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**RE: Tustin International Charter School: Statement by Tustin Unified School District in Opposition to Appeal of Denial of New Charter Petition**

Dear Members of the Board,

Our firm represents the Tustin Unified School District. We respectfully submit this written opposition on behalf of the Board of Trustees of the Tustin Unified School District (“District” or “TUSD”) to the appeal submitted to the State Board of Education (“State Board”) by Mandarin Immersion Schools (“Petitioners”) appealing the denial by the District Board and the Orange County Board of Education (“County Board”) of the Tustin International Charter School’s (“TICS”) charter school petition (“TICS Petition”) seeking to establish a new charter school.

## **1. INTRODUCTION**

In reviewing and acting on the TICS Petition, the District Board acted within its discretionary authority under the Charter Schools Act of 1992 (“CSA”), Education Code section 47600 et seq.) and complied with the procedural and substantive requirements in Education Code section 47605. The District Board’s decision was supported by written factual findings specific to the TICS Petition, as set forth in the documentary record.

On an appeal to the State Board of Education (“State Board”) under Education Code section 47605(k)(2), the Petitioners must demonstrate that the District Board’s denial was arbitrary, capricious, unlawful, procedurally unfair, or entirely lacking in evidentiary support. Petitioners’ appeal fails to meet this standard. Instead, Petitioners offer vague allegations and mischaracterizations of the TICS Petition review process and the documentary record.

The Petitioners were required by the CSA to submit to the State Board within 30 days of denial of the TICS Petition by the Orange County Board of Education (“County Board”):

1. The TICS Petition;
2. The findings and documentary record from both the District and the County Board; and
3. A written submission detailing, with specific citations to the documentary record, how the governing board of the school district and the county board of education abused their discretion.

The District and County Board are required to prepare this documentary record, including transcripts of the public hearings at which the TICS Petition was denied, after request from the Petitioners. However, the Petitioners in this case failed to request the documentary record and failed to submit the full documentary record, including the required transcripts, when submitting their appeal to the State Board. The Petitioners further failed to submit a detailed argument of how the District Board and/or the County Board alleged abused their discretion and omit any “specific citations to the documentary record” allegedly establishing such an abuse of discretion.

Thus, the Petitioners’ appeal is facially invalid as it does not comply with the minimum legal requirements for submission or for presentation of the Petitioners’ arguments. These failures are fatal as the appeal does not comply with the minimum requirements of law, limits the District’s ability to respond to Petitioners’ allegations, and impairs the State Board’s ability to evaluate the arguments on appeal.

## 2. LEGAL STANDARD

In 2019, Assembly Bill 1505 established a new standard for State Board review that is highly differential to the local district’s and county board’s denial of a charter petition. Prior to the passage of Assembly Bill 1505 (“AB 1505”) in October 2019, when petitioners seeking to establish a new charter school appealed to the State Board the denial of their petition by a local school district and a county office of education, the State Board was charged with reviewing the petition on appeal under the same standards applicable to review by a local district or a county office, i.e., the State Board reviewed the petition de novo.<sup>1</sup>

AB 1505 changed charter appeal procedures by establishing “a limited appeal process to the [State Board], which will hear appeals for a charter school able to show the school district or county abused its discretion when hearing the petition.”<sup>2</sup> Thus, under the current version of the CSA and, specifically, section 47605(k)(2), when the State Board reviews an appeal of the denial of a charter petition, the State Board’s inquiry is limited only to whether the local district or the county board abused their discretion in denying the petition.<sup>3</sup> The State Board “may affirm the determination of

<sup>1</sup> See Cal. Ed. Code § 47605(j)(1), version effective July 1, 2019, to December 31, 2019, as amended by Stats. 2019, c. 51 (S.B. 75), § 30.

<sup>2</sup> Assembly Floor Analysis, AB 1505, Concurrence in Senate Amendments (Sep. 5, 2019), Summary ¶ 5 (emphasis added, available at <https://leginfo.ca.gov/faces/billAnalysisClient.xhtml?billid=201920200AB1505#>; see also Senate Rules Committee Floor Analysis, AB 1505, Comments § 6, pp. 8-9, available at <https://leginfo.ca.gov/faces/billAnalysisClient.xhtml?billid=201920200AB1505#>.)

<sup>3</sup> Ed. Code § 47605(k)(2), effective July 1, 2020.

the governing board of the school district or the county board of education, or both of those determinations, or may reverse only upon a determination that there was an abuse of discretion.”<sup>4</sup>

Section 47605 does not define “abuse of discretion” in the context of review of a charter petition by a local district or a county board of education. However, numerous court decisions provide guidance in applying the deferential “abuse of discretion” standard of review.

As a preliminary matter, because a charter school is deemed to be a school district for purposes of statutory and constitutional funding allocation, approval of a charter petition is akin to creation of a school district, i.e., a “quasi-legislative” action.<sup>5</sup> Court review of “quasi-legislative” actions (as opposed to “quasi-judicial” actions) is subject to the highly deferential “abuse of discretion” standard. As stated by the California Supreme Court:

In reviewing such quasi-legislative decisions, the trial court does not inquire whether, if it had power to act in the first instance, it would have taken the action taken by the administrative agency. The authority of the court is limited to determining whether the decision of the agency was arbitrary, capricious, entirely lacking in evidentiary support, or unlawfully or procedurally unfair.<sup>6</sup>

Put differently, a court may find abuse of discretion only where a public agency “has not proceeded in the manner required by law, the order or decision is not supported by the findings, or the findings are not supported by the evidence.”<sup>7</sup> When reviewing an agency’s decision under the “abuse of discretion” standard, a court (and in this case, the State Board) may reverse the agency’s decision only if, based on the evidence before the agency, a reasonable person ***could not have*** reached the agency’s conclusion.<sup>8</sup> In making this determination, the court/State Board presumes substantial evidence supports the agency’s decision,<sup>9</sup> and resolves reasonable doubts *in favor* of the agency’s findings and decision.<sup>10</sup> Further, to warrant reversal of a public agency’s decision, abuse of discretion must have been prejudicial.<sup>11</sup>

Thus, in applying the standard of review applicable to TICS’s appeal in this case, the State Board must let the denial decisions of the District and the County Board stand, *unless* the State Board finds that the District and County Board did not proceed in the manner required by law, that their decisions were not supported by the findings, or that their findings were not supported by the evidence.

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<sup>4</sup> Ed. Code § 47605(k)(2)(E).

<sup>5</sup> Ed. Code § 47612(c); see *Cal School Bds. Assn. v. State Bd. of Education*, 186 Cal.App.4th 1298, 1324-25 (2010).

<sup>6</sup> *Fullerton Joint Union High School Dist. v. State Bd. of Education*, 32 Cal.3d 779, 786 (1982); see also *California School Bds. Assn. v. State Bd. of Education*, 186 Cal.App.4th 1298, 1314 (2010); *County of Del Norte v. City of Crescent City*, 71 Cal.App.4th 965, 972 (1999); *California Correctional Peace Officers’ Assn. v. State*, 181 Cal.App.4th 1454, 1459-60 (2010).

<sup>7</sup> Code Civ. Proc. § 1094.5(b).

<sup>8</sup> *Paoli v. Cal. Coastal Com.* (1986) 178 Cal.App.3d 544, 550–551, emphasis added.

<sup>9</sup> *Ross v. California Coastal Com.* (2011) 199 Cal.App.4th 900, 921.

<sup>10</sup> *Topanga Assn. for Scenic Community v. County of Los Angeles*, 11 Cal.3d 506, 514 (1974).

<sup>11</sup> Code Civ. Proc. § 1094.5(b) (“The inquiry in [a court proceeding on a petition for a writ of administrative mandate] shall extend to the questions whether the respondent has proceeded without, or in excess of, jurisdiction; whether there was a fair trial; and whether there was any prejudicial abuse of discretion,” emphasis added).

In determining whether evidence supports the findings, the State Board must not substitute its own judgment for that of the District Board or the County Board – i.e., the State Board cannot overturn the District Board’s or County Board’s decision merely because the State Board determines that it would have reached a different conclusion on the same evidence.<sup>12</sup> Rather, the State Board may only find abuse of discretion if, based on the evidence, a reasonable person ***could not have*** reached the same conclusion as the District Board or the County Board. In this analysis, any reasonable doubts must be resolved in favor of the District Board’s and County Board’s decisions.

In *Napa Valley Unified School District v. State Board of Education* (2025) 110 Cal.App.5th 609 (“*Napa Valley*”), the Court of Appeal reaffirmed this principle when it held that the State Board erred in reversing a school district and county board’s denial of a charter school petition, under Section 47605. In *Napa Valley*, the Court of Appeal indicated:

Under the arbitrary and capricious standard, the question is whether the agency's action has a reasonable basis in law and a substantial basis in fact. A reviewing court defers to an agency's factual finding unless no reasonable person could have reached the same conclusion on the evidence before it.

