stated that the special education program at Blach is excellent and wanted to know what my concerns were with placing my son there. I replied that I was concerned a large middle school environment with frequent transitions would be too overwhelming for him.

13. I shared that I was hoping my son could be fully mainstreamed with an aide at Bullis Charter School. Ms. Stuart stated that the school tried this before for a student and “it didn’t work out because the student and aide were too disconnected from the class.” She said that BCS by law would be required to provide a Special Day Class for my son but that he would be the only student in the class and she said “you probably won’t want that since one student does not make a class.”

14. At this point, I asked Ms. Stuart if she had read my son’s IEP. She had not. I then suggested that she read his IEP so we could have a more informed conversation about his needs.

15. Ms. Stuart called me the following day on Feb. 16. She began our conversation by saying “I read ‘Jeffrey’s’ IEP (incorrectly referring to my son) and he is a 6th grade student reading at a 2nd grade level. I don’t see how he could successfully be mainstreamed in our program.” My response to Ms. Stuart was “but Bullis Charter School accepted my son, what were you planning on doing with him?” Ms. Stuart responded that by law BCS must accept students regardless of whether they have an IEP but that our situation was unique because my son is a Special Day Class student and Bullis Charter School doesn’t have a Special Day Classes. She then asked if I had shared my concerns with the Los Altos School District about their program at Blach for my son. Ms. Stuart again stated that it was her belief this would be a better option for my son than placement at Bullis Charter School.

16. I asked Ms. Stuart about Bullis Charter School creating a Special Day Class for my son, as Ms. Stuart had suggested in our previous conversation. She repeated that my son would be the only student in the class and that since he only mainstreams 25% of the time, he would spend much of the day in a class by himself. I told Ms. Stuart I was okay with this because if Bullis Charter School were to create such a class, parents of special needs children would likely enroll their children very soon after. Therefore, my son would not be the only child in the class for long. I also noted for Ms. Stuart that the 1:1 interaction with a special education teacher would be beneficial to my son in the meantime as he adjusts to a new school

environment.

17. Ms. Stuart then added that because the county provides special education services at Bullis Charter School the county would likely not find it a good use of resources to dedicate a special education teacher to my son at Bullis Charter School. Instead, the county would likely recommend that my son be placed in a county special education program. Ms. Stuart stated that such a program would be outside the Bullis Charter School campus, outside of Los Altos, and could be anywhere in Santa Clara County.

18. I shared with Ms. Stuart my concern that my son's placement, under those circumstances, was too uncertain. I asked what other families have done in my situation and if Bullis Charter School had referred any students to county programs outside of the Bullis Charter School campus. Ms. Stuart replied that the school has never had a student with my son's level of need apply to Bullis Charter School. She stated that the school has had students enroll who later have required more support and that these students have gone back to LASD for placement in a Special Day Class.

19. I told Ms. Stuart that I was concerned about this scenario and I asked her if she would reach out to the Santa Clara County Special Ed Director to ask what they would offer my son in this "unique situation" where he has been accepted to Bullis Charter School but the school doesn't have the necessary programs in place to support him. Would the county provide a dedicated special education teacher to my son at Bullis Charter School or transfer him to a county special day classroom off the Bullis Charter School campus (as Ms. Stuart suggested the county might do)? Would the county/Bullis Charter School consider providing a 1:1 classroom aide for my son so that he could be fully included? I asked Ms. Stuart to explore these questions with the county special education director to give us clarity on my son's placement.

20. I also asked Ms. Stuart about the approaching deadline for formally accepting the spot offered to my son at Bullis Charter School, which was the next day. I asked if there was any harm in accepting the placement and later withdrawing from enrollment if my son could not be served on site at the BCS campus. Ms. Stuart said that I would be taking a spot from a student

who would potentially attend the school.

21. I was surprised by this statement. I had heard that there was no wait list for Bullis Charter School's incoming 7th grade class, and in fact my son had been accepted prior to the school's lottery. I asked Ms. Stuart about this. I did not want to deny another student registration, but because my son's placement at Bullis Charter School seemed so vague and uncertain, I also needed additional time.

22. Ms. Stuart confirmed there was no wait list for the 7th grade class and so no student would be denied access to the school if my husband and I took longer to decide whether to send our son to Bullis Charter School.

23. We concluded that second phone conversation with Ms. Stuart agreeing to contact Shirley Robinson, county special education manager, to ask the questions I posed to Ms. Stuart about my son's placement.

24. During my entire two phone conversations with Mrs. Stuart, I felt that Ms. Stuart was trying to dissuade me from enrolling my son at Bullis Charter School. I believe this to be true because of the following comments she made to me: "BCS uses county service providers for special education services and the district has a better program; your son would be better served at the district because the providers already have experience with him and can better support his transition to middle school; there are no other students like your son at BCS; BCS has not had success in mainstreaming a child with a 1:1 aide; your son could potentially be transferred to a county special education program anywhere in Santa Clara County."

25. While put off by Ms. Stuart's attitude, I remained somewhat hopeful that I could still make Bullis Charter School work for my son. I did formally accept my son's placement at BCS on February 17th.

26. On March 5th I wrote to Ms. Stuart. I still had not heard back from her after she had agreed to contact the county and ask if my son would be transferred to a county special education program or if the county would provide the necessary resources to support my son at Bullis Charter School. In my email, I informed Ms. Stuart that we had formally accepted my

son's placement at BCS. I asked if she had been in touch with the county about my son's placement and I asked about next steps. Ms. Stuart responded on March 6th and stated that any placement decision needed to be made with the IEP team and suggested that I get the IEP meeting process started. She confirmed in that email the possibility that my son could be transferred to a county program. My son's placement at Bullis Charter School remained uncertain.

27. Ms. Stuart also offered a tour of Bullis Charter School for my husband and I. We accepted the offer and scheduled a tour date of April 2nd. I was hesitant about this since it was still not confirmed that my son would actually be attending Bullis Charter School. (Due to a conflict, I had to cancel the tour. I decided not to reschedule the tour until after our IEP meeting, if in fact it was determined my son would attend school at the Bullis Charter School campus.)

28. On March 8th I wrote to Ruth Cantwell, special education director of LASD to request an IEP transition meeting for my son and to inform her that my son would be leaving LASD for Bullis Charter School. I also copied Marie Stuart on that email so that we could coordinate dates for an IEP meeting. Ms. Stuart replied that we could talk about dates for the IEP meeting when we meet on April 2nd for the school tour. I replied to Ms. Stuart, on March 10, that I felt anxious waiting until April 2nd to schedule the IEP. My husband and I would need time to make an informed decision based on the outcome of the IEP meeting and we also needed as much time as possible to prepare our son for a potential change if he were to attend Bullis Charter School instead of Blach middle school.

29. Ten days later on March 20, I still had not heard back from Ms. Stuart about proposed meeting dates for the IEP meeting for my son. I wrote to her on March 20 to follow up. She finally responded with dates and we were able to schedule the IEP meeting.

30. During this timeframe, I conducted my own due diligence to learn what I could about the Bullis Charter School's IEP programs. As part of my review of publicly available information, I discovered on the internet a 2007 Santa Clara County FCMAT report related to the County's reimbursement of funds to Bullis Charter School, as it relates to the school's special

education program. Attached hereto As Exhibit C is a true and correct copy of the 2007 Santa Clara County FCMAT report found by me as a result of my internet research.

31. The report's findings bothered me. The report included findings that Bullis Charter School had wrongfully received over one hundred thousand dollars of reimbursements, that Bullis Charter School was having difficulty in complying with basic IEP procedures, and concluded that the Santa Clara County Board of Education should follow certain recommendations to make it and Bullis Charter School more accountable to IEP students generally.

32. As a concerned parent who was carefully considering sending her child to the school, I wrote the Board Members and staff of the Santa Clara County Office of Education on April 2, 2012 asking for assurances that the 2007 FCMAT recommendations had been followed and that all of the issues identified in the report had been resolved.

33. In response to my request, Dr. Weis, then Superintendent of the SCCOE, wrote back on April 2nd stating that he had asked members of his "staff to look into the 2007 FCMAT report and follow-up." Attached hereto as Exhibit D is a true and correct copy is my April 2, 2012 email inquiry to the SCCOE and Dr. Weis's response to me of the same date.

34. On April 10th, I sent a follow-up email to Dr. Weis. On April 11, I received a cursory response that the matter had been "resolved." Attached hereto as Exhibit E is a true and correct copy of this correspondence.

35. I followed up on that response asking for more detailed information. Dr. Weis replied to my email on May 1st. In his reply, he provided a vague and inconsistent response that again did not answer my questions.

36. On May 2nd there was an SCCOE Board Meeting where two other LASD parents brought up concerns to the SCCOE board about the FCMAT report. The comments made by the SCCOE board at that meeting were inconsistent with what Dr. Weis had communicated to me via email the previous day. This left me feeling that SCCOE was not properly overseeing the special education program at Bullis Charter School.

37. On April 26th, my husband and I participated in an IEP meeting between BCS and LASD for my son's transition to BCS. The meeting was attended by a 7th grade teacher from Bullis Charter School, a Santa Clara County resource specialist, a Santa Clara County speech therapist, a Santa Clara County manager for special needs services, the Santa Clara County Director of Special Education, Ruth Cantwell-Los Altos School District's Director of Special Services, Marie Stuart, and Wanny Hersey, Bullis Charter School's principal.

38. The meeting began with Ms. Cantwell asking Ms. Hersey to describe Bullis Charter School's 7th grade curriculum and special needs services. After Ms. Hersey described the program, Ms. Cantwell stated that it was her opinion that my son could work into the school's system as a full inclusion student. At that point, the Santa Clara County manager for special needs services pressed Ms. Hersey as to what type of program her school was willing to offer my son. Ms. Hersey had no answer. Instead, she stated that she wanted to study the matter further and proposed a second meeting, to happen on June 5. At that point, we were at the Bullis Charter School imposed one-hour deadline for the meeting and the participants were gathering their belongings to leave the room. I reluctantly accepted the June 5th meeting date.

39. Later that day, I emailed the IEP team to explain that the June 5th meeting date was unacceptable. Because of his special needs, it is important to my son's emotional well-being that he have time to assimilate any plans and that given the proximity of Ms. Hersey's proposed meeting date with the end of the school year, it would be emotionally damaging to my son if after the last day of school I told him he might not get to go to school with his friends. I sent a follow-up email to Ms. Hersey on April 30th, 2012, reiterating my concerns and asking that Bullis Charter School provide a final IEP plan within two weeks.

40. On May 2nd, 2012, after following up three times, Ms. Stuart responded seeking additional reports and assessments for my son. At my request, Ms. Cantwell provided to Bullis Charter School additional information from my son's student files.

41. At about this time, I received a telephone call from the Santa Clara County Manager of Special Services, Shirley Robinson. I expressed my frustrations to her to which she

responded that LASD was at fault since Bullis Charter School had not received the requested information from Los Altos School District. When I stated that Ruth Cantwell confirmed with me that she had hand delivered the documents to Bullis Charter School's main office, Ms. Robinson then conceded that in fact the documents "showed up on Marie's (Ms. Stuart's) desk."

42. That phone conversation with Shirley Robinson was followed up with a series of email exchanges requesting even more reports from previous assessments for my son dating back to three years prior. Bullis Charter School was requesting these even though they had my son's most recent reports/assessments. I hand delivered the requested documents to Bullis Charter School. When I delivered the documents, I was met by both Ms. Hersey and Ms. Stuart. Ms. Hersey stated that she sensed I was frustrated and said she did not have enough information on my son to offer him a quality program. She stated that the Bullis Charter School team was expecting my son's current teacher at Springer to attend the IEP meeting and that because she failed to attend, Bullis Charter School did not have sufficient information to offer a program to my son. I stated that all of that teacher's observations were in the interim report, attached to my son's IEP and delivered to her previously. I also pointed out that the specialists who worked closely with my son and his teacher had provided detailed reports that were included in my son's IEP. Ms. Hersey was at that point very dismissive of me and stated that we were merely "arguing in circles now." She cut off the conversation and turned her back to me.

43. After dropping off the documents to Ms. Hersey and Ms. Stuart, I sent a follow up email to the Bullis Charter School IEP team confirming they were now in receipt of all the documents that had been requested.

44. The morning after my meeting with Ms. Hersey, I received an email from Shirley Robinson stating that I could come to the office at Bullis Charter School to pick-up my son's final IEP offer.

45. I picked up the offer later that morning.

46. After careful consideration with my husband, I declined the offer. My decision was based on the following reasons:

47. I felt that SCCOE was at best disclaiming any responsibility to oversee the charter school it had chartered, and at worst, was covering up for its deficiencies.

48. At the time I declined my offer, it was uncertain whether the Los Altos School District and Bullis Charter School would in fact place Bullis Charter School's junior high school at Blach.

49. Finally, and most importantly, from almost the onset of the application process, I felt that my son would not be welcome at Bullis Charter School by the school's top administrators. My feelings are based in part on my initial phone conversations with Ms. Stuart where she tried to steer me away from accepting placement at Bullis Charter school with her comments; the school's consistent delay in answering my questions and begrudging, eleventh hour offer of service with the statement from Ms. Hersey that Bullis Charter School did not have enough information on my son to offer a quality program.

