

**RESOLUTION OF THE GOVERNING BOARD
OF THE VISTA UNIFIED SCHOOL DISTRICT
Resolution No. 18-31**

**Resolution to Conditionally Approve the Renewal Petition for
Bella Mente Montessori Academy**

WHEREAS, the approval of charter schools is governed by the Charter Schools Act of 1992, as subsequently amended, Education Code sections 47600 *et seq.* and implementing Title 5 of the California Code of Regulations;

WHEREAS, the Vista Unified School District (“District”) received the proposed renewal petition (“Renewal Petition”) for the Bella Mente Montessori Academy (“Bella Mente” or “Charter School”);

WHEREAS, consistent with Education Code section 47605(b), a public hearing was held on the Renewal Petition, at which time the Governing Board of the District (“Board”) considered the level of support for the Renewal Petition by teachers employed by the District, other employees of the District, and parents/guardians;

WHEREAS, the Board has convened on March 8, 2018 to consider whether to grant or deny the Renewal Petition;

WHEREAS, renewals of charters are governed by the standards and criteria set forth in Education Code sections 47605 and 47607;

WHEREAS, charter petitions submitted for renewal may be denied only if the Board makes written factual findings, specific to the particular petition, setting forth specific facts to support one or more of the grounds for denial set forth in Education Code section 47605(b) or facts to support a failure to meet one of the criteria set forth in Education Code section 47607(b);

WHEREAS, with the absence of academic performance index (“API”) calculations after the 2012-13 school year, Assembly Bill 484 and the California Department of Education (“CDE”) authorized three alternatives to the criteria in Education Code section 47607(b) to be used in determining whether the academic performance of the charter school is at least equal to the academic performance of the public schools that the charter school students would otherwise have been required to attend, as well as the academic performance of the schools in the district where the charter school is located;

WHEREAS, California Education Code section 52056(a), which previously required API rankings of schools, was repealed in 2013, which resulted in the suspension of statewide and similar schools ranks and, therefore, CDE has determined that the three alternative measures that pertain to API are no longer applicable to a school district’s consideration of whether to approve or deny a charter renewal petition;

WHEREAS, as a result of the repeal of Education Code section 52056(a), CDE has directed school districts to utilize the option in current law, which is described in Education Code section 47607(b)(4)(A) when determining whether to grant or deny a charter renewal petition

WHEREAS, Education Code section 47607(b)(4)(A) requires school districts to determine whether the academic performance of the charter school is at least equal to the academic performance of the public schools that the charter school students would otherwise have been required to attend, as well as the academic performance of the schools in the district where the charter school is located;

WHEREAS, the District has evaluated the criterion which is described in Education Code section 47607(b)(4)(A);

WHEREAS, when considering a charter petition for renewal, the Board shall consider the past performance of the Charter School's academics, finances, and operation in evaluating the likelihood of future success, along with future plans for improvement, if any;

WHEREAS, in reaching its decision about the renewal of a charter, the Board must consider increases in student academic achievement for all groups of students served by the Charter School, including all numerically significant student subgroups as defined in Education Code section 52052(a)(3), as the most important factor in determining whether to grant a charter renewal;

WHEREAS, the District has reviewed, evaluated, and considered the academic performance data provided by the Charter School as part of its Renewal Petition, in addition to information showing the academic achievement of the students served by the Charter School (including all numerically significant subgroups), available on the CDE's website;

WHEREAS, in considering the academic performance of the Charter School's students as the most important factor in determining whether to recommend approval or denial of the Renewal Petition, the District has determined that the Charter School has met at least one of the criteria to be eligible for renewal, a summary of which is attached as Exhibit A and incorporated herein by this reference; and

WHEREAS, although District staff has identified some concerns relating to the Charter School's program and operations, the Board supports educational innovation and reform, including the formation and successful administration of charter schools, and desires to give the Petitioners an opportunity to resolve the concerns identified herein within a short time period, as outlined below.