Additionally, in reviewing the District’s and County Board’s denials for abuse of discretion, the State Board may not overturn those decisions unless ***all*** the grounds for denial were not supported by the findings and evidence. Put another way, if any one of the statutory grounds for denial cited by the District Board or County Board was supported by findings, and those findings were supported by the evidence, then the State Board must let the decision stand on appeal.<sup>13</sup>

It is patently clear that TICS cannot establish that the State Board should reverse the District Board’s and County Board’s decisions in this case. There was no abuse of discretion; all procedural requirements of the CSA were followed, the grounds for the denial decisions were supported by adopted written factual findings, and those findings were amply supported by the evidence specific to the TICS Petition. As such, the State Board must deny the appeal and allow the District Board’s and County Board’s denial decisions stand.

Moreover, under the deferential standard of review established by AB 1505, the State Board must resolve *any and all* uncertainties in favor of the District Board’s analysis of the evidence. Essentially, Petitioners’ argument regarding the evidentiary support for the District Board’s findings is a demand that the State Board act improperly under the “abuse of discretion” standard of review, by substituting its own judgment or interpretation of evidence for that of the District Board, which is impermissible.

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<sup>12</sup> “[I]n determining whether the [administrator] has acted arbitrarily or capriciously, this court does not inquire whether, if it had power to draft the regulation, it would have adopted some method or formula other than that promulgated by the director. The court does not substitute its judgment for that of the administrative body. ... The substitution of the judgment of a court for that of the administrator in quasi-legislative matters would effectuate neither the legislative mandate nor sound social policy.” *Pitts v. Perluss*, 58 Cal.2d 824, 834–835 (1962).

<sup>13</sup> See Ed. Code § 47605(c) (a petition may be denied based on “one or more” of the findings listed in subdivisions (c)(1)-(c)(8)).

### **3. STATEMENT OF FACTS**

On December 19, 2024, the District Governing Board unanimously voted on multiple grounds, to deny the TICS Petition submitted by Petitioners seeking to establish a new charter school to be named Tustin International Charter School. In accordance with Education Code Section 47605(c) the District Board adopted multiple written factual findings for denial,<sup>14</sup> setting forth facts specific to the TICS Petition supporting denial. The staff analysis adopted by the District Board specified multiple grounds for denial of the TICS Petition.

Petitioners appealed the District’s denial of the TICS Petition to the County Board Education. On April 2, 2025, the County Board voted to deny Petitioners’ appeal in accordance with the requirements of the CSA.

On April 25, 2025, Petitioners submitted an appeal petition (“Appeal Petition”) to the State Board. Petitioners argue in their written submission to the State Board (“Appeal Submission”) that both the District Board and the County Board abused their discretion in denying the TICS Petition.

As detailed herein, Petitioners’ arguments are baseless because the District Board complied with all requirements of law in its review of and action on the TICS Petition, provided Petitioners with a fair review process, comporting with the CSA’s procedural and substantive requirements, and ultimately denied the TICS Petition in full accordance with all requirements of the CSA on the basis of specific written findings as authorized by the CSA that were supported by evidence in the record specific to the TICS Petition and adopted by the District Board.

As set forth below, Petitioners’ Appeal Submission fails to meet their burden to overcome the highly deferential abuse of discretion standard of review applicable to the State Board’s consideration of an appeal seeking to overturn the denial of a new charter petition. Because Petitioners have not demonstrated that the District Board (or the County Board) abused their discretion, the State Board must deny the Appeal Submission.

### **4. PROCEDURAL HISTORY OF THE TUSTIN INTERNATIONAL CHARTER SCHOOL CHARTER PETITION**

#### **A. Summary of the District’s Review and Denial of the Petition**

On or about October 30, 2023, the same Petitioners submitted an earlier version of a charter petition proposing to open Tustin International Charter School (“Petition 1”), and the District Board held a public hearing on the provisions of Petition 1 on December 11, 2023. On January 15, 2024, the District published its staff recommendations, including the recommended findings, regarding Petition 1, whereby District staff recommended that Petition 1 be denied. The District provided a copy of those recommendations and recommended finding to the Petitioners, and the District Board denied Petition 1 in compliance with all requirements of the CSA.

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<sup>14</sup> TUSD’s factual findings for denial of Petition included that the educational program described in the TICS Petition was unsound, that Petitioners were demonstrably unlikely to successfully implement the program set forth in the TICS Petition, that the TICS Petition lacked reasonably comprehensive descriptions of all required elements, that the proposed charter school was unlikely to serve the interests of the entire community, and that the TICS Petition did not include the required number of signatures of meaningfully interested teachers.

The Petitioners appealed the District Board's denial decision to the County Board. Following the County Board's initial public hearing on Petition 1, the Petitioners withdrew Petition 1 from further consideration by the County Board. As a result, the County Board did not act on the appeal of the denial of Petition 1 and the District Board's denial was final.

The Petitioners submitted a second charter petition (the TICS Petition) to the District on September 25, 2024. The TICS Petition included the same instructional program as had Petition 1, and it is the District Board's and County Board's denial of that deficient TICS Petition that is the subject of this appeal.

A team of District staff conducted a comprehensive review and analysis of the TICS Petition, measuring it against the standards for approval or denial of a charter petition pursuant to the CSA. Based on that thorough and professional analysis, District staff prepared a report of recommendations, including recommended findings, to the District's Board ("Staff Report")<sup>15</sup>, which was published on December 4, 2024, again in full compliance with the CSA. A copy of the Staff Report was electronically sent to the Petitioners on the same day.

In its Staff Report, District staff recommended that the District Board deny the TICS Petition, based on proposed findings that:

1. The TICS Petition presented an unsound educational program [Section 47605(c)(1)];
2. Petitioners were demonstrably unlikely to successfully implement the program set forth in the TICS Petition [Section 47605(c)(2)];
3. The TICS Petition does not include the required number of signatures of meaningfully interested teachers. [Section 47605(c)(3)];
4. The TICS Petition did not contain reasonably comprehensive descriptions of elements (A) through (O) of Section 47605(c)(5) (specifically, the educational program (§ 47605(c)(5)(A)); the means to achieve a student population balance reflective of the general population residing within the District (§ 47605(c)(5)(G)); and measurable student outcomes (§ 47605(c)(5)(B) [Section 47605(c)(5)]; and
5. The proposed charter school was demonstrably unlikely to serve the interests of the entire community in which the school is proposing to locate [Section 47605(c)(7)].

Evidence supporting the District staff's proposed findings and recommendations was cited and/or included in the District Staff Report.

The District Board held the public hearing required by Section 47605(b) on November 18, 2024<sup>16</sup>. On December 19, 2024, the Petitioners were given equivalent time and procedures to present

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<sup>15</sup> Attachment D: Tustin Unified School District Staff Report of Findings of Fact and Recommendations dated December 4, 2024.

<sup>16</sup> Attachment A, B & C: Agenda, Minutes and Transcript for November 18, 2024, Tustin Unified School District Board Meeting.

evidence and testimony to respond to the staff recommendations and recommended findings. After considering public comments and feedback from the Petitioners, the District Board voted to adopt the proposed findings as set forth in the District Staff Report, and, on the basis of those adopted written findings, to deny the Petition<sup>17</sup>.

## **B. Summary of the County Board's Review and Denial of the TICS Petition**

On January 8, 2025, Petitioners submitted the TICS Petition on appeal to the Orange County Office of Education ("County Office"). The County Board held a public hearing on Petitioners' appeal on March 5, 2025, and County Office staff published their findings and recommendations regarding the TICS Petition on March 18, 2025. The County Board took action to deny and adopted its written findings in support of denial of the TICS Petition at its April 2, 2025, meeting.

## **5. THE DISTRICT BOARD'S REVIEW PROCESS WAS FAIR AND COMPLIANT WITH THE EDUCATION CODE**

Petitioners contend that the District abused its discretion in reviewing the TICS Petition by failing to provide a fair and unbiased review process. Petitioners' arguments are not supported by the documentary record and contain multiple factual misrepresentations. TICS wrongly argues that a "pattern of biased reasoning, improper interpretation of law, and disregard for procedural fairness," when taken together, constitute an abuse of discretion and materially affected the outcome of the District's decision. As demonstrated below, this assertion is meritless.

As an initial matter, the District staff conducted a comprehensive review of the TICS Petition.

- The District's review of the TICS Petition was conducted by a Review Team consisting of District staff members from the following departments: Business Services; Enrollment; Human Resources; Instructional Support Services; Operations, Facilities & Maintenance; Special Education; and District counsel provided legal guidance to the Review Team.
- Individual members of the Review Team were assigned specific areas of the TICS Petition to evaluate, based on their areas of expertise and responsibility. The TICS Petition review was conducted in accordance with the standards set forth in Section 47605. The Review Team's analysis was rigorous and data-driven and found that while some requirements for a sound charter petition pursuant to the CSA were met, there were a variety of deficiencies supporting the findings for denial of a charter petition.<sup>18</sup>

On November 13, 2024, the District advised Petitioners that the District Board would conduct the public hearing on November 18, 2024. TICS incorrectly claims that such timing resulted in the

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<sup>17</sup> Attachments E, F and G: Agenda, Minutes for December 19, 2024, District Board meeting & Tustin Unified School District Board Resolution and Written Findings to Deny the Petition for a Charter School for Tustin International Charter School, adopted December 19, 2024.