I declare under penalty of perjury under the laws of the state of California that the foregoing is true and correct. Executed on July 23, 2012 in Mountain View, California.

By Rita Estrada Rosenfeld
Rita Estrada Rosenfeld

EXHIBIT A



102 W. Portola Ave.
Los Altos, CA 94022

Phone: (650) 947-4939
Fax: (650) 947-4989

Bullis Charter School Registration Checklist

Open Enrollment Period: November 1, 2011 – February 3, 2012

Thank you for registering your child in Bullis Charter School. Enclosed in this packet are the registration materials that **must** be fully completed before your child is eligible for enrollment to Bullis Charter School for Fall 2012.

Please note: Submitting a completed Registration Packet does not automatically guarantee enrollment. If your child is accepted to Bullis Charter School, additional enrollment forms will be sent to you and must be completed prior to admission. Your enrollment or wait-list confirmation as well as the additional enrollment forms will be mailed at the conclusion of this Open Enrollment Period.

Included in this registration packet are the following forms. It is important that all required forms are completed and submitted within the dates of this Open Enrollment Period in order to be eligible for enrollment for Fall 2012.

Required documentation for applications (1 per child):

- ☒ (1) Registration Form*
- ☒ (2) Home Language Survey*
- ☒ (3) Ethnicity/Parent Education Level/Mobility Survey*
- ☒ (4) Request for Student Records – Release of Information*
- ☒ (5) Copies of most recent report card, progress report, and testing results
***may not be applicable for Kindergarten applicants *** (IEP)
- ☒ (6) Copy of the child's Birth Certificate
Proofs of Residency
- ☒ (7) Copy of parent/legal guardian's driver's license
- ☒ (8) Recent copy of property tax bill, or deed or lease/rental agreement
- ☒ (9) Recent copy of utility or phone bill showing residency address
- ☒ (10) One of the following: **(Los Altos School District residents only)**
 - Proof of residency from Santa Clara County Registrar of Voters; or
 - Current DMV vehicle registration showing residency property address
 - One other recent bill mailed to your residence address

Optional: (Not required for registration, however, MUST be complete before a child is allowed to attend school)

- ☐ (11) Registration Health Requirements

Information on this form may be shared with the Santa Clara County Office of Education, BCS's chartering agency.

**Please send or bring completed Registration Packet to:
102 West Portola Avenue, Los Altos, CA 94022-1210
Registration Packets that are received after February 3, 2012
will not be eligible for the 2012-13 Open Enrollment Period.**

Please contact the office if you do not receive written confirmation of your completed application within two weeks of submitting the application.

If you have questions about the application process, please contact us at info@bullischarterschool.com.

*Additional copies of these forms can be downloaded from the Bullis Charter School Website at: www.BullisCharterSchool.org

2012-2013 REGISTRATION FORM
Bullis Charter School
102 West Portola Avenue, Los Altos, CA 94022-1210

STUDENT INFORMATION (PLEASE PRINT AND USE INK)			
NAME:	<u>Rosenfeld</u>	<u>[REDACTED]</u>	<u>[REDACTED]</u>
	Last Name	First Name	Middle Name
PRIMARY ADDRESS:	<u>[REDACTED]</u>		
	Street	City	Zip
PRIMARY PHONE #:	<u>[REDACTED]</u>	MALE <input checked="" type="checkbox"/>	FEMALE <input type="checkbox"/>
Present Grade:	<u>6</u>	Applying for Grade:	<u>7</u>
		Birthdate:	<u>[REDACTED]</u>
School District of Residence:	<u>Los Altos School District</u>		
Please note: Information on this form may be shared with the Santa Clara County Office of Education, BCS's chartering agency.			

● **PARENT/GUARDIAN INFORMATION:** Child lives with: ☒ Both Parents ☐ Mother ☐ Father ☐ Legal Guardian

Note: If legal custody of a child is split between two parents, please attach a certified copy of the court order identifying each parent's respective award of physical custody. You are responsible to immediately inform the school of any changes to the court order.

• **Mother/Guardian Name:** Rita Estrada Occupation: [REDACTED]
Address (if different from above): _____

Home Phone (if different from above): _____ Business Phone: _____
Cell/Pager #: [REDACTED] E-mail: [REDACTED]

• **Father/Guardian Name:** Paul Rosenfeld Occupation: [REDACTED]
Address (if different from above): _____

Home Phone (if different from above): _____ Business Phone: _____
Cell/Pager #: [REDACTED] E-mail: [REDACTED]

PREVIOUS SCHOOL(S) (LIST PRE-SCHOOL IF APPLICABLE)

Grades Attended	Date Enrolled	Date Left	School	Public (Y/N)	State	County
Pre-school	8/2004	6/2005	[REDACTED]		CA	Santa Clara

● Languages spoken at home: 1. English 2. _____

● Other children at home: Springer

Name	Grade / School	Name	Grade / School	Name	Grade / School
[REDACTED]					

● Are there any Custody, Visitation, or other orders limiting access to this child? ☐ Yes ☒ No
If yes, specify orders: _____

● Please list the names of relatives/friends/neighbors **IN CLOSE PROXIMITY TO THE SCHOOL**, to whom we may release your child or contact if you cannot be reached. NOTE: In the event of an emergency or disaster, the parent/guardian will be phoned first

Name	Phone #	Name	Phone #
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Name	Phone #	Name	Phone #
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Name	Phone #	Name	Phone #
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

OVER....

**STUDENT HEALTH HISTORY
CURRENT HEALTH INFORMATION**

● Information obtained from this health history will be included on a confidential health conditions list, if appropriate.

Does your child have any of the following medical conditions? Please check the appropriate boxes:

- ☐ Current seizures
If checked, on medication? ☐ Yes ☐ No
- ☐ Current asthma
If checked: ☐ uses inhaler ☐ on medication
- ☐ Diabetes
If checked: Insulin dependent? ☐ Yes ☐ No
- ☒ Bee sting allergy
If checked, requiring: ☐ Epi-pen ☒ Benadryl
- ☐ Behavior problems
- ☐ Hearing aids
- ☐ Movement limitations
- ☐ Prosthesis
- ☒ Speech problems
- ☐ Recent hospitalizations. If checked, please explain:
- ☒ Severe allergies requiring medication. If checked, please explain: bee stings
- ☐ Other (please explain): _____

● Vision or eye problems: ☒ Yes ☐ No

If yes, wears glasses:

☐ for board work

☒ for reading

☐ all the time

Date of last eye exam: 1/28/12

● Medication: If your child requires medication at school, all medication sent to school must be in the prescription container with a current date and an "Authorization for Administration of Medication" form must be on file (obtain from the school office). Please indication:

Medication: _____ Dsge: _____ Hr(s) given: _____

Medication: _____ Dsge: _____ Hr(s) given: _____

SPECIAL EDUCATION

Does the student have an active IEP?

☐ No ☒ Yes

If Yes, please attach a copy of the IEP with your application.

	Date Entered	Date of Last IEP Meeting
<input type="checkbox"/> Mental Retardation (10/MR)		
<input type="checkbox"/> Hard of Hearing (20/HH)		
<input type="checkbox"/> Deaf (30/Deaf)		
<input type="checkbox"/> Specific Learning Disability, please name: _____ (40/SLD)		
<input type="checkbox"/> Visual Impairment (50/VI)		
<input type="checkbox"/> Emotional Disturbance (60/ED)		
<input type="checkbox"/> Orthopedic Impairment (70/OI)		
<input type="checkbox"/> Other Health Impairment, please specify: _____ (80/OHI)		
<input type="checkbox"/> Speech/Language Impairment (90/SLD)		
<input type="checkbox"/> Deaf-Blind (100/DB)		
<input type="checkbox"/> Multiple Disability, please specify which ones: _____ (110/MD)		
<input checked="" type="checkbox"/> Autism (120/AUT)	2002	12/12/11
<input type="checkbox"/> Traumatic Brain Injury (130/TBI)		

Please identify which school district developed the IEP:

Los Altos School District

The undersigned declares that the address of the student given above is the true and correct primary residence of the child within the boundaries of the Bullis Charter School, and that the undersigned will immediately inform the School of any change in address which subsequently occurs.

The undersigned declares that the above information is true and correct to the best of his/her knowledge.

Rita Estuch

2/1/12

Parent/Guardian signature

Date

EXHIBIT B



Bullis Charter School
102 West Portola Avenue
Los Altos, CA 94022
(650) 947-4939 tel
(650) 947-4989 fax

February 7, 2012

Rita Estrada and Paul Rosenfeld
[REDACTED]

Congratulations! It is with great pleasure that I write to inform you that your child, [REDACTED] **Rosenfeld**, has been accepted into **Grade 7** at Bullis Charter School for the 2012-2013 school year.

Enclosed you will find an Enrollment Response Form. Please complete and return this form by Friday, February 17, 2012. If we do not receive your response by February 17th, we will offer your child's spot to another child.

You will need to come into the office to return the Enrollment Response Form so that you can sign the enclosed Acceptance Affidavit. Any of the personnel in the office can witness it for you (or you can choose to take it to a Notary). Please note that the Affidavit does require both parents/guardians signatures on the reverse side of the document. *If it is more convenient for you, you may have just one parent/guardian come in with the acceptance form.* The second parent/guardian is welcome to come into the office at another time during school hours that is convenient for him/her. In addition, we will have a number of dates/times outside school hours to make this process easier for you. We'll let you know those dates/times as they are scheduled.

I am thrilled to be able to welcome you to the Bullis Charter School community. I believe that Bullis Charter School's personalized approach to learning and commitment to small class sizes, combined with an outstanding staff and involved parent community will be an ideal environment in which our students will thrive. I look forward to a wonderful 2012-2013 school year!

Sincerely,

Wanny Hersey
Superintendent/Principal

EXHIBIT C



Complete copy
attached to another
declaration, per
Adam Forest

Santa Clara County Office of Education

Management Review

June 1, 2007

Joel D. Montero
Chief Executive Officer

EXHIBIT D

Subject: RE: Bullis Charter School 2007 FCMAT Review

From: Charles Weis (Charles_Weis@sccoe.org)

To: [REDACTED] josephsds1@aol.com; Michael_Chang@sccoe.org; Anna_Song@sccoe.org; Grace_Mah@sccoe.org; Julia_Hover-Smoot@sccoe.org; Leon_Beauchman@sccoe.org; Cary_Dritz@sccoe.org; Lucretia_Peebles@sccoe.org; Greta.Hansen@cco.sccgov.org; Craig_Mann@sccoe.org;

Date: Monday, April 2, 2012 5:00 PM

Dear Mrs. Rosenfeld,

I have asked staff to look into the 2007 FCMAT report and follow-up. I will respond to your questions below and notify you of my findings as soon as possible.

Chuck Weis

Charles Weis, Ph.D.

County Superintendent of Schools

Santa Clara County Office of Education

1290 Ridder Park Drive, San Jose, CA 95131-2304

Ph.: 408.453.6511

charles_weis@sccoe.org

From: Rita Estrada Rosenfeld [mailto:[REDACTED]]
Sent: Monday, April 02, 2012 4:37 PM
To: Joseph DiSalvo [External]; Michael Chang; Anna Song; Grace Mah; Julia Hover-Smoot; Leon Beauchman; Cary Dritz; Lucretia Peebles; Greta Hansen; Charles Weis; Craig Mann
Subject: Bullis Charter School 2007 FCMAT Review

Dear SCCOE Board Members,

From: Rita Estrada Rosenfeld [mailto: [REDACTED]]
Sent: Monday, April 02, 2012 4:37 PM
To: Joseph DiSalvo [External]; Michael Chang; Anna Song; Grace Mah; Julia Hover-Smoot; Leon Beauchman; Cary Dritz; Lucretia Peebles; Greta Hansen; Charles Weis; Craig Mann
Subject: Bullis Charter School 2007 FCMAT Review

Dear SCCOE Board Members,

I have read the 2007 FCMAT report that showed some very serious misappropriation of special education funds at Bullis Charter School. See: wwwstatic.kern.org/gems/fcmat/SantaClaraBullisfinalreport6.pdf The report also showed that Bullis Charter School was having difficulty with the most basic of IEP procedures.

I am currently exploring Bullis Charter School for my son with special needs and find this report very troubling. I would like to know how this matter was resolved. Can you please send me copies of any follow up reports that show how BCS corrected these deficiencies? Also, would you please indicate what the SCCOE is doing on an ongoing basis to monitor BCS' performance and ensure it remains compliant?

Thank you in advance for any information you can provide.

Sincerely,
Rita Estrada

EXHIBIT E

Subject: RE: Bullis Charter School 2007 FCMAT Review

From: Lucretia Peebles (Lucretia_Peebles@sccoe.org)

To: [REDACTED];

Cc: josephsds1@aol.com; Leon_Beauchman@sccoe.org; Julia_Hover-Smoot@sccoe.org; Craig_Mann@sccoe.org; Greta.Hansen@cco.sccgov.org; Anna_Song@sccoe.org; Cary_Dritz@sccoe.org; Michael_Chang@sccoe.org; Grace_Mah@sccoe.org; Charles_Weis@sccoe.org;

Date: Wednesday, April 11, 2012 6:14 PM

Dear Ms. Rosenfeld,

This response is being sent on behalf of Dr. Weis.

