Sheila Jordan,
Superintendent

ALAMEDA COUNTY OFFICE OF EDUCATION
BUSINESS ADMINISTRATION OFFICE

Fax

To:	Lisa Corr	**From:**	T. Kapellas
Fax:	916-646-1300	**Date:**	7/26/2004
Phone:		**Phone:**	510-670-4272
Re:	Livermore Valley Charter School	**Pages:**	4 (including this page)

☐ **Urgent** ☐ **For Review** ☐ **Please Comment** ☐ **Please Reply** ☐ **Please Recycle**

•Comments:

Per our communications, attached please find the Statement of Decision and Finding of Facts in regards to the Livermore Valley Charter School Petition Appeal.

I will be mailing the original to Lon Goldstein today.

Teresa

Mike Lenahan, Associate Superintendent – Business Administration

Phone (510) 670-4270 • Fax (510) 670-4572

Alameda County Board of Education

2004-05
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July 26, 2004

Lon Goldstein
Livermore Valley Charter School
PO Box 107
Livermore CA 94550

Dear Mr. Goldstein,

Enclosed please find a copy of the Statement of Decision and Finding of Facts in regards to the July 14, 2004 Board review of The Livermore Valley Charter School's petition appeal to the Alameda County Board of Education.

Sincerely,

Yvonne Cerrato
President
Alameda County Office of Education

enclosure

cc: Sheila Jordan, Superintendent
Alameda County Board of Education Members
Lisa Mori, Esq., School & College Legal Services
Lisa Corr, Esq., Spector, Middleton, Young & Minney, LLP

YC:tlk

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ALAMEDA COUNTY BOARD OF EDUCATION

STATEMENT OF DECISION AND FINDING OF FACTS

Pursuant to Education Code Section 47605, the Alameda County Board of Education held a public hearing on June 8, 2004 with regard to the charter petition submitted to it by the Livermore Valley Charter School (hereinafter referred to as "the Petition"). Following the public hearing, the Alameda County Board of Education reviewed the Petition as originally submitted, Alameda County Office of Education ("ACOE") staff comments and evaluations pertinent to the legally required elements of charter petitions, and additional written submissions provided to the Board by representatives of the Livermore Valley Charter School (hereinafter referred to as "Petitioners.")

A public meeting of the Alameda County Board of Education was held on July 14, 2004 to consider the Petition. At the meeting, the Board heard from the Petitioners, accepted additional written documents pertaining to the Petition from the Petitioners, heard public comment concerning the Petition, heard ACOE staff comments, and engaged in question and answer periods with both Petitioners and ACOE staff.

At the close of discussion, a motion was entertained by the Board to deny the Petition. The motion was seconded and passed by a 5-2 vote with no abstentions based on the following findings of fact:

1. The proposed instructional program was reasonable, but not particularly innovative in its approach beyond what is already offered in other public school settings in the Livermore Valley Joint Unified School District.

2. On the average, there is a possibility of at least 10% of the school's enrollment that could require any form and/or combination of special education services. The fiscal impact on the charter school of providing the full spectrum of special education services to its students through contract(s) with third parties will likely be much greater that what was originally budgeted, which could negatively impact the fiscal viability of the charter school .*

3. Given the proposed timeline for school opening, it will be a challenge if not highly unlikely that the school can hire necessary staff, perform the necessary background checks, and process the legally required paperwork necessary to successfully staff and open the school by September 2004.*

4. The estimated cost of facilities in the proposed budget is lower than the actual market price of the City of Livermore. Petitioners indicated that they have filed Prop 39 paperwork, however this would not take effect until the 2005-06 school year and therefore planning costs are insufficient for facilities.*

5. There is concern that since facilities have not yet been secured as of July 14, 2004, staff have yet to be hired, and instructional materials have not yet been selected or ordered, the timeline for opening the school in September 2004 is unrealistic, and accordingly, the viability of the charter school to successfully implement its intended program is significantly compromised.

6. Planning costs for other major items such as health and welfare costs were unrealistic. Unless the School implements a true cap on health and welfare benefits, which is not indicated in the Petition, they should trend the increases at 15-20% per year.

7. There is major concern that if donations do not materialize as projected, the cash balance may be negative. Even with the soft money donations, cash flow projects a minimal $12K cash balance at yearend.*

8. The revenues from donations and fundraising are very critical to the ending fund balance.*

The Board therefore determined based on the totality of the comments noted above, that the Petitioners are demonstrably unlikely to successfully implement the program set forth in the Livermore Valley Charter School petition. (Education Code section 47605(b)(2).)

ALAMEDA COUNTY BOARD OF EDUCATION

By: Yvonne Cerrato, President

By: Sheila Jordan, Secretary

These items are not statutorily mandated in the finding of facts, however, they pertain to additional information required under Education Code Section 47605(g).