<sup>18</sup> Attachment D, Tustin Unified School District Staff Report of Findings of Fact and Recommendations dated December 4, 2024.

District wrongfully failing to consider parent and community input and that no efforts were made by the District to ensure a fair or representative public engagement process.

To the contrary, the District fulfilled all legal and procedural requirements related to the public hearing and consideration of support for the TICS Petition by parents, District teachers, and other District employees. There is no requirement that the District provide a specific period of notice to a petitioner regarding the timing of the public hearing, and the Petitioners cannot unilaterally impose such a requirement. Nevertheless, the District provided ample notice to Petitioners in advance of the hearing, as it determined its Board meeting agenda and before the agenda was posted.

At the public hearing, Petitioners were afforded an opportunity to provide information directly to the Board regarding the proposed school and to present any information regarding community or parental interest in or support for the TICS Petition. Additionally, any members of the public – including parents, District teachers, and other District employees – were provided the opportunity to make public comments regarding the TICS Petition.

Even after the public hearing, through and including at the District Board's December 19<sup>th</sup> action on the TICS Petition, the Petitioners could have submitted evidence of community or parental support, whether in writing or during public comment at District Board meetings. Moreover, the Charter Schools Act provides that the intent of the public hearing is for the District Board to consider the level of support for the TICS Petition by teachers employed by the District, other employees of the District, and parents. Notably, while the lead petitioner spoke in favor of the TICS Petition at the public hearing, no District teachers, employees, or parents spoke in favor of the Charter during the public hearing or at any other time during this process.

In short, Petitioners and their supporters were provided ample opportunity in full compliance with the public hearing and other procedural requirements of the CSA to inform the District and the District Board of their support for the proposed school. Their failure to do so is not evidence that the District's process was unfair; but, rather, is evidence of a lack of support for the TICS Petition, including from the specific groups of stakeholders whose support the District Board is tasked with considering.

## **6. THE DISTRICT GOVERNING BOARD'S DENIAL FINDINGS WERE SUPPORTED BY THE EVIDENCE IN THE RECORD AND IN THE TICS PETITION**

Petitioners contend that the District Staff's report regarding the charter was based on incorrect assumptions regarding the proposed charter school. Contrary to Petitioners' claims, the District's findings were clearly supported by the evidence, as documented in the adopted findings, and as discussed below:

### **A. There was No Impermissible Conflict of Interest or Bias in the District's Action**

First, TICS argues that the District was improperly biased in its review of the TICS Petition because the District planned to launch its own Mandarin Immersion program. Petitioners argue that the launch of the District program in the 2025-2026 school year somehow constitutes a prohibited conflict of interest. TICS' argument is without merit.

One of the express purposes of the CSA is to foster competition amongst school districts and charter schools.<sup>19</sup> Further, the structure of the CSA specifically provides for school districts that are in intentional competition with charter schools to review and act on charter applications. As such, the existence of such competition cannot itself constitute an abuse of discretion, and the District certainly has no obligation to limit or curtail its own educational offerings in order to accommodate the Petitioners' desire to open a charter school.

Additionally, long before the submission of Petition 1, the District was considering offering a Mandarin Immersion program and ultimately the program was developed and is being offered for the 2025-2026 school year. The District Board's decision to offer this educational program is neither impermissible nor a prohibited conflict of interest. Indeed, if anything, offering such a program fulfills one of the tenets of the Charter Schools Act: to "[p]rovide vigorous competition within the public school system to stimulate continual improvements in all public schools to drive competition."<sup>20</sup> This patently does not establish any abuse of discretion by the District Board in denying the TICS Petition.

TICS also argues that the District's role – as both competitor and reviewer – compromises the District's ability to conduct an unbiased assessment. Yet, this argument is contrary to the entire premise of the authorization process set forth in the CSA. In every charter petition submitted to a school district for authorization, the district, of course, serves as both a competitor and a reviewer. Regardless of the educational program offered by the proposed charter school, the charter and the district would be in direct competition for district students. Nevertheless, the district is tasked with the responsibility of determining whether to approve or deny a charter petition based on the criteria set forth in the CSA.

In fact, with AB 1505, the Legislature added a finding for denial of a charter petition specifically because the charter school proposes to offer a program that is similar to a district program such that the charter school would undermine the district program. Section 47605(c)(7) specifies:

The charter school is demonstrably unlikely to serve the interests of the entire community in which the school is proposing to locate. Analysis of this finding shall include consideration of the fiscal impact of the proposed charter school. A written factual finding under this paragraph shall detail specific facts and circumstances that analyze and consider the following factors:

(A) The extent to which the proposed charter school would substantially undermine existing services, academic offerings, or programmatic offerings.

(B) Whether the proposed charter school would duplicate a program currently offered within the school district and the existing program has sufficient capacity for the pupils proposed to be served within reasonable proximity to where the charter school intends to locate.

Thus, the Legislature has determined the appropriate consequence if a district and charter school program are too similar, and one might undermine the other. That outcome is not to strip the local

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<sup>19</sup> Section 47601(g).

<sup>20</sup> *Ibid.*

school district of authority to act on the charter petition nor to deem that district board that denies a charter petition on that basis to be abusing its discretion. It is quite the opposite: the law specifies that this is specifically an authorized reason for the local school district to deny the charter petition.

As such, regardless of how the Petitioners attempt to characterize this objection as “bias” or a “conflict,” it is a situation clearly anticipated by the Legislature and the District Board’s denial of the TICS Petition is consistent with the explicit authorization of the CSA.

It would be entirely improper to overturn the District Board’s action pursuant to the CSA simply because the District offers a similar program, because the District Board found that TICS is demonstrably unlikely to serve the interests of the entire community because it would undermine or duplicate the District’s competitor program, or because the District and TICS would be competitors.

Thus, this argument is illogical and contrary to both the purposes and the procedural and substantive requirements of the CSA, and the District Board’s consideration of and action on the matter in accordance with its legal obligations pursuant to the CSA is not an abuse of discretion.

#### **B. The District Properly Considered the Revisions Made to the TICS Petition**

TICS also argues that the District characterized the TICS Petition “as merely a reactionary response to prior findings, rather than acknowledging that Charter 2 incorporated comprehensive revisions designed to address both the TUSD and Orange County Board of Education's concerns”.

Contrary to TICS’ assertions, the District staff did consider the entire submission, including the changes made by TICS in an effort to address the concerns and deficiencies previously identified by the District relative to Petition 1. There is no requirement that a potential authorizer acknowledge or recognize segments of a charter petition that were “enhanced” or appropriately conform to the requirements of the CSA. However, where the recommendation of the district’s staff is to deny the petition, Section 47605(b) requires that the staff report set forth the reasons for the staff recommendation so that the petitioners have a chance to respond. This is precisely what the District Staff Report did. Failing to note specifically that segments of the TICS Petition had been “enhanced” is not required and clearly does not constitute an abuse of discretion or support TICS’ appeal.

#### **C. TICS’ Enrollment Projections Were Unrealistic**

District staff appropriately discredited TICS’ enrollment projections as “unrealistic.” The District was not required to apply “standard demographic modeling” to determine the reasonableness of those projections. Moreover, contrary to TICS’ assertions, the District effectively did acknowledge regional demand trends by noting that the District intends to offer its own program due to the demand for such an instructional program, and the existence of the District’s program indisputably affects demand for the proposed TICS.

TICS acknowledges that it submitted no formal interest list with the TICS Petition, which lack of indicia of interest was exacerbated by the fact that no parents or community members spoke at either hearing held on the TICS Petition. Petitioners’ contentions merely illustrate a difference of opinion with District staff regarding the likelihood of the proposed charter school meeting its

enrollment projections, and do not establish that District Staff's Report, which the District Board adopted, was unfair or biased in any way.

As noted by the *Napa Valley* court, pursuant to the standard applicable to the State Board's consideration of this appeal, "the question is whether the [District's] action has a reasonable basis in law and a substantial basis in fact. A reviewing court defers to an agency's factual finding unless no reasonable person could have reached the same conclusion on the evidence before it." There is clearly a sound evidentiary basis for the District Board's reasonable determination that TICS' enrollment projections were exaggerated and unrealistic. Regardless of TICS' claim that its projections were reasonable (notwithstanding the complete lack of evidence for those projections) or whether the State Board would have reached the same conclusion as the District Board, this difference of opinions must be resolved in favor of the District's reasonable, fact-based determination.

The District also noted that Petitioners inappropriately and without authorization used photos and the address of a District school to generate interest in the proposed charter school. In an apparent effort to mislead potential families and encourage them to support TICS, on both its website homepage and on its Facebook page, TICS posted pictures of the District's Lambert Elementary School site. TICS went so far as to explicitly identify this District school as the "proposed" location for its operations, including through use of a Google map setting forth its specific location.