The FCMAT matter with Bullis has been resolved. Subsequent to the FCMAT report in 2007, Special Education Services have been provided directly to Bullis by the Santa Clara County Office of Education (SCCOE) or contracted out by SCCOE for Bullis services. The monitoring and oversight of special education services by administrators in the Special Education Department is ongoing. Fiscal oversight is provided by both the SELPA Fiscal Analyst and a Fiscal Analyst and an Accountant in the Special Education Department at the SCCOE.

Lucretia Peebles



Lucretia Peebles, Ph.D.

Director, Charter Schools

Santa Clara County Office of Education

1290 Ridder Park Drive MC215

San Jose, CA 95131-2304

(408) 453-3600

lucretia_peebles@sccoe.org

www.sccoe.org/depts/charter

From: Rita Estrada Rosenfeld [mailto: [REDACTED]]
Sent: Tuesday, April 10, 2012 11:49 PM
To: Charles Weis
Cc: Joseph DiSalvo [External]; Leon Beauchman; Julia Hover-Smoot; Craig Mann; Greta Hansen; Anna Song; Cary Dritz; Lucretia Peebles; Michael Chang; Julia Hover-Smoot; Grace Mah
Subject: Re: Bullis Charter School 2007 FCMAT Review

Dear Dr. Weis,

I'm following up on your letter to me of April 2nd. You stated you had staff looking into the BCS 2007 FCMAT report and would get back to me with answers "as soon as possible".

Would you kindly update me on the status of your staff's investigation, and let me know when I can expect answers to my questions? Members of the Los Altos community and beyond eagerly await evidence of follow up by the SCCOE and ongoing compliance on BCS' part.

Thank you very much for so quickly assigning this important project to your staff.

Sincerely,

Rita Estrada Rosenfeld

From: Charles Weis <Charles.Weis@sccoe.org>
To: 'Rita Estrada Rosenfeld' < [REDACTED] >; Joseph DiSalvo [External] <josephsds1@aol.com>; Michael Chang <Michael.Chang@sccoe.org>; Anna Song <Anna.Song@sccoe.org>; Grace Mah <Grace.Mah@sccoe.org>; Julia Hover-Smoot <Julia.Hover-Smoot@sccoe.org>; Leon Beauchman <Leon.Beauchman@sccoe.org>; Cary Dritz <Cary.Dritz@sccoe.org>; Lucretia Peebles <Lucretia.Peebles@sccoe.org>; Greta Hansen <Greta.Hansen@cco.sccgov.org>; Craig Mann <Craig.Mann@sccoe.org>
Sent: Monday, April 2, 2012 5:00 PM
Subject: RE: Bullis Charter School 2007 FCMAT Review

Dear Mrs. Rosenfeld,

I have asked staff to look into the 2007 FCMAT report and follow-up. I will respond to your questions below and notify you of my findings as soon as possible.

Chuck Weis

Charles Weis, Ph.D.
County Superintendent of Schools

Santa Clara County Office of Education
1290 Ridder Park Drive, San Jose, CA 95131-2304
Ph.: 408.453.6511
charles_weis@sccoe.org

From: Rita Estrada Rosenfeld [mailto: [REDACTED]]
Sent: Monday, April 02, 2012 4:37 PM
To: Joseph DiSalvo [External]; Michael Chang; Anna Song; Grace Mah; Julia Hover-Smoot; Leon Beauchman; Cary Dritz; Lucretia Peebles; Greta Hansen; Charles Weis; Craig Mann
Subject: Bullis Charter School 2007 FCMAT Review

Dear SCCOE Board Members,

I have read the 2007 FCMAT report that showed some very serious misappropriation of special education funds at Bullis Charter School. See: wwwstatic.kern.org/gems/fcmat/SantaClaraBullisfinalreport6.pdf The report also showed that Bullis Charter School was having difficulty with the most basic of IEP procedures.

I am currently exploring Bullis Charter School for my son with special needs and find this report very troubling. I would like to know how this matter was resolved. Can you please send me copies of any follow up reports that show how BCS corrected these deficiencies? Also, would you please indicate what the SCCOE is doing on an ongoing basis to monitor BCS' performance and ensure it remains compliant?

Thank you in advance for any information you can provide.

Sincerely,
Rita Estrada

EXHIBIT F

Subject: RE: The concerns are real and valid
From: Charles Weis (Charles_Weis@sccoe.org)
To: [REDACTED]
Cc: josephsds1@aol.com;
Date: Tuesday, May 1, 2012 2:58 PM

Dear Ms. Rosenfeld:

I am responding to your original email of April 17. Staff has researched the answers to your questions. Unfortunately, time constraints and pressing assignments precluded our responding as quickly as you may have hoped.

As a preface, I will point out that the FCMAT Management Review to which you are referring was published on June 1, 2007. This was a year before I came to the Santa Clara County Office of Education, and two years beyond the three-year timeframe in which the SCCOE is required to maintain documents.

Below are my responses to your specific questions. (Your questions are listed in italics; my responses in bold.)

I requested, in my initial letter, that you provide follow up documents showing how the deficiencies highlighted in the 2007 FMCAT report were addressed. I was encouraged when you wrote back that you were having "staff look into this." Am I to assume that there is no documentation available surrounding this matter?

Staff review shows no documentation extant from that time period related specifically to that aspect of the FCMAT Review.

You state that: "The monitoring and oversight of special education services by administrators in the Special Education Department is ongoing." Please provide the following information:

- *Who specifically has been assigned to this function?* **Three special education administrators have provided monitoring and oversight to Bullis Charter School. Currently Shirley Robinson, Special Education Manager, is assigned this function. Prior to 2007, Mary-Anne Bosward, Director of Special Education, annually reviewed IEPs to ensure that they were written and compliant.**
- *What is their job title?* **See above.**
- *How often and whom are they monitoring?* **The special education administrator assigned to monitor Bullis,**

or any school, monitors the delivery of special education services, attends Individual Education Plan (IEP) meetings, and as with other SCCOE programs, ensures the hiring of staff. The frequency of the monitoring is dictated by necessity, e.g., the number of students who require special education services.

- *What specifically are they tracking?* The special education administrators monitor to ensure that the IEPs are being implemented as specified. Additionally, the timelines for IEPs are tracked through the Management Information System (MIS).

- *How do they report back to the SCCOE?* Special education administrators use the MIS to generate a monthly report of special education services provided for each school. The California Department of Education (CDE) requires the SCCOE to submit these reports.

In addition to a summary of this information, I would very much appreciate the original documentation from SCCOE's files that supports your summary. As I alluded to above, state code requires maintaining documents such as these for no more than three years. The SCCOE no longer has the original documentation you refer to.

I would also like to call your attention to this recommendation in the Executive Summary section of the 2007 BCS FCMAT report:

"The county office should continue the review it has begun and; if appropriate, recover and return to the SELPA any excess special education funds that may have been previously distributed to Bullis Charter School."

*The FCMAT report reflects findings for the 2005-2006 school year; Bullis Charter School's second year of operation. It is reasonable to question the school's special education practices for the previous year as the quote above suggests. (In fact, it is reasonable to question ALL of Bullis Charter School's practices.) Did the SCCOE follow through on this recommendation from the FCMAT report? **The SCCOE did continue the review. Ultimately, staff research concluded that recovering and returning any excess funds were not justified.***

Charles Weis

Charles Weis, Ph.D.

County Superintendent of Schools

Santa Clara County Office of Education

1290 Ridder Park Drive, San Jose, CA 95131-2304

Ph.: 408.453.6511

charles_weis@sccoe.org

From: Rita Estrada Rosenfeld [mailto: [REDACTED]]
Sent: Monday, April 23, 2012 4:38 PM
To: Joseph DiSalvo [External]; Michael Chang; Anna Song; Grace Mah; Julia Hover-Smoot; Leon Beauchman; Craig Mann; Charles Weis; Cary Dritz; Lucretia Peebles
Cc: lasdvoices@gmail.com; trustees@lasdschools.org
Subject: The concerns are real and valid

Superintendent Weis and
Members of the Santa Clara County Board of Education
Santa Clara County Board of Education
1290 Ridder Park Drive
San Jose, CA 95131-2304

Re: Bullis Charter School

Dear Superintendent and Board Members,

My name is Rita Estrada Rosenfeld and you will likely recognize me as I have written to you three times requesting follow-up documentation to the Bullis Charter School 2007 FCMAT report. I look forward to receiving that information before my son's transition IEP with BCS this Thursday, April 26th, as previously mentioned. I am sure you can appreciate my concern for the integrity of BCS' special education department since reading this report. Please do follow up with the appropriate supporting documents as soon as possible so that I may attend my son's transition meeting without any doubt that BCS is capable of implementing my son's IEP.

In addition to my son, who is enrolled at Bullis Charter school, I have a daughter who attends Springer School in Los Altos. I am concerned about upcoming decisions regarding Bullis Charter School and the potential impact that these decisions may have on my neighborhood schools. I acknowledge that a majority of this letter is taken from a template but can assure you that I am in full agreement with the views expressed herein.

I would like to specifically address a number of SCCOE responsibilities related to BCS. These topics are being discussed at sporting events, backyard barbecues, and coffee shops throughout the LASD community. In addition, they are also prominent in public online forums. I invite you to join the most general discussion at <https://www.facebook.com/groups/losaltoschoolcommunity/>.

The main topics of concern are the following:

Memorandum of Understanding

I am aware that the public presentation of the Memorandum of Understanding (MOU) has been delayed.

Please confirm with the public that the 30 day sunshine period for this document is still in place to provide time to receive and respond to public comment.

Appointment of Neutral Party to BCS Board

Thank you for beginning the process to appoint a neutral party to the BCS Board.

Please appoint an individual who lives within the Los Altos School Boundaries, outside of the BCS geographic preference and does not have children at BCS.

Geographic Preference

Superintendent Weis has noted that the removal of the geographic preference for the Bullis Purissima area requires a material revision to the charter and that only BCS can initiate this process. SCCOE's own Board Policy states otherwise (SCCOE Board Policy 0420.41(a) at page 1):

The school or the County Superintendent may, at any time, submit material revisions to the charter.

Applicable California Education Code does not seem to limit who can seek a material revision either (see Cal. Ed. Code section 47607, which only provides that the County must approve a material revision, without limitation on who may seek the revision). As you know, hundreds of applicants have been disadvantaged in the BCS lottery due to this preference.

Superintendent Weis has also confirmed that removal of the geographic preference would not expose the existing charter to any risk. If BCS submits the material revision to remove the geographic preference, only the revision itself would be subject to approval or denial. The county should act in good faith on behalf of the LASD community to remove the preference so that all children within the LASD boundaries are given an equal opportunity to enroll in the school.

The Superintendent should submit a material revision and the Board should approve such revision to remove the geographic preference from BCS's charter.

Accountability

The recent publication of the SCCOE Charter School Compliance Checklist for BCS indicates that there were no findings of non-compliance with the Education Code or the SCCOE/BCS contract. This exposes areas of oversight that should be improved. I request the creation of an additional level of accountability and transparency for the SCCOE and the BCS, including the following:

1. Remove processes that discourage certain populations from applying to and remaining at BCS.
 - a. **Applications:** The length of the application and requirement of numerous documents prior to enrollment may be a barrier to entry.
 - Simplify the complex BCS application requirements.
 - Consider normalizing the charter applications process with an eye toward removing potential barriers.
 - Instruct BCS to eliminate the requirement of applicants to provide copies of IEPs and driver's licenses in the application packet, as these requirements are illegal.
 - b. **Foundation Donations:** There is a strong public perception that the per student donation is an expectation ingrained in the BCS culture. Consistent and strong messaging throughout the year is necessary to correct this belief and eliminate it as a barrier to entry.
 - Ensure specific wording to reflect that \$5000 per student donation request to the BCS foundation are truly voluntary, not a tuition.
 - Ensure that no high pressure tactics are applied to families during any part of the year for these donations.
2. Institute processes which identify problems.
 - Implement a reporting process for any exiting students except those who have graduated or have been promoted from the last grade level served.
 - Investigate and monitor the implementation of requirements specified by the Individuals with Disabilities Education Act (IDEA) to identify and provide services to special needs students. Extra care is warranted because of anecdotal evidence and also because BCS was found to be misusing special education funds in the FCMAT review done in 2007.
3. Improve transparency to the operations of BCS.
 - Appoint a neutral party to the Bullis Charter School Board of Trustees.
 - Collect enrollment details about the student population and make this data available to the school community for demographic studies that are used for long range planning.
 - Collect and report on lottery results. The following should be included:
 - Applicant counts by grade, district of residence, and school of residence
 - Lottery results by grade and pool (sibling preference, geographical preference, LASD resident preference)
 - Wait list results by grade and pool (sibling preference, geographical preference, LASD resident preference)
 - Enrollment results (number of refusals and acceptances by grade and pool)

Facilities

While I appreciate that SCCOE is not directly involved in providing BCS facilities or even negotiating facilities agreements between BCS and LASD, SCCOE is legally required to oversee BCS's operations, including enrollment. As you are aware, understanding enrollment is also critical to the district's facilities planning. In its renewal petition, BCS stated that it expected to enroll a total of **463** total students in the 2011-12 school year. Although BCS's renewal petition also asserted that it would project enrollment for the 2012-13 and 2013-14 school years, it failed to do so and SCCOE did not comment on this failure.