NOW, THEREFORE BE IT RESOLVED, that the Governing Board of the Vista Unified School District approves the Renewal Petition for the Charter School for a term of five (5) years commencing on July 1, 2018, and ending on June 30, 2023, subject to the conditions identified in the Conditions of Approval, attached hereto as Exhibit B and incorporated herein by this reference, and:

1. The foregoing recitals are hereby adopted as true and correct.
2. The Board has considered the Renewal Petition of the Charter School, including its academics, finances, operation, and plans for future improvement, in addition to the criteria for renewal set out in the Education Code.
3. The Board has considered the increases in student academic achievement for all groups of students served by the Charter School (including all numerically significant subgroups) as the most important factor in determining whether to grant or deny the Renewal Petition.
4. The Board hereby approves the Renewal Petition for a five-year term, beginning on July 1, 2018 and ending on June 30, 2023, subject to the conditions described in Exhibit B.
5. The Superintendent or her designee is authorized and directed to take such action as may be reasonably necessary to effectuate the purpose and intent of this Resolution, including the determination of whether the Charter School has satisfied each of the conditions set forth in Exhibit B by the deadlines stated therein.
6. If the Superintendent or her designee determines that the Charter School has failed to meet any of the conditions set forth in Exhibit B, including any single subpart or deadline, the Renewal Petition will be deemed denied by the District without further action required by the Board.
7. If the Superintendent or her designee determines that the Charter School has satisfied each of the conditions set forth in Exhibit B by the deadlines stated therein, the Renewal Petition shall be deemed to be fully approved by the District without further action required by the Board.
8. Nothing in this Conditional Approval Resolution shall in any way affect the ability of the District, under appropriate circumstances, to revoke the charter of the Charter School pursuant to Education Code section 47607 or other applicable law.

PASSED AND ADOPTED by the Board on March 8, 2018 at a duly noticed meeting by the following vote:

AYES:	5
NOES:	0
ABSENT:	0
ABSTAIN:	0



Rich Alderson, President
Governing Board

I, Cipriano Vargas, Clerk of the Governing Board of the Vista Unified School District, HEREBY CERTIFY that the foregoing Resolution was duly introduced, passed and adopted by the Board at a meeting thereof held on March 8, 2018.

IN WITNESS THEREOF, I have hereto set my hand this 8 day of March, 2018.



Clerk of the Governing Board

EXHIBIT A

SUMMARY OF ANALYSIS OF ACADEMIC RENEWAL CRITERIA

Education Code section 47607 provides that charter renewals are governed by the standards and criteria set forth in Education Code section 47605. Pursuant to Education Code section 47605(b), the Board shall not deny a petition unless it makes written factual findings specific to the particular charter school to support one or more of the following findings:

1. The charter school presents an unsound educational program for the pupils to be enrolled in the charter school.
2. The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition.
3. The petition does not contain the number of signatures required by subdivision (a) of Education Code section 47605. (*The signature requirement is not applicable to a renewal petition.*)
4. The petition does not contain an affirmation of each of the required conditions.
5. The petition does not contain reasonably comprehensive descriptions of all sixteen required elements.

Further, Education Code section 47607(b) provides that, to be eligible for renewal, a charter school must meet at least one of the following criteria:

Criterion #1. Attained its Academic Performance Index (“API”) growth target in the prior year or in two of the last three years both school-wide and for all groups of students served by the charter school.

Criterion #2. Ranked in deciles 4 to 10, inclusive, on the API in the prior year or in two of the last three years.

Criterion #3. Ranked in deciles 4 to 10, inclusive, on the API for a demographically comparable school in the prior year or in two of the last three years.

Criterion #4. The entity that granted the charter determines that the academic performance of the charter school is at least equal to the academic performance of the public schools that the charter school pupils would otherwise have been required to attend, as well as the academic performance of the schools in the school district in which the charter school is located, taking into account the composition of the pupil population served at the charter school.