TICS has submitted no request for District facilities pursuant to Proposition 39 (Section 47614) and has no right to use *any* District facility for the upcoming school year, let alone lay claim to Lambert Elementary and spotlight that school on its website and social media platforms as the presumed location for TICS' contemplated operations. TICS' identification of Lambert Elementary as its "proposed" location, including through use of pictures and a map, was inexcusably misleading, at best creating confusion and mistaken reliance by any prospective TICS families or staff who may have indicated an interest in attending TICS based, at least in part, on the fact that they incorrectly believed the program would be housed at Lambert. This inexcusable misrepresentation by the Petitioners may also have created substantial concern and disruption to Lambert's students, families, staff, and community. This inexplicable misrepresentation and false advertising by TICS substantially undermines and discredits Petitioner's claimed interest in the proposed school, because TICS' assumptions were based on misleading information and unsupported conclusions, thus causing the District to correctly discredit much of Petitioner's claimed projected interest in this proposed school.

Again, the District's logical, fact-based analysis of projected interest, which is contrary to Petitioner's unsupported and undocumented claimed interest based on its own misleading advertising, was clearly not an abuse of discretion and does not permit the State Board to overturn the District Board's denial of the TICS Petition.

#### **D. Misapplication of Teacher Signature Requirements**

TICS argues that the District "erroneously" invalidated teacher signatures by narrowly interpreting the term "meaningfully interested" to require currently credentialed, bilingual Mandarin educators to sign the TICS Petition. Contrary to TICS' assertion, the District's interpretation does not impose additional, unauthorized criteria nor misrepresent the legislative intent of the signature

requirement. Rather, TICS' proposed interpretation ignores important components of the statutory requirements and is contrary to both the plain language of the CSA and the fundamental rules of statutory construction.

When a charter petition is submitted based on teacher (not parent) signatures, the petition must be "signed by a number of teachers that is equivalent to at least one-half of the number of teachers that the charter school estimates will be employed at the charter school during its first year of operation." (§ 47605(a)(1)(B).) The petition "shall include a prominent statement that "a signature on the petition ... means that the teacher is meaningfully interested in teaching at the charter school." (§ 47605(a)(3).)

To be a teacher who is *meaningfully* interested in teaching at the school in its first year of operation, the signatory must, of course, actually be an appropriately credentialed teacher who could actually work at the proposed school. To argue otherwise defies logic. If an individual did not hold a credential at the time of signing the form, their signature is no different than any other lay person who may also "intend" or "contemplate" or even "dream" of acquiring the appropriate credential at a later time. Such interest is, by definition, not meaningful because such person could not actually teach at the school in its first year of operation. The alleged "interest" of someone who is not qualified to teach at the school, by definition, is not and cannot be "meaningful."

The TICS Petition specifies that a required qualification for teachers at the proposed school is to be "Bi-lingual and bi-literate in both Mandarin Chinese and English (except for English-only positions)." Additionally, the TICS website states: "We will recruit teachers who are certified Mandarin language instructors. They have years of experience and are skilled in making language learning enjoyable and engaging."

The Petitioners submitted signatures from six individuals. Yet, TICS provided no evidence or information establishing that the teachers whose signatures were submitted to comply with this mandatory prerequisite to the TICS Petition submission and/or approval are bi-literate or bi-lingual in Mandarin Chinese or, regardless of their potential language level, that they are properly credentialed to teach in Mandarin Chinese, as is necessary in order to teach in Mandarin as part of the proposed dual-immersion program.

The District retrieved information from the Commission on Teacher Credentialing website and ascertained that only two of the six teachers who signed the TICS Petition and indicated that they are meaningfully interested in teaching at the proposed school have a BCLAD certification in Mandarin. Thus, four signatories do not meet the teacher qualifications specified in the TICS Petition (unless they are interested in the unspecified number of "English-only" positions, which even still the Petitioners have not claimed or established). As such, these signatories could not be teachers at TICS in its first year of operation, so any interest they may have in teaching there is, by definition, not "meaningful."

TICS cannot simply ignore the fundamental requirements that the teachers who sign the TICS Petition as a prerequisite to submission or approval must be "meaningfully" interested in teaching at this particular school in its first year of operation. It is not the District that "misapplied" the teacher signature requirements. Rather, it is TICS that is attempting to misapply the requirement by removing the fundamental component of meaningful interest in teaching at the school and

replacing it with the much lower standard of signatures from any “teacher” regardless of qualifications or whether their interest is or can be “meaningful.” TICS cannot be permitted to circumvent this fundamental charter requirement.

It is not enough that the signatures are submitted under the required statement if the evidence clearly indicates the contrary. For these reasons, the District did not accept the teacher signatures as meeting the minimum requirements of Section 47605(a) for submission or approval of the Charter and made a proper denial finding on that basis pursuant to Section 47605(c)(3).

## 7. CONCLUSION

Petitioners’ Appeal Submission does not “detail[] with specific citations to the documentary record”<sup>21</sup> how any of the District Board’s adopted denial findings were not supported by the evidence in the record and the TICS Petition. Petitioners’ Appeal Submission fails (because it cannot) to specifically detail how each of the District Board’s adopted denial findings constituted abuse of discretion, rather than – at most – interpretations of the evidence over which reasonable minds may differ. The State Board is required to resolve any such difference of opinions in the District’s favor and uphold the denial pursuant to the deferential abuse of discretion standard.

Under the applicable legal standard, if even one of the District Board’s grounds for denial is supported by written findings of fact, and those findings of fact were supported by the evidence – which is patently the case here – the State Board must let the District Board’s decision stand. Further, the State Board must not substitute its judgment on contested interpretations of evidence for that of the District Board, so long as a reasonable person could have reached the same conclusion as the District Board. Further, any reasonable doubts as to whether the evidence supported the District Board’s conclusions must be resolved in favor of the District Board.

Pursuant to the CSA, as amended by AB 1505, the State Board has limited authority to grant a new charter petition on appeal from denial by a local school district and a county board of education. The State Board may only do so based on a finding of “abuse of discretion,” a standard that is highly deferential to the decisions of the local and county agencies, and clearly inapplicable to the denial of the TICS Petition. In *Napa Valley, supra.*, the Court of Appeal reaffirmed that the State Board, in considering the appeal of a charter denial, may not substitute its own judgment for that of the local agency and must uphold a decision that has a reasonable basis in law and a substantial basis in fact.

As demonstrated above, Petitioners’ Appeal Submission fails to overcome their burden to establish abuse of discretion, because the record demonstrates that both the District Board and the County Board followed the requirements of law, afforded Petitioners a fair process, complied with the procedural and substantive requirements of the CSA, and denied the Petition on the basis of proper statutory grounds, supported by written findings of fact which, in turn, were supported by the evidence in the record specific to the TICS Petition. The mere fact that TICS is disappointed in this result, or even that TICS disagrees with the District Board’s and the County Board’s eminently reasonable findings, is not a basis to overturn the denial. The State Board must deny Petitioners’

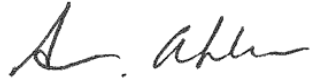
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<sup>21</sup> Ed. Code § 47605(k)(2)(A).

appeal and allow the lawful, discretionary decisions of the District Board and the County Board to stand.

Very truly yours,

ATKINSON, ANDELSON, LOYA, RUUD & ROMO

A handwritten signature in black ink, appearing to read 'S. Ahluwalia', written in a cursive style.

Sukhi Ahluwalia, Esq.

SKA

cc: Mark Johnson, Tustin Unified School District Superintendent

Attachments as referenced below

### ATTACHMENTS

- **Attachment A:** Agenda for November 18, 2024, Tustin Unified School District Board Meeting.
- **Attachment B:** Minutes for November 18, 2024, Tustin Unified School District Board Meeting.
- **Attachment C:** Transcript for November 18, 2024, Tustin Unified School District Board Meeting.
- **Attachment D:** Tustin Unified School District Staff Report of Findings of Fact and Recommendations dated December 4, 2024.
- **Attachment E:** Agenda for December 19, 2024, Tustin Unified School District Board Meeting.
- **Attachment F:** Minutes for December 19, 2024, Tustin Unified School District Board Meeting.
- **Attachment G:** Tustin Unified School District Board Resolution and Written Findings to Deny the Petition for a Charter School for Tustin International Charter School, adopted December 19, 2024.