This year, BCS's facilities request stated that BCS expects to enroll a total of **515** students for the 2012-2013 school year.

The facilities agreement for the charter school is of great importance to the LASD community, as our district schools are threatened with closure and relocation to accommodate growth of the charter school. Our community must have input into the decision making process, which is currently hindered by lack of specific information about charter school enrollment projections. To avoid reactive, year-by-year facilities proposals, we need clear, long term numbers for charter school size and the criteria by which the County will judge whether a material revision to BCS's charter is needed because of its growth beyond the student population number for which BCS's school program was designed.

Please provide notice and oversight on this issue, including a clear articulation of what growth is allowable, without material revision to BCS's charter as to student population. In the event BCS seeks to open a second campus (as set forth in their most recent Business Plan), please also make clear that such a plan would require the submission of a second charter.

The families that attend BCS are friends and neighbors, and I respect every parent's choice to enroll in the program that best suits their child's needs. BCS has proven to be a successful school and an asset to our community, but there are pervasive concerns that need to be addressed. Taking corrective measures in these areas would assist BCS in better serving the needs of the *whole* LASD community and alleviate opposition to it.

Thank you in advance for your consideration.

Sincerely,

Rita Estrada Rosenfeld

EXHIBIT G

Subject: Re: IEP Follow-up Meeting (2nd request)

From: Rita Estrada Rosenfeld ([REDACTED])

To: Shirley_Robinson@sccoe.org; whersey@bullischarterschool.com; mstuart@bullischarterschool.com;

Cc: RCantwell@lasdschools.org; lstone@bullischarterschool.com; [REDACTED]

Date: Wednesday, May 9, 2012 10:11 AM

Hi All,

This morning I dropped off [REDACTED]'s most recent complete triennial report, with speech and teacher report embedded. Attached to the triennial is a list of curriculum materials [REDACTED]'s teacher uses for his program.

I was able to catch up in person with Wanny and Marie this morning. I am sorry it was expected that [REDACTED]'s teacher would attend the IEP meeting. It was never my impression. I know you can all appreciate that public school teachers have tremendous demands on them, especially SDC teachers juggling multiple grade levels in their class. Asking Mrs. [REDACTED] to attend an IEP for [REDACTED], an exiting student, is not customary. Sure, it would have been nice to have had her at the IEP, but I don't believe it is required by the process. I have tried to engage the district in this IEP process as much as possible without feeling like I am unduly taxing the staff.

Can we agree that the information delivered this morning fulfills the request for additional documents to finalize the IEP?

Thanks very much for working with us.
Rita

From: Rita Estrada Rosenfeld <[REDACTED]>

To: Shirley Robinson <Shirley_Robinson@sccoe.org>

Cc: Marie Stuart <mstuart@bullischarterschool.com>; Wanny Hersey <whersey@bullischarterschool.com>; Ruth Cantwell <RCantwell@lasdschools.org>; Lisa Stone <lstone@bullischarterschool.com>; Paul Rosenfeld <[REDACTED]>

Sent: Wednesday, May 9, 2012 7:45 AM

Subject: Re: IEP Follow-up Meeting (2nd request)

Shirley, the December IEP, March Updates and oral report provided by Ruth Cantwell at the IEP IS the updated information for [REDACTED]. What you are now requesting is historical data. I agree it would have been helpful to have [REDACTED]'s teacher there to answer the question about reading curriculum. I'll get that to you this morning along with the other curriculum information Ruth mentioned at the meeting, and the old reports!

Thanks again.

From: Shirley Robinson <Shirley_Robinson@sccoe.org>

To: 'Rita Estrada Rosenfeld' <[REDACTED]>

Cc: Marie Stuart <mstuart@bullischarterschool.com>; Wanny Hersey <whersey@bullischarterschool.com>; Ruth Cantwell <RCantwell@lasdschools.org>; Lisa Stone <lstone@bullischarterschool.com>; Paul Rosenfeld <[REDACTED]>

Sent: Wednesday, May 9, 2012 7:23 AM

Subject: RE: IEP Follow-up Meeting (2nd request)

Hi Rita,

Thank you for all your help. Typically at the IEP all that information is available. We did request that [REDACTED]'s current staff with updated information attend the IEP but whether they do or not is a district decision. Again thank you for all your help J. We are looking forward to working with [REDACTED]!

Take care
Shirley

From: Rita Estrada Rosenfeld [REDACTED]
Sent: Wednesday, May 09, 2012 7:20 AM
To: Shirley Robinson
Cc: Marie Stuart; Wanny Hersey; Ruth Cantwell; Lisa Stone; Paul Rosenfeld
Subject: Re: IEP Follow-up Meeting (2nd request)

Hi Shirley,

Thanks for your email. I'm glad you found the report helpful. I'm not understanding why those additional reports are so important as you have current reports from his teacher and speech therapist as well goals and present levels. However, I have cancelled my meeting this morning and will get the remaining information over to BCS.

We had so much lead time before [REDACTED]'s 60-minute IEP meeting. I wish this information would have been requested and reviewed prior to the meeting. It would have made that meeting so much more productive and we would be further along in the process today.

Regards, Rita

From: Shirley Robinson <Shirley_Robinson@sccoe.org>
To: 'Rita Estrada Rosenfeld' <[REDACTED]>
Cc: Marie Stuart <mstuart@bullischarterschool.com>; Wanny Hersey <whersey@bullischarterschool.com>; Ruth Cantwell <RCantwell@lasdschools.org>; Lisa Stone <lstone@bullischarterschool.com>; Paul Rosenfeld <[REDACTED]>
Sent: Wednesday, May 9, 2012 5:13 AM
Subject: RE: IEP Follow-up Meeting (2nd request)

Hi Rita,

Thank you so much for the information. I did receive the report from Marie and was able to read it last night. It was very helpful. It did refer to separate reports by the teacher and SLP but those reports were not included in the report we received. A list of all supplementary programs being used by his current team would be really helpful as discussed in the last IEP. We do not have a list of anything that Ruth may have indicated in the meeting as she was going to provide us with a list after going back and talking with the current teacher J. We look forward to information on those programs and any other reports that are available to help in [REDACTED]'s smooth transition. Please know we are working to provide an offer as quickly as possible. Thank you so much for all your help.

We will be in contact again very soon.

Take care
Shirley

From: Rita Estrada Rosenfeld [REDACTED]
Sent: Tuesday, May 08, 2012 7:11 PM
To: Shirley Robinson
Cc: Marie Stuart; Wanny Hersey; Ruth Cantwell; Lisa Stone; Paul Rosenfeld
Subject: Re: IEP Follow-up Meeting (2nd request)

Hi Shirley,

Thank you very much for calling this afternoon.

I just reviewed [REDACTED]'s last IEP of 12/08/11. As I mentioned to you, it does in fact contain a report from his teacher, [REDACTED], his speech therapist, [REDACTED] and his behavior specialist, [REDACTED]. Additionally, the triennial report which Ruth delivered to BCS Monday morning contains speech, teacher and behavior specialist reports as well.

So it seems the only thing missing at this point is the name of the reading program his SDC teacher uses. The other curriculum materials were mentioned by Ruth during the IEP meeting. For your convenience, I have asked [REDACTED]'s teacher, Mrs. [REDACTED] for a complete list of what she uses. I will email that info as soon as I receive it.

I know it's a very busy time of year, but Paul and I really really do need to finalize the offer of FAPE by Thursday.

Thanks again.

Rita

From: Marie Stuart <mstuart@bullischarterschool.com>
To: Rita Estrada Rosenfeld <[REDACTED]>
Cc: Shirley Robinson <Shirley_Robinson@sccoe.org>; Wanny Hersey <whersey@bullischarterschool.com>; Ruth Cantwell <RCantwell@lasdschools.org>; Lisa Stone <lstone@bullischarterschool.com>; Paul Rosenfeld <[REDACTED]>
Sent: Wednesday, May 2, 2012 8:35 AM
Subject: Re: IEP Follow-up Meeting (2nd request)

Hello Rita,

Thank you for your email. We all certainly want the transition for [REDACTED] to be as smooth as possible and preparing him ahead of time is certainly a good idea. To expedite things we will be happy to propose a program for [REDACTED]'s transition to Bullis Charter.

In order to do this it would be most helpful if we could get copies of his reports from his last Triennial to present. **Ruth**, could you please include the latest psychological, teacher, behaviorist and Speech therapy reports to give us the big picture of his needs. As discussed in the IEP, could you please also send a list of the supplementary programs the district is currently using. It would be most helpful if we could get all this information by May 8th.

With this input and information and in accordance with your email, the Bullis team will draft a program proposal for the start of his school year to be agreed upon by the IEP team via a meeting or other means.

This will be reviewed within the first 4 to 6 weeks after the start of the school year.

We look forward to working together so that [REDACTED] can be prepared for this transition in a timely manner.

Please let us know if you have any questions.

Marie

Marie Stuart
Assistant Superintendent/Principal
Bullis Charter School
102 W. Portola Ave.
Los Altos, CA 94022
650-947-4939
mstuart@bullischarterschool.com

On Apr 30, 2012, at 4:27 PM, Rita Estrada Rosenfeld wrote:

Dear IEP Team,

I'm following up on my email of April 26th below. I know it's a busy time with the end of the school year approaching, but Paul and I are anxious to finalize the details of [REDACTED]'s placement. I'm certain you can appreciate that the sooner and more fully we can prepare [REDACTED] for a change in school plans, the smoother and more successful a transition to BCS will be for him. For that matter, I believe clarity will help everyone prepare.

To that end, we ask you to consider the following on continuing the process. (Ruth, we would appreciate your input here as well.)

1. It is customary during a change of placement to leave present goals in place for the first 30 days. From there the team meets again to draft new goals. This has the advantage of curing the problem you cited at our meeting of needing to know more about [REDACTED]. At the 30 day meeting, the BCS staff will have had a chance to work with him directly and evaluate his present levels of performance, get to know his areas of strength. Everyone will be in a much better position to participate.

Since this is both customary and it resolves issues that have presented concern, shall we adopt it as our plan going forward?

2. If we want to proceed in this fashion, Paul and I would agree to having BCS and the County write up an offer of services and present us with the IEP and offer of FAPE directly from here. Again from a process perspective this is not unusual, we would be working off the present goals and adapting the services as we think mutually agreeable with the understanding that the goals would be redrafted after 30 days.

But, if BCS wants a meeting before drafting an offer of FAPE, Paul and I can be available anytime between now and May 11th (we are comfortable excusing team members who are not available to meet). If this presents a problem in any way, please let us know immediately so that we can find a solution.

Thank you in advance for working with us to finalize [REDACTED]'s transition. It is our goal to provide BCS with all of the information and access you need to move things forward without unduly taxing your staff at this busy time of year. We look forward to hearing from you as to how you'd like to proceed.

Rita and Paul

From: Rita Estrada Rosenfeld <[REDACTED]>
To: Marie Stuart <mstuart@bullischarterschool.com>; Ruth Cantwell <RCantwell@lasdschools.org>
Cc: Shirley Robinson <Shirley_Robinson@secoe.org>; Paul Rosenfeld <[REDACTED]>; Lisa Stone <lstone@bullischarterschool.com>; Wanny Hersey <whersey@bullischarterschool.com>
Sent: Thursday, April 26, 2012 1:30 PM
Subject: IEP Follow-up Meeting

Hi Everyone,

Thank you all so much for meeting this morning to discuss [REDACTED]'s needs. It was great to meet the team.

I wasn't thinking clearly about the timeline for our next meeting. June 5th presents a problem for us as it delays us informing [REDACTED] of his new placement and preparing him accordingly. In addition, there is much discussion happening in both his SDC and mainstream classes about the children transitioning to Blach. I'd like to talk to his teachers about adjusting these discussions for [REDACTED] attending BCS, but obviously can't do that until we have an offer of FAPE from BCS.

I am comfortable using the updates from March to define goals and services for [REDACTED] at BCS. I don't think we will get much new information from his year end updates. So I am hoping that we can meet in the next 14 days to finalize [REDACTED]'s IEP.

Please let me know if there is any more information you need to prepare for the meeting.

Thanks again.