In light of the transition to the new standards-based assessments and the absence of academic performance index (“API”) calculations after the 2012-13 school year, Assembly Bill 484 authorized three alternatives to the above criteria to be used in determining whether the academic

performance of the charter school is at least equal to the academic performance of the public schools that the charter school students would otherwise have been required to attend, as well as the academic performance of the schools in the school district in which the charter school is located. These three alternatives, which are set out in Education Code section 52052(e)(4) and addressed in a May 13, 2014 bulletin published by the California Department of Education (“CDE”), include the following:

Alternative Measure #1. The most recent API calculation.

Alternative Measure #2. An average of the charter school’s three most recent annual API calculations.

Alternative Measure #3. Alternative measures that show increases in pupil academic achievement for all groups of pupils school-wide and among significant student groups.

In addition to the three alternatives identified above, charter authorizers have an option in current law to determine the academic achievement of a charter school. This option (referenced above as Criterion #4) is restated below:

The entity that granted the charter determines that the academic performance of the charter school is at least equal to the academic performance of the public schools that the charter school pupils would otherwise have been required to attend, as well as the academic performance of the schools in the school district in which the charter school is located, considering the composition of the pupil population that is served at the charter school.

California Education Code section 52056(a), which previously required API rankings of schools, was repealed in 2013, which resulted in the suspension of statewide and similar schools ranks and, therefore, CDE has determined that the three alternative measures that pertain to API are no longer applicable to a school district’s consideration of whether to approve or deny a charter renewal petition. Consequently, CDE has directed school districts to utilize the option in current law, which is described in Education Code section 47607(b)(4)(A) when determining whether to grant or deny a charter renewal petition

As noted above, Education Code section 47607(b)(4)(A) requires school districts to determine whether the academic performance of the charter school is at least equal to the academic performance of the public schools that the charter school students would otherwise have been required to attend, as well as the academic performance of the schools in the district where the charter school is located.

In addition, as part of the Board’s review, it must consider the past performance of the charter school’s academics, finances, and operation in evaluating the likelihood of future success, along with future plans for improvement, if any. (5 C.C.R. § 11966.4(b)(1).) Further, in reaching its decision about the renewal of a charter, the Board must consider increases in pupil academic achievement for all groups of pupils served by the charter school, including all numerically

significant pupil subgroups as defined in Education Code section 52052(a)(3), as the most important factor in determining whether to grant a charter renewal.

The District has determined that the Charter School has met Education Code section 47607(b)(4)(A), discussed above. Specifically, the District determined that the academic performance of the Charter School is at least equal to the academic performance of the public schools that the Charter School pupils would otherwise have been required to attend, as well as the academic performance of the schools in the District in which the Charter School is located, considering the composition of the pupil population that is served at the Charter School.

Based on an analysis of student academic achievement data, including, but not limited to, the Charter School's results on the California Assessment of Student Performance and Progress ("CAASPP") in English-Language Arts and Mathematics, the District has determined that the academic performance of the Charter School is at least equal to the academic performance of the district average; however, the Charter School achievement is below public schools that students would have otherwise been required to attend, and the schools in the District that are most closely aligned with the composition of the student population of the Charter School. The difference in achievement ranges between 2% and 20% below in English language arts and between 6% and 39% below in Mathematics across grades spans third through eighth, with the greatest discrepancy of achievement found in mathematics at the elementary school levels.

Notably, the Charter School has shown good improvement over three years in English-Language Arts for grades 6th through 8th; however, little to no improvement for grades 3rd through 5th. In Mathematics, achievement was mixed, with modest improvement for students in 3rd, 4th, 6th and 8th grades; however, students in 5th and 7th grades showed a decrease in achievement. It is important to note that overall academic performance for the Charter School was significantly lower than district schools with higher needs student populations, such as Lake, Empresa, VMMS and VIDA.

It is also notable that while the English learner student population has been increasing, the reclassification rate for English learners has been decreasing. Specifically, there was evidence in the Renewal Petition that reclassification rate fell to 0% in 2017.

Therefore, District staff has determined that the Charter School has met Criterion #4 to be eligible for renewal as compared to the District average; however, the Charter School did not meet Criterion #4 as compared to schools with similar student populations.