# ATTACHMENT A

**BOARD OF EDUCATION - REGULAR MEETING****11/18/2024 06:00 PM**Tustin Unified School District - Board Room  
300 South C Street Tustin, CA 92780

Printed : 11/15/2024 9:23 AM PT

**CLOSED SESSION - 4:30 P.M.**  
**OPEN SESSION - 6:00 P.M.****I. OPENING - 4:30 P.M.**

- A. CALL TO ORDER
- B. ADOPTION OF THE AGENDA
- C. PUBLIC COMMENTS

**II. BOARD WORKSHOP**

- A. FACILITIES MASTER PLAN UPDATE

**III. CLOSED SESSION - IMMEDIATELY AFTER WORKSHOP**

- A. ADJOURN TO CLOSED SESSION

**IV. OPEN SESSION - 6:00 P.M.**

- A. PLEDGE OF ALLEGIANCE
- B. REPORTING OUT OF CLOSED SESSION
- C. BOARD, STAFF AND COMMUNITY RECOGNITION OF OUTGOING TRUSTEE JAMES H. LAIRD
- D. BOARD RECOGNITION - RECOGNITION OF STAFF, STUDENTS AND COMMUNITY MEMBERS FOR THEIR ACCOMPLISHMENTS IN THE TUSTIN UNIFIED SCHOOL DISTRICT
- E. SUPERINTENDENT'S REPORT
- F. STUDENT BOARD REPRESENTATIVES' REPORTS
- G. STUDENT BOARD MEMBER'S REPORT - HARSHINI MAHESH

**V. PUBLIC COMMENTS**

- A. PUBLIC COMMENTS

**VI. STAFF PRESENTATION AND INFORMATION**

- A. TUSD CONNECT BRIGHT SPOTS

**VII. DISCUSSION/ACTION ITEMS**

- A. ESTABLISHMENT OF ANNUAL ORGANIZATIONAL MEETING
- B. GLOBAL ADOPTION OF THE REVISED TUSTIN UNIFIED SCHOOL DISTRICT BOARD POLICIES:  
INDEX 12-18 TUSTIN UNIFIED SCHOOL DISTRICT - 0000 SERIES: PHILOSOPHY, GOALS,  
OBJECTIVES, AND COMPREHENSIVE PLANS 1000 SERIES: COMMUNITY RELATIONS 2000 SERIES:  
ADMINISTRATION 3000 SERIES: BUSINESS AND NONINSTRUCTIONAL OPERATIONS 4000 SERIES:  
PERSONNEL 5000 SERIES: STUDENTS 6000 SERIES: INSTRUCTION 7000 SERIES: FACILITIES 9000  
SERIES: BOARD BYLAWS
- C. ASSISTANT DIRECTOR OF ACCOUNTING SERVICES REVISED SALARY PLACEMENT
- D. MILEAGE REIMBURSEMENT AND DOCTORAL STIPEND CLASSIFIED  
MANAGEMENT/CONFIDENTIAL SALARY SCHEDULE
- E. MEMORANDUM OF UNDERSTANDING BETWEEN THE TUSTIN EDUCATORS ASSOCIATION AND  
THE TUSTIN UNIFIED SCHOOL DISTRICT - HOURS OF EMPLOYMENT

**VIII. CONSENT CALENDAR**

- A. GENERAL FUNCTION CONSENT ITEMS
  - 1. APPROVAL OF MINUTES
  - 2. DATE CHANGE - 2024-25 BOARD OF EDUCATION MEETING
  - 3. GIFTS AND DONATIONS
- B. ADMINISTRATIVE SERVICES CONSENT ITEMS
  - 1. AGREEMENT BETWEEN TUSTIN UNIFIED SCHOOL DISTRICT AND HOPSKIPDRIVE, INC.
  - 2. ORANGE COUNTY DEPARTMENT OF EDUCATION (OCDE) ALCOHOL AND OTHER DRUG (AOD)  
PREVENTION PROGRAM AGREEMENT FOR SUBSTANCE USE PREVENTION SERVICES
  - 3. ORANGE COUNTY FRIDAY NIGHT LIVE PARTNERSHIP SERVICES BETWEEN ORANGE COUNTY  
SUPERINTENDENT OF SCHOOLS & TUSTIN UNIFIED SCHOOL DISTRICT - AGREEMENT NUMBER  
10006404
- C. EDUCATIONAL CONSENT ITEMS
  - 1. TRIP TRAVEL REQUEST - BECKMAN HIGH SCHOOL: NOVEMBER 29 - 30, 2024
  - 2. TRIP TRAVEL REQUEST - FOOTHILL HIGH SCHOOL: DECEMBER 11-14, 2024
  - 3. TRIP TRAVEL REQUEST - FOOTHILL HIGH SCHOOL: DECEMBER 19 - 21, 2024
  - 4. TRIP TRAVEL REQUEST - FOOTHILL HIGH SCHOOL: FEBRUARY 14 - 16, 2025
  - 5. TRIP TRAVEL REQUEST - FOOTHILL HIGH SCHOOL: JANUARY 30 - FEBRUARY 1, 2025
  - 6. TRIP TRAVEL REQUEST - BECKMAN HIGH SCHOOL: DECEMBER 6 - 8, 2024
  - 7. 2024-25 WILLIAMS SETTLEMENT LEGISLATION 1ST QUARTER REPORT

Written Opposition from the Governing  
Board of the Tustin Unified School District

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Attachment 7  
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Print Item

8. CALIFORNIA COLLABORATIVE FOR EDUCATIONAL EXCELLENCE (CCEE) - 2024-25 COMMUNITY ENGAGEMENT INITIATIVE (CEI) PEER LEADING AND LEARNING NETWORK (PLLN) AGREEMENT-COHORT IV AND/OR COHORT V WITH TUSTIN UNIFIED SCHOOL DISTRICT

**D. BUSINESS CONSENT ITEMS**

1. PURCHASE ORDERS 2024-25
2. WARRANTS FOR 2024-25
3. CONSULTANT SERVICES AND OTHERS
4. PREQUALIFICATION OF POOL OF ARCHITECTURAL FIRMS FOR VARIOUS DISTRICT PROJECTS
5. BALFOUR BEATTY CONSTRUCTION, LLC: AWARD OF CONTRACT FOR MULTI-PRIME CONSTRUCTION MANAGEMENT SERVICES FOR THE RENOVATIONS AT COLUMBUS TUSTIN MIDDLE SCHOOL FOR SIX (6) SCIENCE/STEM CLASSROOMS PROJECT
6. RESOLUTION NO. 11-18-24 OF THE BOARD OF EDUCATION OF THE TUSTIN UNIFIED SCHOOL DISTRICT AUTHORIZING PIGGYBACK CONTRACTING FOR PAPER, PLASTIC, AND NON-FOOD SUPPLIES

**E. PERSONNEL CONSENT ITEMS AND REPORTS**

1. CERTIFICATED PERSONNEL REPORT
2. CLASSIFIED PERSONNEL REPORT
3. CONCORDIA UNIVERSITY STUDENT TEACHING AGREEMENT
4. MEMORANDUM OF UNDERSTANDING WITH THE TUSTIN EDUCATORS ASSOCIATION - LMA CONTRACT WAIVER
5. MEMORANDUM OF UNDERSTANDING WITH THE TUSTIN EDUCATORS ASSOCIATION - SMA 6TH GRADE SELF-CONTAINED MODEL

**F. SPECIAL EDUCATION CONSENT ITEMS**

1. MEMORANDUM OF UNDERSTANDING BETWEEN THE ORANGE COUNTY SUPERINTENDENT OF SCHOOLS AND THE TUSTIN UNIFIED SCHOOL DISTRICT
2. MEMORANDUM OF UNDERSTANDING BETWEEN THE PATHWAYS TO PARTNERSHIP AND THE TUSTIN UNIFIED SCHOOL DISTRICT

**IX. PUPIL PERSONNEL**

- A. SN 2024-25-08

**X. PUBLIC HEARING - TUSTIN INTERNATIONAL CHARTER SCHOOL**

**XI. BOARD MEMBERS' COMMENTS**

**XII. RETURN TO CLOSED SESSION (IF NECESSARY)**

**XIII. ADJOURNMENT**

- A. MOVE TO ADJOURN THE MEETING

**REASONABLE ACCOMMODATION FOR ANY INDIVIDUAL WITH A DISABILITY**

In compliance with the Americans with Disabilities Act, if you need special assistance, disability-related modifications or accommodations, auxiliary aids or services, in order to participate in the public meeting of the District's governing board, please contact the office of the District Superintendent at (714) 730-7305. Notifications 72 hours prior to the meeting will enable the District to make reasonable arrangements to ensure accommodation and accessibility to this meeting. Upon request, the District shall also make available this agenda and all other public records associated with this meeting in appropriate alternative formats for persons with a disability. The Tustin Unified School District's Web site can be accessed at: <http://www.tustin.k12.ca.us/>.

# ATTACHMENT B



## MEETING MINUTES

**CLOSED SESSION - 4:30 P.M.**  
**OPEN SESSION - 6:00 P.M.**

### Attendance

#### Voting Members

Jonathan Abelove, Board Member  
Allyson Muñiz Damikolas, President  
Lynn Davis, Board Clerk  
James Laird, Board Member  
Jonathan Stone, Vice President

### I. OPENING - 4:30 P.M.

#### A. CALL TO ORDER

President Allyson Muñiz Damikolas called the meeting to order at 4:31 p.m. James Laird

#### B. ADOPTION OF THE AGENDA

Motion made by: Jonathan Abelove

Motion seconded by: Jonathan Stone

Voting:

Jonathan Abelove - Yes

Allyson Muñiz Damikolas - Yes

Lynn Davis - Not Present

James Laird - Not Present

Jonathan Stone - Yes

#### C. PUBLIC COMMENTS

None.