Rita and Paul

EXHIBIT H

Subject: Followup for BCS FCMAT Extraordinary Audit

From: Rita Estrada Rosenfeld ([REDACTED])

To: Charles.Weis@sccoe.org; leon.beauchman@sccoe.org; michael_chang@sccoe.org; josephsds1@aol.com; julia_hover-smoot@sccoe.org; grace_mah@sccoe.org; craig_mann@sccoe.org; anna_song@sccoe.org;

Cc: Cary.Dritz@sccoe.org; kenneth_Shelton@sccoe.org; Lucretia_Peebles@sccoe.org;

Date: Monday, May 14, 2012 9:08 AM

Dr. Weis and SCCBOE members,

Once again, I am writing to you about the 2007 FCMAT audit report for Bullis Charter School which concludes that 75% of expenses totaling \$133,294, submitted for the 2005-2006 school year, were paid with misappropriated special education funds. (See here and note that this link now contains an appendices section with itemized list of expenses: www.static.kern.org/gems/fcmat/SantaClaraBullisfinalreport6.pdf)

Your letter of May 1st in response to my inquiries lists assertions offered again without supporting documents. This continues to concern me.

At the beginning of your letter, you state *"Staff review shows no documentation extant from that time period related specifically to that aspect of the FCMAT Review."* Yet, you end your letter with this statement: *"The SCCOE did continue the review. Ultimately, staff research concluded that recovering and returning any excess funds were not justified."*

These statements are contradictory. If records no longer exist, and this was one year before your tenure, how are you able to verify that the SCCOE did continue the review? Critically, how did the staff come to this conclusion that *"returning the misappropriated funds were not justified?"* Why were the recommendations outlined in the FCMAT report not followed? How can it be that BCS was allowed to misappropriate special education funds and spend that money on restaurant meals, gift baskets, gourmet groceries, and a trip for three staff members to Finland? And why has the SCCOE displayed such ineffective management of BCS in their failure to recoup the misappropriated funds?

Here is an entry from the SCCOE board meeting on August 15, 2007: *"Superintendent Wilcox explained that COE contracted with the Fiscal Crisis and Management Assistance Team (FCMAT) to review and report findings on the use of special education funds at Bullis Charter School. Mr. Fimiani and Dr. Porter Sexton, Executive Director, Center for Educational Planning, gave an overview of FCMAT's recommendations and answered questions."*

Board members Craig Mann, Leon Beauchman, Grace Mah and Anna Song were SCCOE board members during the time the FCMAT audit was conducted and were present at the August 15, 2007 SCCOE board meeting referenced above where the audit findings were presented.

These board members were also present at the SCCOE board meeting on May 2nd, 2012 where LASD parent Mike Uhler addressed the SCCOE board and quoted directly from the FCMAT report. Yet, from those members, only Anna Song engaged in the discussion that followed Mr. Uhler's comments to the board. (The transcript of that discussion is attached below.)

Dr. Weis, I have written to you and the SCCOE board members **four** times about the FCMAT report. It disappoints

me that it was Ms. Song, rather than you, who asked for discussion on this topic after Mr. Uhler addressed the board. You had just written to me about this report on May 1st, **one** day prior to that meeting. Sadly, your comments during that discussion, as well as Ms. Hover-Smoot's recollection, are inconsistent with what has been communicated to me by you and your office to date. This behavior makes me wonder to whom the SCCOE is accountable.

Your office has been flooded with letters from the community. LASD parents are pleading with the SCCOE to engage in active oversight of the charter school you approved. The many open questions regarding this FCMAT report are clear indication that the SCCOE board has failed to properly oversee BCS and hold them accountable.

However, I am glad there is an action item from the May 2nd SCCOE board meeting. Kenneth Shelton said: *"I didn't see any data but that doesn't mean that it shouldn't be re-looked at. Certainly as Cary and I were just discussing, based on this information, we may need to revisit an investigation of a parent complaint to see what data does exist on that. We can certainly develop that and provide an appropriate report."*

Will you please clarify what such an investigation and report entail? Does the SCCOE plan to engage the FCMAT in this effort? Will you also advise on the timeline to complete this investigation and deliver a report to the community? I look forward to your responses.

Thank you for continuing to engage with me on this important subject. And a special thank you to Anna Song for requesting discussion on this topic at the May 2nd SCCOE board meeting.

Sincerely,

Rita Estrada Rosenfeld

*Transcript of Bullis Charter School FCMAT report of 2007 discussion at May 2nd, 2012 board meeting--Part 1 at ~ 01:39:45

Mike Uhler: addresses the board and quotes from the FCMAT report

John DiSalvo: Thank you Mike and it was a pleasure meeting with you and the others yesterday morning. (calls on the next speaker) Michelle Sturiale?

Anna Song: Could I just please interject?

John Di Salvo: yes, please

Anna Song: This brings back memories and I had forgotten some of the facts. I remember talking to Julia at the last board meeting in between breaks and Julia had said that you had heard that there was nothing wrong after FCMAT review and there was no special ed funding misappropriation or something to that effect. And I said "no I think there were some discrepancies". And now the gentleman spells out some of the details. I do remember something that had to do with Finland. I do remember something about the 75% percentage so there were some issues. So I just wanted to address that back to you and perhaps if our staff, because Lucretia is new, compared to the date that it occurred, maybe we can refresh our memories as to what were the findings and how it was corrected, that would be very helpful.

Julia: Yeah that's true Anna because the information that we were given by our own staff was that the FCMAT report came back that we had underpaid Bullis by almost \$6,000 and so, that was the most recent information that we have.

Anna Song: I had never heard that. I do remember hearing something about Finland, and it's kind of provocative when you hear it. (laughter)

Julia: Well it sounds like it was resolved. So I think we should definitely get the resolution of what that was.

Anna Song: yes, absolutely.

Dr. Weis: We have done an investigation of what we could find. Unfortunately, this was apparently completed in '07. Is that right? And Ken, your staff did some review and could find very little documentation. This is the first I've heard of anything about trips that would not be approvable under those codes. Ken, you looked at what we have. Did you see any documentation along those lines?

Ken: I didn't see any data but that doesn't mean that it shouldn't be re-looked at. Certainly as Cary and I were just discussing, based on this information, we may need to revisit an investigation of a parent complaint to see what data does exist on that. We can certainly develop that and provide an appropriate report.

From: Charles Weis <Charles_Weis@sccoe.org>
To: 'Rita Estrada Rosenfeld' <[REDACTED]@yahoo.com>
Cc: Joseph DiSalvo [External] <josephsds1@aol.com>
Sent: Tuesday, May 1, 2012 2:58 PM
Subject: RE: The concerns are real and valid

Dear Ms. Rosenfeld:

I am responding to your original email of April 17. Staff has researched the answers to your questions. Unfortunately, time constraints and pressing assignments precluded our responding as quickly as you may have hoped.

As a preface, I will point out that the FCMAT Management Review to which you are referring was published on June 1, 2007. This was a year before I came to the Santa Clara County Office of Education, and two years beyond the three-year timeframe in which the SCCOE is required to maintain documents.

Below are my responses to your specific questions. (Your questions are listed in italics; my responses in bold.)

I requested, in my initial letter, that you provide follow up documents showing how the deficiencies highlighted in the 2007 FCMAT report were addressed. I was encouraged when you wrote back that you were having "staff look into this." Am I to assume that there is no documentation available surrounding this matter?

Staff review shows no documentation extant from that time period related specifically to that aspect of the FCMAT Review.

You state that: "The monitoring and oversight of special education services by administrators in the Special Education Department is ongoing." Please provide the following information:

- * Who specifically has been assigned to this function?* **Three special education administrators have provided monitoring and oversight to Bullis Charter School. Currently Shirley Robinson, Special Education Manager, is assigned this function. Prior to 2007, Mary-Anne Bosward, Director of Special Education, annually reviewed IEPs to ensure that they were written and compliant.**
- * What is their job title?* **See above.**
- * How often and whom are they monitoring?* **The special education administrator assigned to monitor Bullis, or any school, monitors the delivery of special education services, attends Individual Education Plan (IEP) meetings, and as with other SCCOE programs, ensures the hiring of staff. The frequency of the monitoring is dictated by necessity, e.g., the number of students who require special education services.**

- **What specifically are they tracking?** The special education administrators monitor to ensure that the IEPs are being implemented as specified. Additionally, the timelines for IEPs are tracked through the Management Information System (MIS).
- **How do they report back to the SCCOE?** Special education administrators use the MIS to generate a monthly report of special education services provided for each school. The California Department of Education (CDE) requires the SCCOE to submit these reports.

In addition to a summary of this information, I would very much appreciate the original documentation from SCCOE's files that supports your summary. As I alluded to above, state code requires maintaining documents such as these for no more than three years. The SCCOE no longer has the original documentation you refer to.

I would also like to call your attention to this recommendation in the Executive Summary section of the 2007 BCS FCMAT report:

"The county office should continue the review it has begun and; if appropriate, recover and return to the SELPA any excess special education funds that may have been previously distributed to Bullis Charter School." The FCMAT report reflects findings for the 2005-2006 school year; Bullis Charter School's second year of operation. It is reasonable to question the school's special education practices for the previous year as the quote above suggests. (In fact, it is reasonable to question ALL of Bullis Charter School's practices.) Did the SCCOE follow through on this recommendation from the FCMAT report? The SCCOE did continue the review. Ultimately, staff research concluded that recovering and returning any excess funds were not justified.

Charles Weis

Charles Weis, Ph.D.

County Superintendent of Schools

Santa Clara County Office of Education

1290 Ridder Park Drive, San Jose, CA 95131-2304

Ph.: 408.453.6511

charles_weis@sccoe.org

From: Rita Estrada Rosenfeld [REDACTED]
Sent: Monday, April 23, 2012 4:38 PM
To: Joseph DiSalvo [External]; Michael Chang; Anna Song; Grace Mah; Julia Hover-Smoot; Leon Beauchman; Craig Mann; Charles Weis; Cary Dritz; Lucretia Peebles
Cc: lasdvoices@gmail.com; trustees@lasdschools.org
Subject: The concerns are real and valid

Superintendent Weis and
 Members of the Santa Clara County Board of Education
 Santa Clara County Board of Education
 1290 Ridder Park Drive
 San Jose, CA 95131-2304

Rc: Bullis Charter School

Dear Superintendent and Board Members,

My name is Rita Estrada Rosenfeld and you will likely recognize me as I have written to you three times requesting follow-up documentation to the Bullis Charter School 2007 FCMAT report. I look forward to receiving that information before my son's transition IEP with BCS this Thursday, April 26th, as previously mentioned. I am sure you can appreciate my concern for the integrity of BCS' special education department since reading this report. Please do follow up with the appropriate supporting documents as soon as possible so that I may attend my son's transition meeting without any doubt that BCS is capable of implementing my son's IEP.

In addition to my son, who is enrolled at Bullis Charter school, I have a daughter who attends Springer School in Los Altos. I

am concerned about upcoming decisions regarding Bullis Charter School and the potential impact that these decisions may have on my neighborhood schools. I acknowledge that a majority of this letter is taken from a template but can assure you that I am in full agreement with the views expressed herein.

I would like to specifically address a number of SCCOE responsibilities related to BCS. These topics are being discussed at sporting events, backyard barbecues, and coffee shops throughout the LASD community. In addition, they are also prominent in public online forums. I invite you to join the most general discussion at <https://www.facebook.com/groups/losaltoschoolcommunity/>.

The main topics of concern are the following:

Memorandum of Understanding

I am aware that the public presentation of the Memorandum of Understanding (MOU) has been delayed.

Please confirm with the public that the 30 day sunshine period for this document is still in place to provide time to receive and respond to public comment.

Appointment of Neutral Party to BCS Board

Thank you for beginning the process to appoint a neutral party to the BCS Board.

Please appoint an individual who lives within the Las Altos School Boundaries, outside of the BCS geographic preference and does not have children at BCS.

Geographic Preference

Superintendent Weis has noted that the removal of the geographic preference for the Bullis Purissima area requires a material revision to the charter and that only BCS can initiate this process. SCCOE's own Board Policy states otherwise (SCCOE Board Policy 0420.41(a) at page 1):

The school or the County Superintendent may, at any time, submit material revisions to the charter.

Applicable California Education Code does not seem to limit who can seek a material revision either (see Cal. Ed. Code section 47607, which only provides that the County must approve a material revision, without limitation on who may seek the revision). As you know, hundreds of applicants have been disadvantaged in the BCS lottery due to this preference.

Superintendent Weis has also confirmed that removal of the geographic preference would not expose the existing charter to any risk. If BCS submits the material revision to remove the geographic preference, only the revision itself would be subject to approval or denial. The county should act in good faith on behalf of the LASD community to remove the preference so that all children within the LASD boundaries are given an equal opportunity to enroll in the school.

The Superintendent should submit a material revision and the Board should approve such revision to remove the geographic preference from BCS's charter.

Accountability

The recent publication of the SCCOE Charter School Compliance Checklist for BCS indicates that there were no findings of non-compliance with the Education Code or the SCCOE/BCS contract. This exposes areas of oversight that should be improved. I request the creation of an additional level of accountability and transparency for the SCCOE and the BCS, including the following:

1. Remove processes that discourage certain populations from applying to and remaining at BCS.
 - a. **Applications:** The length of the application and requirement of numerous documents prior to enrollment may be a barrier to entry.
 - Simplify the complex BCS application requirements.
 - Consider normalizing the charter applications process with an eye toward removing potential barriers.
 - Instruct BCS to eliminate the requirement of applicants to provide copies of IEPs and driver's licenses in the application packet, as these requirements are illegal.
 - b. **Foundation Donations:** There is a strong public perception that the per student donation is an expectation ingrained in the BCS culture. Consistent and strong messaging throughout the year is necessary to correct this belief and eliminate it as a barrier to entry.
 - Ensure specific wording to reflect that \$5000 per student donation request to the BCS foundation are truly voluntary, not a tuition.
 - Ensure that no high pressure tactics are applied to families during any part of the year for these donations.