EXHIBIT B

CONDITIONS OF APPROVAL

The Conditions of Approval are described below, and the Charter School's responses shall be incorporated by reference and become a part of the Renewal Petition as though fully set forth therein.

1. By **June 15, 2018**, the Charter School shall submit to the District a comprehensive written summary of the interventions and support mechanisms that it will implement to address the improved academic achievement for all numerically significant subgroups in order to close the achievement gap between District schools with similar student populations in English Language Arts and Mathematics.
2. By **June 15, 2018**, the Charter School shall submit to the District a comprehensive written summary of the interventions and support mechanisms that it will implement to improve reclassification rates for its English Learner student population.
3. By **May 11, 2018**, the Charter School shall enter into a Special Education Memorandum of Understanding with the District.
4. By **April 30, 2018**, the Charter School shall provide the District with an amended Renewal Petition that includes an affirmation that the Charter School will provide special education services and conduct assessments in a manner that is consistent with how the District provides special education services and conducts assessments of its students at its schools.
5. By **April 30, 2018**, the Charter School shall hire one full-time school psychologist to, among other things, address the behavior and social and emotional needs of students with disabilities.
6. By **April 30, 2018**, the Charter School shall hire an administrator (i.e., Assistant Principal) whose duties shall include supervising and monitoring the Charter School's special education program.
7. By **April 30, 2018**, the Charter School shall provide the District with an amended Renewal Petition that includes language that provides that the Charter School will conduct trainings to all of its staff (general and special education staff members) regarding an overview of special education on an annual basis prior to the start of each school year.
8. By **April 30, 2018**, the Charter School shall provide the District with an amended Renewal Petition that includes language that provides that the Charter School will conduct trainings to all of its staff, general and special education staff members,

regarding its obligations under Section 504 of the Rehabilitation Act of 1973 on an annual basis prior to the start of each school year.

9. By **April 30, 2018**, the Charter School shall make its Special Education Procedures and Policies and Implementation Guide regarding Special Education publicly available (e.g., post on Charter School's website) and provide the District confirmation that its staff members have been informed of the Charter School's Special Education Procedures and Policies and Implementation Guide.
10. By **April 30, 2018**, the Charter School shall provide the District a written description of its plans regarding staffing to ensure that its students with disabilities are provided a free, appropriate public education.
11. By **April 30, 2018**, the Charter School shall provide the District with an amended Renewal Petition that includes language that provides that the Charter School will implement any corrective actions identified by the District concerning the Charter School's special education program within the timelines identified by the District.
12. By **June 15, 2018**, the Charter School shall submit to the District a signed and dated copy of its Conflict of Interest Code.
13. By **April 30, 2018**, the Charter School shall provide the District with an amended Renewal Petition that includes the following information with regard to the Charter School's "Admission Requirements:" (1) the method the Charter School will use to communicate to all interested parties the rules to be followed during the lottery process; (2) the method the Charter School will use to verify lottery procedures are fairly executed; (3) the timelines under which the open enrollment period and lottery will occur; (4) the location where the lottery will occur and the efforts the Charter School will undertake to ensure all interested parties may observe the lottery; (5) the date and time the lotteries will occur so most interested parties will be able to attend; (6) the means by which the Charter School will contact the parents/guardians of students who have been promoted off the waiting list and timelines under which parents/guardians must respond in order to secure admission; and (7) the records the Charter School shall keep on file documenting the fair execution of lottery procedures.
14. By **April 30, 2018**, the Charter School shall provide the District with an amended Renewal Petition in which it revised the "Dispute Resolution Procedures" to specify that "Notwithstanding the BMMA's dispute resolution process, the District shall reserve the right to pursue revocation of the charter pursuant to Education Code section 47607." The Charter School shall also strike out language in the "Dispute Resolution Procedures" that states that "Both [the Charter School and District] will refrain from public commentary regarding any disputes until the matter has progressed through the dispute resolution process."