### II. BOARD WORKSHOP

#### A. FACILITIES MASTER PLAN UPDATE

Representatives from Ruhnau Clarke and Foresight Planning & Development came and

Written Opposition from the Governing  
Board of the Tustin Unified School District

presented the final draft of the facilities master plan, including a live interactive website.

### **III. CLOSED SESSION - IMMEDIATELY AFTER WORKSHOP**

#### **A. ADJOURN TO CLOSED SESSION**

The meeting adjourned to Closed Session at 4:50 p.m. to discuss:

- Pupil Personnel (Readmissions/Stipulated Expulsions)
- Public Employee Discipline/Dismissal/Release (G.C. §54957)
- Public Employee Performance Evaluation - Superintendent (G.C. §54957)
- Conference with Labor Negotiator - (Tustin Educators Association; California School Employees Association, Chapter #450; and Classified Supervisory Management Association) M. De La Torre/H. Sullins (G.C. §54957.6)

### **IV. OPEN SESSION - 6:00 P.M.**

The meeting reconvened in Open Session at 6:00 p.m.

#### **A. PLEDGE OF ALLEGIANCE**

Student Board Member Melanie Villalobos from Legacy Magnet Academy led the Pledge of Allegiance to the Flag.

#### **B. REPORTING OUT OF CLOSED SESSION**

It was moved by Allyson Muñiz Damikolas and seconded by Jonathan Stone to approve the administrative appointment and employment of employee 2024-25-03 in the position of

Yes Jonathan Ablove

Yes Allyson Muñiz Damikolas

Not Present Lynn Davis

Yes James Laird

Yes Jonathan Stone

#### **C. BOARD, STAFF AND COMMUNITY RECOGNITION OF OUTGOING TRUSTEE JAMES H. LAIRD**

The Board recognized outgoing trustee James H. Laird. The City of Tustin presented James with a Proclamation. Carol Burby Garret and Tustin Public Schools Foundation presented James with a Dinosaur trophy as a thank you for all of his support. Will Neddersen presented a gift from TSMA. Lillian Hollar from Assemblywoman Cottie Petrie-Norris' office presented James with a certificate of recognition. The Board presented James with a Standing O in appreciation for his outstanding contributions to Tustin Unified for the past 20 years.

**D. BOARD RECOGNITION - RECOGNITION OF STAFF, STUDENTS AND COMMUNITY MEMBERS FOR THEIR ACCOMPLISHMENTS IN THE TUSTIN UNIFIED SCHOOL DISTRICT**

The following students and staff were recognized for their achievements:

Peters Canyon Elementary Students Maika Billard, Avary Dorsey, Stephanie Figueroa, Leighton Huynh, Eliana Kim, Lena Kye, Jalen Leang, Camila Lopez, Juliana Mun, Olivia Ngai, Layla Ortiz, Isha Singh, Brooklyn Takeno, Kaysen Turner, Chloe Van Der Heyden, and coaches Tim Larson and Jade Vasconcellos, 2024 Elementary Girls Volleyball Championships.

Tustin High School Student Harshini Mahesh in celebration of her fourth League MVP recognition. Harshini finishes her high school tennis career with a combined season and a league record of 212-0.

**E. SUPERINTENDENT'S REPORT**

Dr. Johnson honored James Laird and thanked him for his 20 years of service to the community.

Dr. Johnson thanked the 1,000 teachers, 1,500 support staff members, 140 managers, Board members, and 21,000 students. He also thanked the families for trusting TUSD with their students.

**F. STUDENT BOARD REPRESENTATIVES' REPORTS**

Sahana Shurpalekar, Beckman High School; Morgan Park, Foothill High School; Mia Ayala, Hillview High School; Melanie Villalobos, Legacy Magnet Academy; and Samantha Herrera, Tustin High School, reported on various activities and events taking place at their schools.

**G. STUDENT BOARD MEMBER'S REPORT - HARSHINI MAHESH**

Harshini Mahesh, Tustin High School, shared information about activities and events taking place at the elementary and middle schools around the District, including Benson's first-ever TK parent and child event, Pioneer celebrated Diwali, and Heritage had its 8th annual Maintenance and Operations Breakfast.

**V. PUBLIC COMMENTS**

**A. PUBLIC COMMENTS**

None.

**VI. STAFF PRESENTATION AND INFORMATION**

**A. TUSD CONNECT BRIGHT SPOTS**

Dr. Christine Matos introduced Judy Park, Educational Services Coordinator. Judy called on and recognized the Middle School Principals and Assistant Principals in attendance. Dr. Brett

D'Errico and Dr. Kristin Hartloff then presented how data-driven teamwork is creating an impact in TUSD middle schools.

## **VII. DISCUSSION/ACTION ITEMS**

### **A. ESTABLISHMENT OF ANNUAL ORGANIZATIONAL MEETING**

It is recommended the Board of Education establish Monday, December 16, 2024, at 6 p.m., as the day and time of the Annual Organizational Board of Education Meeting.

Motion made by: James Laird

Motion seconded by: Jonathan Stone

Voting:

Jonathan Abelove - Yes

Allyson Muñiz Damikolas - Yes

Lynn Davis - Not Present

James Laird - Yes

Jonathan Stone - Yes

### **B. GLOBAL ADOPTION OF THE REVISED TUSTIN UNIFIED SCHOOL DISTRICT BOARD POLICIES: INDEX 12-18 TUSTIN UNIFIED SCHOOL DISTRICT - 0000 SERIES: PHILOSOPHY, GOALS, OBJECTIVES, AND COMPREHENSIVE PLANS 1000 SERIES: COMMUNITY RELATIONS 2000 SERIES: ADMINISTRATION 3000 SERIES: BUSINESS AND NONINSTRUCTIONAL OPERATIONS 4000 SERIES: PERSONNEL 5000 SERIES: STUDENTS 6000 SERIES: INSTRUCTION 7000 SERIES: FACILITIES 9000 SERIES: BOARD BYLAWS**

Staff recommends approval of the Global adoption of the revised Tustin Unified School District Board Policies.

Motion made by: Jonathan Stone

Motion seconded by: Jonathan Abelove

Voting:

Jonathan Abelove - Yes

Allyson Muñiz Damikolas - Yes

Lynn Davis - Not Present

James Laird - Yes

Jonathan Stone - Yes

### **C. ASSISTANT DIRECTOR OF ACCOUNTING SERVICES REVISED SALARY PLACEMENT**

It is recommended that the Board of Education approve/ratify the revised salary placement for the Assistant Director of Accounting Services, retroactive to July 1, 2023.

Motion made by: Jonathan Stone

Motion seconded by: James Laird

Voting:

Jonathan Abelove - Yes

Allyson Muñiz Damikolas - Yes

Lynn Davis - Not Present

James Laird - Yes

Jonathan Stone - Yes

#### **D. MILEAGE REIMBURSEMENT AND DOCTORAL STIPEND CLASSIFIED MANAGEMENT/CONFIDENTIAL SALARY SCHEDULE**

It is recommended that the Board of Education approve the revised Classified Management/Confidential Salary Schedule retroactive to July 1, 2023 only to certain Classified Management/Confidential positions that qualify for the mileage reimbursement and doctoral stipend.

Motion made by: James Laird

Motion seconded by: Jonathan Stone

Voting:

Jonathan Abelove - Yes

Allyson Muñiz Damikolas - Yes

Lynn Davis - Not Present

James Laird - Yes

Jonathan Stone - Yes

#### **E. MEMORANDUM OF UNDERSTANDING BETWEEN THE TUSTIN EDUCATORS ASSOCIATION AND THE TUSTIN UNIFIED SCHOOL DISTRICT - HOURS OF EMPLOYMENT**

It is recommended that the Board of Education approve the Memorandum of Understanding (MOU) between the Tustin Unified School District (TUSD) and the Tustin Educators Association (TEA) on Article 5 - Hours of Employment.

Motion made by: Jonathan Abelove

Motion seconded by: Jonathan Stone

Voting:

Jonathan Abelove - Yes

Allyson Muñiz Damikolas - Yes

Lynn Davis - Not Present

James Laird - Yes

Jonathan Stone - Yes

#### **VIII. CONSENT CALENDAR**

*All matters listed under the Consent Calendar are considered by the Board to be items that will be enacted by the Board in one motion.*

Motion made by: Jonathan Stone

Motion seconded by: Jonathan Abelove

Voting:

Jonathan Abelove - Yes

Allyson Muñiz Damikolas - Yes

Lynn Davis - Not Present

James Laird - Yes

Jonathan Stone - Yes

#### **A. GENERAL FUNCTION CONSENT ITEMS**

**1. APPROVAL OF MINUTES**

It is recommended the Board of Education approve the minutes of the regular meeting on October 14, 2024, and the Study Session/Board Meeting on October 28, 2024.

**2. DATE CHANGE - 2024-25 BOARD OF EDUCATION MEETING**

Approve the date change of the regular Board of Education meeting on Monday, December 9, 2024, at 6 p.m., to Monday, December 16, 2024, at 6 p.m.

**3. GIFTS AND DONATIONS**

It is recommended that the Board of Education accepts the gifts from USA Junior Pickle Ball Association, Inc. and Teresa King; and send appropriate letters of appreciation.