2. Institute processes which identify problems.
 - Implement a reporting process for any exiting students except those who have graduated or have been promoted from the last grade level served.
 - Investigate and monitor the implementation of requirements specified by the Individuals with Disabilities Education Act (IDEA) to identify and provide services to special needs students. Extra care is warranted because of anecdotal evidence and also because BCS was found to be misusing special education funds in the FCMAT review done in 2007.
3. Improve transparency to the operations of BCS.
 - Appoint a neutral party to the Bullis Charter School Board of Trustees.
 - Collect enrollment details about the student population and make this data available to the school community for demographic studies that are used for long range planning.
 - Collect and report on lottery results. The following should be included:
 - Applicant counts by grade, district of residence, and school of residence
 - Lottery results by grade and pool (sibling preference, geographical preference, LASD resident preference)
 - Wait list results by grade and pool (sibling preference, geographical preference, LASD resident preference)
 - Enrollment results (number of refusals and acceptances by grade and pool)

Facilities

While I appreciate that SCCOE is not directly involved in providing BCS facilities or even negotiating facilities agreements between BCS and LASD, SCCOE is legally required to oversee BCS's operations, including enrollment. As you are aware, understanding enrollment is also critical to the district's facilities planning. In its renewal petition, BCS stated that it expected to enroll a total of **463** total students in the 2011-12 school year. Although BCS's renewal petition also asserted that it would project enrollment for the 2012-13 and 2013-14 school years, it failed to do so and SCCOE did not comment on this failure.

This year, BCS's facilities request stated that BCS expects to enroll a total of **515** students for the 2012-2013 school year.

The facilities agreement for the charter school is of great importance to the LASD community, as our district schools are threatened with closure and relocation to accommodate growth of the charter school. Our community must have input into the decision making process, which is currently hindered by lack of specific information about charter school enrollment projections. To avoid reactive, year-by-year facilities proposals, we need clear, long term numbers for charter school size and the criteria by which the County will judge whether a material revision to BCS's charter is needed because of its growth beyond the student population number for which BCS's school program was designed.

Please provide notice and oversight on this issue, including a clear articulation of what growth is allowable, without material revision to BCS's charter as to student population. In the event BCS seeks to open a second campus (as set forth in their most recent Business Plan), please also make clear that such a plan would require the submission of a second charter.

The families that attend BCS are friends and neighbors, and I respect every parent's choice to enroll in the program that best suits their child's needs. BCS has proven to be a successful school and an asset to our community, but there are pervasive concerns that need to be addressed. Taking corrective measures in these areas would assist BCS in better serving the needs of the *whole* LASD community and alleviate opposition to it.

Thank you in advance for your consideration.

Sincerely,

Rita Estrada Rosenfeld

DECLARATION OF MOLLY BLACK

I, Molly Black, declare:

1. I am a parent of two children that attend Santa Rita Elementary School in the Los Altos School District ("LASD"), and President of the Parent/Teacher Association ("PTA") at Santa Rita Elementary. I have personal knowledge of the following facts and could and would competently testify thereto if called as a witness.

2. I make this declaration in support of LASD's opposition to Petitioner Bullis Charter School's Motion to Compel Compliance with Judgment and Writ in this action between LASD and Bullis Charter School ("BCS").

3. I consider myself to be an involved parent and am familiar with the dispute between BCS and the LASD. Because it appeared to me that the Santa Clara County Office of Education ("SCCOE") was unaware of how the Los Altos community at large felt about BCS, I spoke publicly at the January 11, 2011 meeting of the Santa Clara Board of Education (agenda, minutes and audio available at: <http://www.sccoe.k12.ca.us/supandboard/agendaminutes/2011-12>)

4. Until the winter of 2011, the SCCOE received input mostly from the BCS community and not the larger LASD community. Before the January 11, 2011 board meeting, over 130 emails were sent to the SCCOE from the Los Altos Community explaining the growing concerns about the governance of BCS. These concerns included: BCS's \$5,000 "ask" for a donation, which is really a demand, and a corresponding wall of shame listing families that do not pay; the lack of English Language Learner and socio-economically disadvantaged children enrolled at BCS; the geographic preference to the Los Altos Hills area; the fact that the BCS board members are appointed and not elected by the community; and a lack of transparency for the negotiation of a memorandum of understanding between LASD and BCS.

5. After the January 11, 2011 board meeting and the many emails sent to the SCCOE, a sub-committee was created to physically visit Los Altos, explain why the SCCOE was not involved in the facilities location/decision, and clarify what management or oversight the

SCCOE does perform in regards to BCS in various public planning meetings. I attended all three of these planning meetings on Feb 14, April 3, and May 8, 2011. During the discussions with members of the SCCOE (Charles Weis, Julia Hoover Smoot, Leon Beachman, and Michael Chang), Dr. Weis stated that the SCCOE has nothing to do with facilities. This is stated in the FAQ regarding charter schools the SCCOE created and was shared over email from Lucretia Peebles, Charter Staff, SCCOE to Tamara Logan, LASD Board Member who then shared it with the LASD team of the above mentioned meetings, a true and correct copy of which is attached hereto as **Exhibit A**.

6. Additionally, board members Michael Chang and Grace Mah attended the PTA Presidents' meeting on March 16, 2012 (held for all LASD PTA Presidents each month), and Michael verbally stated that there is nothing that the SCCOE can do about facilities. He also stated that the SCCOE board must approve a school's charter if it meets the criteria for a nine point system they use. The PTA Presidents told him they thought it was strange that the system for granting a charter involved little thought other than nine criteria points.

7. Despite repeated letters, emails, one-on-one meetings with various SCCOE board members, group meetings, phone calls and speaking opportunities at the SCCOE public meetings, the LASD community requests have fallen upon deaf ears. The board as a whole does not want to help solve the issue that they created. The SCCOE board members have downplayed the issue and stated that it is "one small group of discontent parents when in fact there are literally hundreds of LASD parents that have participated in this 'discussion' with SCCOE." But this is a very important issue to a great many LASD parents like myself.

I declare under penalty of perjury under the laws of the state of California that the foregoing is true and correct. Executed on _____, 2012 in _____, California.

By  _____
Molly Black

EXHIBIT A

Santa Clara County Office of Education

Los Altos Forum Q & A
May 16, 2012

1. Who is eligible to enroll in a public charter and how are they selected?

A charter school shall admit all pupils who wish to attend the school. However, if the number of pupils who wish to attend the charter school exceeds the school's capacity, attendance, except for existing pupils of the charter school, shall be determined by a public random drawing. Preference shall be extended to pupils currently attending the charter school and pupils who reside in the district.

Ed. Code 47605

2. Can a charter petition include other enrollment preferences (e.g., siblings, children of staff, geographic areas, etc.)?

Other preferences may be permitted by the chartering authority on an individual school basis and only if consistent with the law.

Ed. Code 47605

3. Can enrollment preferences in a charter petition be changed?

All enrollment preferences (other than being currently enrolled or residing in the district) must be included in the petition authorized by the district/county board. These may be changed through a material revision approved by the district/county board that approved the charter. Material revisions may only be initiated by the charter petitioner.

Ed. Code 47607

4. Are charter schools required to have enrollment demographics that match those of the district in which they operate?

The charter petition must include 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 to which the charter petition is submitted."

This is understood to be an outreach and recruitment plan to encourage applications for enrollment that is reflective of the general population within the district. Charters are charged with developing and implementing effective *outreach and recruitment plans*; however, they are prohibited by law from implementing racial and ethnic *enrollment practices*, even with the purpose of achieving racial and ethnic balance reflective of the jurisdiction.

Ed. Code 47605

5. Can charter schools be required to enroll students according to their demographic characteristics in order to achieve specific targets or equity with district averages?

No. Enrolling students based upon their race, ethnicity or other characteristics is illegal. While charter schools may enroll pupils using legal preferences (i.e., previously enrolled, within district, etc.) racial/ethnic preferences are not legal.

Ed. Code 220 and 47605, Gov. Code 11135, Title VI of the Civil Rights Act of 1964 (42 USC 2000d-2000d-7), Americans with Disabilities Act (42 USC 12101-12213), Section 504 of the Rehabilitation Act of 1973 (29 USC 794)

In addition, Education Code requires that all students be admitted unless there is limited enrollment space, and then they be admitted according to a random public lottery.

Ed. Code 47605

6. How does the County Office of Education monitor charter schools' recruitment and enrollment practices?

The COE's annual monitoring protocols include a review of the charter schools plans and practices to achieve student balance, admission requirements, and programs to respond to diverse student needs, including students with special needs and English Learners.

In addition to reviewing plans and protocols, COE staff review records and compare charter patterns and district patterns and may make recommendations for change if significant differences are found between the charter school and district patterns.

Ed. Code 47605

7. What information is required to apply for charter school enrollment?

The charter school may request information on the child's name, parent/guardian contact information, age, and grade. If a lottery system will be used to select applicants, additional information may be requested to determine preference eligibility.

After the lottery process and once an offer of placement has been accepted by the student/family additional information may be requested as part of the enrollment process. This may include proof of residence (for preference eligibility) and age (for kindergarten or first grade).

Evidence of residency may be established by documentation showing the name and address of the parent/guardian within the district, including, but not limited to, any of the following:

1. Property tax payment receipt
2. Rental property contract, lease, or payment receipt
3. Utility service contract, statement, or payment receipt
4. Pay stub
5. Voter registration
6. Correspondence from a government agency
7. Declaration of residency executed by the student's parent/guardian

A variety of documents may be used to verify age including:

- a certified copy of a birth record or a statement by the local registrar or a county recorder certifying the date of birth, or
- a baptism certificate duly attested, or
- a passport,
- or, when none of the foregoing is obtainable, an affidavit of the parent, guardian, or custodian of the minor, or any other appropriate means of proving the age of the child as prescribed by the governing board of the school district.

Once enrolled, the charter school may request additional information to facilitate planning for the pupil's education such as

- Transcripts
- CELDT and other testing information
- I.E.P. (for children with disabilities)
- Immunizations/Health Information

Ed. Code 48204.1 and Ed. Code 48002

8. Can the County Office of Education consider the impact on local district schools when deciding whether to authorize a charter school?

The County Office of Education, or any authorizing agencies, cannot consider the impact on local district's schools when deciding whether to authorize a charter school.

9. Why is the local school district, rather than the County Office of Education, responsible for providing facilities to charter schools authorized by the County Office of Education?

Prop 39 legislation provides charter schools the option of applying to a school district for facilities if the charter school enrollment includes at least 80 students from the school district. Prop 39, "introduced in the November 2000 ballot, amended California Education Code 47614 with the intent that public school facilities should be shared fairly among all public school pupils, including those in charter schools." The County Office of Education provides facilities for programs that it is mandated by law to provide (e.g., Alternative Education and Special Education); however, it does not provide school buildings and/or facilities to charter schools or regular public schools or school districts.

Key provision of Prop 39 can be found in the State Board of Education (SBE) adopted regulations (*California Code of Regulations*, Title 5 (5 CCR) sections 11969.1 - 11969.11.

Additional information on Prop 39 can be accessed from the California Department of Education's website at <http://www.cde.ca.gov/sp/cs/as/proposition39.asp> and <http://www.cde.ca.gov/ls/fa/cs>; and from the *California Code of Regulations*, Title 5, sections 11969.1, 11969.2, 11969.3, 11969.4, 11969.6, 11969.7, 11969.8, 11969.10, 11969.11 at <http://government.westlaw.com/linkedslice/default.asp?SP=ccr-1000>.

10. Can a charter school require donations as a condition of enrollment?

No. Charter schools are public schools and may not require donations or fees as a condition of enrollment. According to the California Code of Regulations, Title 5, Section 350, "a pupil enrolled in a school shall not be required to pay any fee, deposit, or other charge not specifically authorized by law." A school can solicit a voluntary donation as long as it "truly is voluntary and a child's ability to participate in a school activity is not conditioned on making a donation."

11. Who is responsible for the governance of a charter school?

Charter school governance structures vary. Many schools involve the school's stakeholders, including parents, teachers, administrators, classified staff, and community leaders. California *Education Code* 47605(b)(5)(D) requires that the charter include a reasonably comprehensive description of the school's governance structure.

If a charter school elects to operate as a nonprofit, public benefit corporation, as allowed by *EC* 47604, the charter authorizing entity is entitled to a representative on the corporation's board of directors. When a charter school is governed by a nonprofit public benefit corporation, the charter authorizing entity may not be liable for any of the debts or obligations of the charter school. Nonprofit corporations operating charter schools in California are subject to the laws governing nonprofit corporations in the California Corporations Code and all charter school laws. (CDE, *Charter Schools FAQs*)

12. What are the requirements for sitting on the governance body of the charter school?

The requirements for sitting on the governance body of the charter school are delineated in the by-laws of the charter if the charter has elected to operate as a non-profit public benefit corporation.