**B. ADMINISTRATIVE SERVICES CONSENT ITEMS**

**1. AGREEMENT BETWEEN TUSTIN UNIFIED SCHOOL DISTRICT AND HOPSKIPDRIVE, INC.**

It is recommended that the Board of Education approve the Memorandum of Understanding with HopSkipDrive to provide transportation services for Tustin Unified School District students.

**2. ORANGE COUNTY DEPARTMENT OF EDUCATION (OCDE) ALCOHOL AND OTHER DRUG (AOD) PREVENTION PROGRAM AGREEMENT FOR SUBSTANCE USE PREVENTION SERVICES**

It is recommended that the Board of Education approve the Scope of Work with OCDE to provide substance use prevention services for Tustin Unified School District students.

**3. ORANGE COUNTY FRIDAY NIGHT LIVE PARTNERSHIP SERVICES BETWEEN ORANGE COUNTY SUPERINTENDENT OF SCHOOLS & TUSTIN UNIFIED SCHOOL DISTRICT - AGREEMENT NUMBER 10006404**

It is recommended that the Board of Education approve the Orange County Friday Night

Superintendent/designee to sign the necessary documents.

**C. EDUCATIONAL CONSENT ITEMS**

**1. TRIP TRAVEL REQUEST – BECKMAN HIGH SCHOOL: NOVEMBER 29 - 30, 2024**

It is recommended that the Board of Education approve the trip travel request for the Beckman High School 9th-12th Grade Cross Country team to travel to Fresno, California, to participate in the Clovis Invitational, November 29 - 30, 2024. All procedural requirements of the District have been met.

**2. TRIP TRAVEL REQUEST – FOOTHILL HIGH SCHOOL: DECEMBER 11-14, 2024**

It is recommended that the Board of Education approve the trip travel request for the Foothill High School Girls Varsity Soccer team to travel to San Diego, California, to participate in the Cathedral Catholic Soccer Tournament, December 11-14, 2024. All procedural requirements of the District have been met.

**3. TRIP TRAVEL REQUEST – FOOTHILL HIGH SCHOOL: DECEMBER 19 - 21, 2024**

It is recommended that the Board of Education approve the trip travel request for the Foothill High School Boys Basketball team to travel to Carpinteria, CA, to participate in two travel games, December 19 - 21, 2024. All procedural requirements of the District have been met.

**4. TRIP TRAVEL REQUEST – FOOTHILL HIGH SCHOOL: FEBRUARY 14 - 16, 2025**

It is recommended that the Board of Education approve the trip travel request for the Foothill High School VEX Robotics team to travel to Milpitas, CA, to participate in the NorCal Signature Robotics Tournament, February 14-16, 2025. All procedural requirements of the District have been met.

**5. TRIP TRAVEL REQUEST – FOOTHILL HIGH SCHOOL: JANUARY 30 – FEBRUARY 1, 2025**

It is recommended that the Board of Education approve the trip travel request for the Foothill High School VEX Robotics team to travel to Salt Lake City, UT, to participate in the Rumble in the Rockies VEX Competition Signature Event, January 30 - February 1, 2025. All procedural requirements of the District have been met.

**6. TRIP TRAVEL REQUEST – BECKMAN HIGH SCHOOL: DECEMBER 6 - 8, 2024**

It is recommended that the Board of Education approve the trip travel request for the Beckman High School Science Bowl Team to travel to Berkeley, California, to participate in the Science Bowl Competition Invitational, December 6 - 8, 2024. All procedural requirements of the District have been met.

**7. 2024-25 WILLIAMS SETTLEMENT LEGISLATION 1ST QUARTER REPORT**

It is recommended that the Board of Education accept the 2024-25 Williams Settlement Legislation 1st Quarter Report.

**8. CALIFORNIA COLLABORATIVE FOR EDUCATIONAL EXCELLENCE (CCEE) - 2024-25 COMMUNITY ENGAGEMENT INITIATIVE (CEI) PEER LEADING AND LEARNING NETWORK (PLLN) AGREEMENT- COHORT IV AND/OR COHORT V WITH TUSTIN UNIFIED SCHOOL DISTRICT**

It is recommended that the Board of Education approve the 2024-25 Community Engagement Initiative (CEI) Peer Leading and Learning Network (PLLN) Agreement, Cohort IV and/or Cohort V with Tustin Unified School District; and authorize the Superintendent/designee to sign the necessary documents.

## **D. BUSINESS CONSENT ITEMS**

### **1. PURCHASE ORDERS 2024-25**

It is recommended that the Board of Education approve/ratify the purchase orders listed for the fiscal year 2024-25 U87C0328- U87Z0577.

### **2. WARRANTS FOR 2024-25**

It is recommended that the Board of Education approve/ratify warrants listed: General Fund Nos. 193115 - 193798; Adult Education Fund Nos. 193151 - 193662; Child Development Fund Nos. 193153 - 193775; Cafeteria Fund Nos. 193309- 193606; Deferred Maintenance Fund Nos. 184038 - 184265; SFID 2012-1 B Fund No. 193321; Measure S Fund Nos. 193322- 193600; Capital Facilities Fund No. 193601; School Facilities Fund No. 193602; Special Reserve Fund Nos. 193538- 193799; Workers' Compensation Fund Nos. 193323-193723.

### **3. CONSULTANT SERVICES AND OTHERS**

It is recommended that the Board of Education approve/ratify the employment of the following consultants:

1. Cardinal Environmental Consultants Inc. will provide Hazmat testing for the Renovations at Columbus Tustin Middle School for Six (6) Science/STEM classroom projects. Certified staff will survey to meet all the state and local requirements as scheduled by the Sr. Director of Maintenance, Operations, and Facilities. The total fee will not exceed \$7,500 and will be paid from the Measure S Budget.
2. PQ Bids will provide prequalification of prospective bidders' services to stay in compliance pursuant to California Public Contract Code sections 20111.5 and 20111.6, as well as full-service CUPCCAA Management (Option A) as scheduled by the Sr. Director of Maintenance, Operations, and Facilities. The total fee will not exceed \$18,000 and will be paid from the Facilities Budget.
3. Amendment #1 - West Shield Adolescent Services will provide transportation services to and from NPS/RTC with TUSD students as scheduled by the Assistant Superintendent of Special Education. On July 22, 2024, the Board approved the fee of \$30,000. This amendment will add \$30,000, which will be paid from the SPED Transportation Budget.
4. AT10 Education, LLC will provide Independent Educational Evaluation in Assistive Technology for TUSD students as scheduled by the Assistant Superintendent of Special Education. The total fee will not exceed \$4,500 and will be paid from the Speech Budget.
5. Real Inspiration, Inc. will present three 45-minute assemblies for

Written Opposition from the Governing  
Board of the Tustin Unified School District

students and facilitate two 60-minute staff leadership workshops over two days as scheduled by the Principal of Tustin High School (THS). The total fee will not exceed \$9,000 and will be paid from the THS Title I Budget.

6. Mobile Dairy Classroom brings agriculture to the school and teaches students the vocabulary and anatomy of a cow, how milk goes from cow to table, and the importance of healthy eating and physical activity as scheduled by the Principal of Benson Elementary School. This program is free.
7. USA Junior Soccer, DBA Premier Education will provide a multisport program that engages students in physical activity through various sports activities. The program aims to lead students to a physically active lifestyle, as scheduled by the Principal of Ladera Elementary School. The total fee will not exceed \$2,250 and will be paid from the ELOP Budget.
8. Ratify – The Expanded Food & Nutrition Education Program will provide an eight-week health and nutrition workshop series for Nelson Elementary School parents, teaching them how to choose healthy foods, save money, cook low-cost recipes, and keep the family active as scheduled by the Principal of Nelson Elementary School. There is no cost for this program.
9. Ratify – Roots and Wings will develop and implement a garden-based program, including educational, standards-linked garden lessons as scheduled by the Principal of Beswick Elementary School. The total fee will not exceed \$4,900 and will be paid from the ELOP Budget.
10. USAJPA will provide quality pickleball instruction for students as scheduled by the Principal of Beswick Elementary School. The total fee will not exceed \$1,624 and will be paid from the ELOP Budget.
11. Ratify – Momentum in Teaching will provide professional development to support elements of a Balanced Literacy approach as scheduled by the Principal of Heideman Elementary School. The total fee will not exceed \$8,400 and will be paid from the LRE Site Intervention Budget.
12. Ratify – Hurt Family Health Mobile Clinic will have their Mobile Clinic in the Nelson Elementary School parking lot on November 6, 2024, from 1:30-6 pm to provide immunizations to the community as scheduled by the Principal of Nelson Elementary School. There is no cost for this service.
13. i9 Sports will provide recreational clinics for students in sports such as football, soccer, basketball, baseball, lacrosse, and volleyball, as scheduled by the Principal of Sycamore Magnet Academy. The total fee will not exceed \$4,800 and will be paid from the Title I Budget.