Ed. Code 47604 (a)

13. Does the Brown Act (e.g., open meetings, public disclosure, etc.) apply to the governing body of the charter school?

According to the CDE's Frequently Asked Questions (FAQs), charter schools are exempt from most laws applicable to school districts, they are not exempt from laws that generally apply to public agencies, including the legal requirement to hold open meetings. California *Government Code 54950* et. seq. (commonly referred to as the "Brown Act") requires that the deliberations and actions taken by local (public) agencies be conducted openly. From CDE Charter School FAQs

14. What criteria does the County Board of Education follow when considering a charter petition?

In order to deny the establishment of a charter school, the authorizing board must find one or more of the following:

Charter law requires that the charter shall be granted unless the authorizing board makes written factual finds, citing specific facts that one or more of the following conditions exist:

- The charter petition presents an unsound educational program for the students to be enrolled in the charter school.
- The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition.
- The petition does not contain the number or required signatures.
- The petition does not contain an affirmation of each of the condition described in Education Code 47605(d).
- The petition does not contain reasonably comprehensive description of the 16 required charter elements. *Ed Code 47605 (b)*

"The [authorizing] board is not allowed to consider the potential impacts a charter school would have on the other educational programs of a district or the district's fiscal health or state of its facilities, among other issues" (November 2009, CSBA, p. 33)

15. What is the responsibility of the charter school in enrolling and serving students with disabilities?

It is the responsibility of the charter school to ensure that its recruitment, enrollment processes, and application requirements in no way “discriminate against students of a particular race, color, or national origin, or against students with disabilities.”

The charter school must enroll students with disabilities and must provide” all students who are eligible for special education with a free appropriate public education in the least restrictive environment.” (IDEA, 1990)

Regarding the submission of an application to attend a charter school, it is advisable that the charter school refrain from asking for “health and disability-related information” until after the student has been “accepted into [the] school or has decided to enroll.”

16. How does the County Office of Education monitor the finances and operations of the charter schools authorized by the County Board of Education?

Charter schools are required to submit to the authorizer for review the following items:

- Adopted budget
- Monthly financial [and attendance] reports
- 1st and 2nd Interim Reports
- Unaudited actuals
- Annual independent audit

Ed. Code 47604.33 (a), Ed. Code 47605 (l) and Ed. Code 47605 (m)

DECLARATION OF KRISTINE BARDMAN

I, Kristine Bardman, declare:

1. I am a current co-president of the Los Altos Educational Foundation ("LAEF"), a not-for-profit organization that works to raise funds and to provide financial support as a supplement to the resources of the Los Altos School District for the purpose of funding academic and enrichment programs, and improving the overall education of students in the schools of the Los Altos School District. I have personal knowledge of the following facts and could and would competently testify thereto if called as a witness.

2. LAEF was formed in 1982 in response to the drastic cutbacks in state funding. Comprised of parent volunteers, the LAEF board has 3 voting members from each school in the Los Altos School District: Almond, Blach, Covington, Gardner Bullis, Egan, Loyola, Oak, Santa Rita, and Springer. LAEF raises money to fund staff for district-wide programs like library, music, P.E., junior high electives and class size.

3. Attached hereto as Exhibit A is a true and correct copy of the LAEF bylaws.

4. As a result of LAEF's fundraising efforts, it was able to grant \$2,555,000 to the Los Altos School District in the 2011-12 school year. In order to ensure that all schools have the same resources at their disposal, all funds raised by the LAEF are shared equitably among all Los Altos School District schools.

I declare under penalty of perjury under the laws of the state of California that the foregoing is true and correct. Executed on 23 July, 2012 in Los Altos, California.

By Kristine Bardman
Kristine Bardman

EXHIBIT A

BY-LAWS OF
LOS ALTOS EDUCATIONAL FOUNDATION
A CALIFORNIA NONPROFIT PUBLIC BENEFIT CORPORATION

ARTICLE I
NAME

The name of this Corporation is Los Altos Educational Foundation ("LAEF").

ARTICLE II
NATURE AND OBJECTIVES

This Corporation is a nonprofit public benefit corporation operating in Los Altos, California. It shall provide a continuing organization, outside the public school system, which will work to raise funds and to provide financial support as a supplement to the resources of the Los Altos School District for the purpose of funding academic and enrichment programs that otherwise may not exist and improving the overall education of the students in the schools of the Los Altos School District.

ARTICLE III
OFFICES

SECTION 1. PRINCIPAL OFFICE

The principal office for the transaction of the business of the Corporation ("Principal Office") shall be located in Santa Clara County, California. The Directors may change the Principal Office from one location to another within Santa Clara County, California.

SECTION 2. OTHER OFFICES

The Board of Directors may at any time establish branch or subordinate offices at any place or places within the County of Santa Clara, California.

ARTICLE IV
MEMBERSHIP

SECTION 1. REGULAR MEMBERS

The regular Members of the Corporation shall be the Directors during their terms of office ("Directors"). The Board of Directors ("Board") may, at their discretion, establish additional classifications of membership within the Corporation and shall at such time identify the voting rights and dues requirements, if any, of such alternative membership classifications.

SECTION 2. VOTING MEMBERS

Only regular Members of the Corporation who are in good standing shall have the right to vote, and "Voting Members", as used herein, means such Members. The determination of the Board of the Corporation respecting who are regular Members in good standing shall be final.

SECTION 3. EQUAL VOTING RIGHTS

All Voting Members shall have equal rights in the election of Board Members and in other corporate affairs subject to a vote of the members.

SECTION 4. PROXIES

Proxies shall not be recognized at any meeting of the Membership or at any meeting of the Board of Directors.

SECTION 5. DUES

Unless membership classes in addition to the Directors are established under Article IV, Section 1. of these By-laws, there shall be no dues, and the Corporation shall be financed exclusively by contributions to its funds and the earnings therefrom.

SECTION 6. ANNUAL MEETING

The annual meeting of the Voting Members of the Corporation shall be held during the first regular meeting of each school year at a place and time designated by the Board. Special meetings at other times may be called by the President or the Secretary upon the request of three (3) Directors (one of whom may be the Secretary).

SECTION 7. NOTICE OF MEETINGS

Written notice of annual and special meetings shall be given by the Secretary to each Voting Member by first-class mail and/or e-mail at least ten (10), but not more than ninety (90) days prior to the date of the meeting. Said notice shall state the place within Santa Clara County, the date and time of the meeting and (1) in the case of a special meeting, the general nature of the business to be transacted, and no other business may be transacted; or (2) in the case of a regular meeting, those matters which the Board, at the time the notice is given, intends to present for action by the Voting Members.

ARTICLE V OFFICERS

SECTION 1. OFFICERS

The Officers of the Corporation shall be a President, a Vice President, a Secretary and a Chief Financial Officer ("Officers"). Any number of offices may be held by the same person, except that neither the Secretary nor the Treasurer may serve concurrently as the President. The Board may designate, at its own discretion, additional offices to be held by the remaining Directors.

SECTION 2. ELECTION OF OFFICERS

The Officers of the Corporation shall be chosen by the Board of Directors from among its own Members, and each shall serve at the pleasure of the Board.

Officers, except the President, shall hold office for one (1) year or until their successors are duly qualified and elected. Election shall be by voice vote unless additional nominees have been put forward, in which case a

written ballot shall be used. If there is more than one (1) nominee for any office, the nominee receiving a majority of votes among such nominees shall be elected.

Any Officer may be reelected as long as the person is a Director. The President's term shall be one year and limited to two consecutive terms. consecutive.

SECTION 3. REMOVAL OF OFFICERS

Any Officer may be removed, with or without cause, by the Board, at any meeting of the Board, by a simple majority vote.

SECTION 4. RESIGNATION OF OFFICERS

Any Officer may resign at any time by giving written notice to the Corporation. Any resignation shall take effect at the date of the receipt of that notice or at any later time specified in that notice; and, unless otherwise specified in that notice, the acceptance of the resignation shall not be necessary to make it effective. Any resignation will be without prejudice to the rights, if any, of the Corporation under any contract to which the Officer is a party.

SECTION 5. VACANCIES IN OFFICES

A vacancy in any office because of death, resignation, removal or any other cause shall be filled only in the manner prescribed in these By-laws for regular appointments to that office. In the case of disability to act, the Board, in its discretion, may reappoint such person at such time that the disability is removed.

SECTION 6. RESPONSIBILITIES OF OFFICERS

(a) **President.** The President shall be the executive head of the Corporation and shall preside over all meetings of Voting Members and the Board and shall, subject to the control of the Board, generally supervise, direct and control the business and the Officers of the Corporation. The President shall appoint all committee chairpersons with the approval of the Board and be an ex-officio member of all such committees except the Nominating Committee. The President may sign, with the Secretary or any other proper Officer of the Corporation authorized by the Board, any deeds, mortgages, bonds, stocks, contracts or other instruments which the Board has authorized to be executed, except in cases where the signing and execution thereof shall be expressly designated by the Board or by these By-laws or by statute to some other Officer of the Corporation. The President shall have such other powers and duties as may be prescribed by the Board or the By-laws. If there are two or more Presidents, who may be referred to as Co-Presidents, then each Co-President shall have the authority and responsibility of the President as set forth herein, and all references to "the President" shall refer to each Co-President.

(b) **Vice President.** In the absence of the President, the Vice President, or in the event there be more than one Vice President, Vice Presidents in the order of their election, shall perform all the duties of the President and when so acting shall have all the powers of, and be subject to all the restrictions upon, the President. The Vice President shall have such other powers and perform such other duties as from time to time may be prescribed by the President, the Board or the By-laws.

(c) Secretary. The Secretary shall attend to the following matters:

(i) Book of Minutes. The Secretary shall keep or cause to be kept, at the Principal Office or such other place as the Board may direct, a book of minutes of all meetings and actions of the Voting Members, the Board and committees of the Board, with the time and place of holding, whether regular or special, how authorized, the notice given, the names of those present at such meetings, and the proceedings of such meetings.

(ii) Record of Board Members and Directors. The Secretary shall keep or cause to be kept, at the Principal Office, a record of the corporate Directors and Members, showing the names of all Directors and Members and their addresses.

(iii) Notices, seal and other duties. The Secretary shall give or cause to be given notice of all meetings of the Voting Members and of the Board required by the By-laws to be given. The Secretary shall keep or cause to be kept, at the Principal Office, the seal of the Corporation in safe custody. In the event of the absence, disability or refusal of the Vice President or the Chief Financial Officer to act, the Secretary shall act in that Officer's place and stead. The Secretary shall have such other powers and perform such other duties as may be prescribed by the President, the Board, or the By-laws.

(d) Chief Financial Officer. The Chief Financial Officer shall attend to the following matters:

(i) Books of accounts. The Chief Financial Officer shall keep and maintain, or cause to be kept and maintained, adequate and correct books and records of accounts of the properties and business transactions of the Corporation, including accounts of its assets, liabilities, receipts, disbursements, gains, losses, capital, retained earnings and other matters customarily included in financial statements. The books of account shall be open to inspection by any Director at all reasonable times.

(ii) Deposit and disbursement of money and valuables. The Chief Financial Officer shall deposit money and other valuables, or cause to be deposited, in the name and to the credit of the Corporation with such depositories as may be designated by the Board and shall disburse the funds of the Corporation as may be ordered by the Board.

(iii) Reports; Budget. The Chief Financial Officer shall submit at least quarterly financial statements to the Board and shall submit a proposed budget to the Board for its approval prior to June 30 of each year. The Chief Financial Officer shall also prepare and submit to the Voting Members and the Board the annual report required by Section 4, of Article X.

(iv) Other Duties. In the event of the absence, disability or refusal of the Secretary to act, the Chief Financial Officer shall act in that Officer's place and stead. He shall have such other powers and perform such other duties as may be prescribed by the Board or the By-laws.

SECTION 7. COMPENSATION

All Officers of the Corporation shall serve without compensation.

ARTICLE VI
DIRECTORS

SECTION 1. POWERS AND DUTIES

Subject to the provisions of the California Nonprofit Corporation Law and these By-laws, the business and affairs of the Corporation shall be managed, and all corporate powers shall be exercised, by or under the direction of the Board.

SECTION 2. NUMBER AND TERM OF DIRECTORS

The Board shall be composed of three (3) Members from each school within the Los Altos School District. Directors shall hold office for a term of two (2) years, or until a successor is elected except in the case of the resignation, disqualification or the removal of a Director.

SECTION 3. QUALIFICATIONS OF DIRECTORS

Persons who hold Director seats shall, at the time of their election and at all times during their term of office have the following qualifications:

- (a) They shall not be a member of the Board of Education of the Los Altos School District.
- (b) They shall not be an "exempt" employee compensated with a salary by the Los Altos School District.
- (c) They shall be a parent or guardian of a student in the Los Altos School District.

SECTION 4. ELECTION, REMOVAL AND REPLACEMENT OF DIRECTORS

(a) Election Procedures: The President of the Corporation shall appoint a Nominating Committee comprised of at least three (3) Voting Members. The President shall also ensure that the Secretary notifies each Voting Member either orally or in writing of the identities of the Nominating Committee.

The Nominating Committee shall promptly nominate one or two candidates to fill each of the directorships to be filled at the annual election. Each Voting Member of the Corporation shall be furnished a list of the names of the candidates so nominated. Election of the Directors will be held by oral or written ballot at the next regularly scheduled meeting.

On such date the Secretary shall count the ballots and notify the Voting Members of the election results, orally or in writing.

(b) Removal: Members of the Board may be removed in accordance with Sections 5221 and 5222 of the California Corporations Code.

(c) Vacancies: Vacancies occurring in an elected directorship may be filled by a majority vote of the remaining Members, though less than a quorum, or by the sole remaining Director. A Member elected to fill a vacancy shall hold office for the remaining term of the vacated position or until his successor is elected at an annual or special meeting of the

Corporation.

(d) Succession: A Director may serve successive terms in office.

(e) Resignation: Directors are expected to be active participants. Any Director may resign at any time by giving written notice to the Corporation. Any resignation shall take effect at the date of the receipt of that notice or at any later time specified in that notice; and, unless otherwise specified in that notice, the acceptance of the resignation shall not be necessary to make it effective.

SECTION 5. MEETINGS OF THE BOARD

Regular meetings of the Board shall be held monthly during the school year, except in December, at the place designated by the Board. Unless notice shall be given otherwise, all meetings of the Board shall be held at the place designated by the Board. No notice is required for a regular meeting of the Board; however, such notice may be given at the discretion of the Board. Notices of the time and place of all special meetings and regular meetings at other than the above-mentioned location shall be given by first-class mail and/or e-mail to Members of the Board at least ten (10), but not more than ninety (90) days prior to the Board meeting. Directors shall notify the Secretary prior to a regular or special meeting of any planned absence.

SECTION 6. QUORUM

A simple majority, greater than fifty percent (50%), of the existing membership of the Board shall constitute a quorum for a meeting of the Board. All actions of the Board shall require the affirmative vote of a majority of the Directors present at a properly constituted meeting of the Board.

SECTION 7. WAIVER OF NOTICE

The transactions of any meeting of the Board, however called and noticed or wherever held, shall be as valid as though taken at a meeting duly held after regular call and notice, if (a) a quorum is present; and (b) either before or after the meeting, each of the Directors not present signs a written waiver of the notice, a consent to holding the meeting, or an approval of the minutes. All waivers, consents and approvals shall be filed with the corporate records or made a part of the minutes of the meeting. Notice of a meeting shall also be deemed given to any Director who attends the meeting without protesting before or at its commencement about the lack of adequate notice.

SECTION 8. ADJOURNMENT

A majority of the Directors present, whether or not constituting a quorum, may adjourn any meeting to another time and place.

SECTION 9. NOTICE OF ADJOURNMENT

Notice of the time and place of holding a meeting held to continue the business of an adjourned meeting need not be given, unless the meeting is adjourned for more than twenty-four (24) hours, in which case notice of the time and place of the meeting shall be given as prescribed in Section 5. of this Article VI.

SECTION 10. ACTION WITHOUT MEETING

Any action required or permitted to be taken by the Board may be taken without a meeting, if all Members of the Board, individually or collectively, consent in writing to that action. Such action by written consent shall have the same force and effect as a unanimous vote of the Board. Such written consent or consents shall be filed with the minutes of the proceedings of the Board.

SECTION 11. COMPENSATION

All Directors of the Corporation shall serve without compensation.

ARTICLE VII EXECUTIVE COMMITTEE

SECTION 1. COMPOSITION

The Executive Committee shall consist of the President, Vice President, Secretary, Chief Financial Officer("Executive Committee"), and such others as may be appointed by the President with the approval of the Board.

SECTION 2. POWERS

The Executive Committee shall be authorized to transact any necessary business on behalf of the Board between Board meetings, except in such matters as the Board shall define, and except that the Executive Committee may not:

- (a) Take any final action on matters which, under the Nonprofit Corporation Law of California, also requires Members' approval.
- (b) Fill vacancies of the Board or in any committee which has the authority of the Board.
- (c) Fix or establish compensation of the Directors for serving on the Board or any committee.
- (d) Amend or repeal By-laws or adopt new By-laws.
- (e) Amend or repeal any resolution of the Board which by its express terms is not so amendable or repealable.
- (f) Appoint any other committees of the Board or the Members of these committees.
- (g) Approve proposed fiscal year budgets.
- (h) Approve any self-dealing transaction, as defined in Section 5233 of the California Corporations Code.

Actions taken by the Executive Committee shall be recorded in the official minutes of the next regular Board meeting.

ARTICLE VIII
STANDING AND SPECIAL COMMITTEES

SECTION 1. APPOINTMENT

The President, in consultation with the Board, shall appoint the chairpersons of any standing and special committees. With the exception of the Nominating Committee, all of whose Members shall be appointed by the President in consultation with the Board, each committee chairperson shall select other Members of the committee.

SECTION 2. MEMBERSHIP OF COMMITTEES

Committee Members need not be members of the Board or the Corporation except that the Board may require the President to appoint one or more of their number to any committee they so designate.

SECTION 3. SPECIAL COMMITTEES

Special committees may be appointed as deemed advisable by the Board.

SECTION 4. DUTIES AND RESPONSIBILITIES

Duties and responsibilities of committees shall be assigned by the Board; provided that no such committee shall have the power or authority to take any of the actions specified in subsections (a) through (h) of Section 2. of Article VII.

SECTION 5. TERM OF SERVICE

Membership on committees having continuing operations shall coincide with the term of the President.

Article IX
Audit Committee

Background: Formation of the audit committee is the result of requirements set forth in the California Nonprofit Integrity Act (S.B. 1262) requiring charitable organizations that receive or accrue in any fiscal year gross revenue of \$2 million or more.

Section 1. Appointment

The committee must be appointed by the Board of Directors.

Section 2. Membership and Compensation of Committee

(a) Audit committee may include non-board members. It may include members of the finance committee, but the chair of the audit committee may not be a member of the finance committee, and the members of the finance committee must constitute less than half of the audit committee.

(b) The audit committee may not include any members of the staff, including top management, or any person who has a material financial interest in any entity doing business with the charitable organization.

(c) If audit committee members are paid they may not receive compensation in excess of the amounts received, if any, by members of the Board of Directors for service on the Board.

Section 3. Duties and Responsibilities

- (a) Shall recommend to the Board of Directors the retention and termination of the independent auditor,
- (b) May negotiate the compensation of the auditor on behalf of the Board,
- (c) Shall confer with the auditor to satisfy the committee members that the financial affairs of the charitable organization is in order,
- (d) Shall review and determine whether to accept the audit, and
- (e) Shall approve the performance of any non-audit services by the auditing firm.

ARTICLE X

CONTRACTS, CHECKS, DEPOSITS, AND FUNDS

A. The Board may authorize any Officer or Officers, agent or agents of the Corporation, in addition to the Officers so authorized by these By-laws, to enter into any contract or execute and deliver any instrument in the name of and on behalf of the Corporation, and such authority may be general or confined to specific instances.

B. All checks, drafts, or orders for the payment of money, notes or other evidences of indebtedness issued in the name of the Corporation shall be signed by at least one Officer of the Corporation. Any such instruments of an amount exceeding ten thousand dollars (\$10,000) shall be signed by not less than two (2) Officers of the Corporation, in such manner as shall from time to time be determined by the resolution of the Board. In the absence of such determination by the Board, such instruments shall be signed by the Chief Financial Officer and countersigned by the President or Vice President of the Corporation.

ARTICLE XI

RECORDS AND REPORTS

SECTION 1. MAINTENANCE OF ARTICLES AND BYLAWS

The Corporation shall keep at its Principal Office the original or a copy of the Articles and By-laws, as amended to date.

SECTION 2. MAINTENANCE OF OTHER CORPORATE RECORDS

The financial reports, records and minutes of proceedings of the Board and any committees of the Board shall be kept at such place or places designated by the Board, or, in the absence of such designation, at the Principal Office of the Corporation. The minutes and financial reports shall be kept in written or typed form and secured from tampering or modifications after approval by the Board. Accounting books and records shall be kept in a format and manner that meets the requirements of financial reporting to the Board and independent CPA reviews, enables inspection by board members per Section 3, and provides appropriate protection against loss of data and records due to accidents, equipment malfunctions, malicious actions or catastrophic events.

SECTION 3. INSPECTION BY MEMBERS AND DIRECTORS

Every Member and Director shall have the right at any time with reasonable

notice to inspect the Articles, By-laws, membership list, books, records and documents of every kind and the physical properties of the Corporation. The right of inspection includes the right to copy and make extracts of documents.

SECTION 4. ANNUAL REPORT

The Corporation shall provide to the Voting Members and Directors, within one hundred twenty (120) days of the close of its fiscal year, a report containing the following information in reasonable detail:

(a) The assets and liabilities, including the trust funds, of the Corporation as of the end of the fiscal year;

(b) The principal changes in assets and liabilities, including trust funds, during the fiscal year;

(c) The revenue or receipts of the Corporation, both unrestricted and restricted to particular purposes, for the fiscal year;

(d) The expenses or disbursements of the Corporation, for both general and restricted purposes, during the fiscal year; and

Section 4.1 AUDIT REQUIREMENTS

An audit will be required when LAEF receives or accrues in any fiscal year gross revenue of \$2 million or more, per the California Nonprofit Integrity Act (SB 1262).

(a) The financial audit must be performed by an independent certified public accountant in accordance with generally accepted accounting principles (GAAP). If the audit firm also performs non-audit functions, the firm and its auditors must conform to the standards for auditor independence set forth in the Government Auditing Standards, issued by the Comptroller General of the U.S.

(b) Audited statements must be made available for inspection by the Attorney General and by the general public no later than nine months after the close of the fiscal year to which the statements relate.

(c) Inspection of audited statements by the general public shall be accomplished by following the disclosure rules applicable to Form 990. Audited statements must be made available to the public for a period of three years at the charitable organization's (1) principal, regional, and district offices during regular business hours and (2) by mailing a copy to any person who so requests in person or in writing, or alternatively, by posting the audited statements to the charitable organization's website.

SECTION 5. CONSTRUCTION AND DEFINITIONS

Unless the context requires otherwise, the general provision, rules of construction, and definitions in the California Nonprofit Corporation law shall govern the construction of these By-laws. Without limiting the generality of the preceding sentence, the masculine gender includes the feminine and neuter, the singular includes the plural, the plural includes

the singular, and the term "person" includes both a legal entity and a natural person.

ARTICLE XII
FISCAL YEAR

The fiscal year of this Corporation shall be July 1 through June 30.

ARTICLE XIII
AMENDMENTS

These By-laws may be amended or repealed by a vote of a majority of the Members of the Board at any Board meeting duly and regularly called, except that a By-law fixing or changing the number of Directors may be adopted, amended or repealed only by the vote or written consent of a majority of the Voting Members of the Corporation or by the vote of two-thirds (2/3) of a quorum at a properly convened Board meeting.

DECLARATION OF REED CLAY

I, Reed Clay, declare:

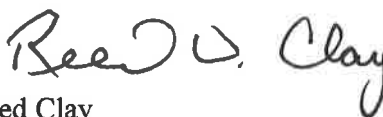
1. I have a child at Covington Elementary in the Los Altos School District ("LASD"). I have personal knowledge of the following facts and could and would competently testify thereto if called as a witness.
2. Many LASD parents were very concerned about the Bullis Charter School public board meeting on 4/30/12 where, according to their agenda, they were to "discuss the 2012-2013 Prop 39 Final Offer from" LASD and "take action as needed." According to the agenda, this was to take place after the "Closed Session." Those attending the meeting asked when they might reconvene and were told they might reconvene as early as 9:00 p.m. or as late as 1:00 a.m. A group of parents hung out for awhile, seeing members come and go, and then after around 9:00 p.m. started taking single shifts.
3. I arrived at 11:50 p.m. to begin waiting for the meeting to re-open. At 11:52 p.m. two professionally dressed gentlemen came out to go to the restroom. I asked them if the meeting was opened or closed and they said it was closed and that "it could still be a while." At 11:55 p.m. a casually dressed man left and he said "it could still be long time." At 11:57 p.m., the professionally dressed men went back in after seeing I was still there.
4. At 12:02 a.m., the door was opened and I entered the room within about 15 seconds to hear the vote to adjourn. I was tired from standing outside so I sat down. Mr. Moore asked me why I was there and I said that many of us in the community were very interested in the results of their meeting. Mr. Moore began to say something but then Mr. LaPoll said "he can read about it in the minutes" and that ended the conversation.
5. When I reported back to the LASD parent community, some people suggested that it was a violation of the "Brown Act" and all were unhappy that we were treated very poorly.

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6. We did not ask for any special accommodation. We did expect a public discussion and vote, or at least a report of the results when they re-opened.

I declare under penalty of perjury under the laws of the state of California that the foregoing is true and correct. Executed on 7/23, 2012 in LOS ALTOS, California.

By 
Reed Clay