14. Sports X Group will provide coaching for a basketball, flag football, and soccer program as scheduled by the Principal of Beswick Elementary School. The total fee will not exceed \$3,390 and will be paid from the ELOP Budget.
15. Top Youth Speakers will provide an enriching assembly that supports standard-based instruction as scheduled by the Principal of Heideman Elementary School. The total fee will not exceed \$1,480 and will be paid from the Title I Budget.
16. Marc Griffiths will provide students with a learning experience for friendship, kindness, and anti-bullying, as scheduled by the Principal of Heideman Elementary School. The total fee will not exceed \$895 and will be paid from the Title I Budget.
17. Ratify - California Weekly Explorer will provide an interactive educational presentation of history through literacy and the arts as scheduled by the Principal of Benson Elementary School. The total fee will not exceed \$1,655.98 and will be paid from the Title I Budget.
18. Neutral Ground Partnership aims to provide a comprehensive approach to address students' social, emotional, and educational needs, fostering resilience, accountability, and a sense of belonging. By collaborating with school districts and providing reentry and case management support to the broader community, Neutral Ground is committed to helping at-risk youth overcome challenges and build positive connections that support their academic and personal growth. This program is being implemented in collaboration with the Principal of Beckman High School. The total fee will not exceed \$32,400 and will be paid from the A-G Learning Loss Budget.
19. Ratify - Lollipop Dental will provide a 20-30 minute presentation on brushing teeth and healthy eating. Students will receive a goody bag as scheduled by the Principal of Nelson Elementary School. There is no cost for this program.
20. Sports Haven Project will provide a sports-based lunch program twice a week as scheduled by the Principal of Nelson Elementary School. The total fee will not exceed \$13,111.31 and will be paid from the Community Engagement Budget.
21. Knights at School will provide an assembly bringing the Middle Ages to life as scheduled by the Principal of Hewes Elementary School. The total fee will not exceed \$1,150 and will be paid through a reimbursement from the Hewes Elementary School PTA.
22. University of California COMPASS - TUSD will pilot UC Compass for

two high school sites- Tustin Connect High School and Tustin High School. UC Compass is a program that provides administrators and counselors detailed insights into A-G completion trends, graduation cohort profiles, students at risk of not meeting A-G requirements, and more through transcript evaluation services. The program intends to provide actionable insight into how schools can add or shift practices to increase A-G rates. UC Compass is a program offered by the UC Office of the President and works in partnership with UC Admissions. The pilot will cost \$1 per student for each school site. Ed Services will work with UC Compass and each high school site participating in the pilot to support the learning process. The total fee for the program will not exceed \$2,096 and will be paid from the A-G Block Grants for the respective schools.

23. Dannis Woliver Kelley, Attorneys at Law, will provide legal services as scheduled by the Superintendent. The total fee will not exceed \$15,000 plus miscellaneous expenses and will be paid from the Superintendent's Budget.

#### **4. PREQUALIFICATION OF POOL OF ARCHITECTURAL FIRMS FOR VARIOUS DISTRICT PROJECTS**

It is recommended that the Board of Education of the Tustin Unified School District approve the list of prequalified firms to perform architectural services on current and future District projects for the next five (5) years.

#### **5. BALFOUR BEATTY CONSTRUCTION, LLC: AWARD OF CONTRACT FOR MULTI-PRIME CONSTRUCTION MANAGEMENT SERVICES FOR THE RENOVATIONS AT COLUMBUS TUSTIN MIDDLE SCHOOL FOR SIX (6) SCIENCE/STEM CLASSROOMS PROJECT**

It is recommended that the Board of Education approve the contract with Balfour Beatty Construction, LLC, for multi-prime construction management services related to restoring six (6) Science/STEM classrooms at Columbus Tustin Middle School. The total contract fee will not exceed \$816,063. Additionally, we recommend authorizing the Chief Financial Officer to sign the necessary contract documents.

#### **6. RESOLUTION NO. 11-18-24 OF THE BOARD OF EDUCATION OF THE TUSTIN UNIFIED SCHOOL DISTRICT AUTHORIZING PIGGYBACK CONTRACTING FOR PAPER, PLASTIC, AND NON-FOOD SUPPLIES**

District staff recommends that the Board of Education approve and adopt the proposed resolution, thereby authorizing the District to piggyback on the Alvord USD contract by issuing purchase orders directly to Imperial Dade.

### **E. PERSONNEL CONSENT ITEMS AND REPORTS**

#### **1. CERTIFICATED PERSONNEL REPORT**

It is recommended that the Board of Education approve/ratify the Certificated Personnel Report.

## **2. CLASSIFIED PERSONNEL REPORT**

It is recommended that the Board of Education approve/ratify the Classified Personnel Report.

## **3. CONCORDIA UNIVERSITY STUDENT TEACHING AGREEMENT**

It is recommended that the Board of Education approve the Student Teaching Agreement with Concordia University effective January 1, 2025, through December 31, 2028.

## **4. MEMORANDUM OF UNDERSTANDING WITH THE TUSTIN EDUCATORS ASSOCIATION – LMA CONTRACT WAIVER**

It is recommended that the Board of Education approve the Memorandum of Understanding (MOU) between the Tustin Unified School District (TUSD) and the Tustin Educators Association (TEA) regarding Legacy Magnet Academy Contract Waiver at Legacy Magnet Academy in the 2024 – 2025 school year.

## **5. MEMORANDUM OF UNDERSTANDING WITH THE TUSTIN EDUCATORS ASSOCIATION - SMA 6TH GRADE SELF-CONTAINED MODEL**

It is recommended that the Board of Education approve the Memorandum of Understanding between the Tustin Unified School District and the Tustin Educators Association regarding a 6th grade semi-self-contained model at Sycamore Magnet Academy in the 2024-2025 school year.

## **F. SPECIAL EDUCATION CONSENT ITEMS**

### **1. MEMORANDUM OF UNDERSTANDING BETWEEN THE ORANGE COUNTY SUPERINTENDENT OF SCHOOLS AND THE TUSTIN UNIFIED SCHOOL DISTRICT**

Approve the MOU between the Orange County Superintendent of Schools and the Tustin Unified School District to provide services to children with disabilities; and authorize the Chief Financial Officer, to execute the necessary contract documents.

### **2. MEMORANDUM OF UNDERSTANDING BETWEEN THE PATHWAYS TO PARTNERSHIP AND THE TUSTIN UNIFIED SCHOOL DISTRICT**

Approve the MOU between the Pathways to Partnership “P2P”, the Regional Implementation Lead (“LEAD”) and the Tustin Unified School District to collaborate and benefit through the development of collective knowledge across SELPA and Family Support Structures; and authorize the Chief Financial Officer, to execute the necessary contract documents.

## **IX. PUPIL PERSONNEL**

**A. SN 2024-25-08**

It is recommended that the Board of Education approve the Suspended-Expulsion to Columbus Tustin Middle School from October 14, 2024, through May 30, 2025.

Motion made by: Jonathan Abelow

Motion seconded by: James Laird

Voting:

Jonathan Abelow - Yes

Allyson Muñiz Damikolas - Yes

Lynn Davis - Not Present

James Laird - Yes

Jonathan Stone - Yes

**X. PUBLIC HEARING - TUSTIN INTERNATIONAL CHARTER SCHOOL**

A Public Hearing will be conducted on the provisions of the Tustin International Charter School Petition submitted to the District requesting approval of the Charter.

Open: 7:00 p.m.      Closed: 7:12 p.m.

**XI. BOARD MEMBERS' COMMENTS**

Jonathan Abelow thanked the community for passing Measure J. He congratulated Allyson and Jonathan for retaining their Board seats. He attended the Mandarin Dual Immersion Zoom meeting and commented that Maggie Villegas and Stephanie Yang did well presenting and there was a lot of parent interest in the program. Finally, he thanked the site administrators for allowing the Board to visit the school sites.

Jonathan Stone congratulated Dr. Matos and the Middle School administrators for all their hard work on data-driven teamwork and the impact it is having on student achievement.

James Laird echoed Jonathan Stone's comments on the data-driven work at the Middle Schools. He also thanked the community for passing Measure J.

Allyson Muñiz Damikolas thanked the community for believing in the Board's leadership in the district. She is honored to continue to serve students, staff, and families as a member of the board.

**XII. RETURN TO CLOSED SESSION (IF NECESSARY)**

It was not necessary to return to Closed Session.

**XIII. ADJOURNMENT**

**A. MOVE TO ADJOURN THE MEETING**

The meeting was adjourned at 7:19 p.m.

Motion made by: James Laird

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Motion seconded by: Jonathan Stone

Voting:

Jonathan Abelove - Yes

Allyson Muñiz Damikolas - Yes

Lynn Davis - Not Present

James Laird - Yes

Jonathan Stone - Yes

# ATTACHMENT C

**Board Meeting - November 18, 2024**

**Board Item X. Public Hearing - Tustin International Charter School**

**Allyson Muniz Damikolas, Board President** - Now on to the public hearing of the tustin international charter school I will open the public hearing on teston International Charter School tonight we'll hear from District Council Suki alaala the petitioner Mr Mr chuang as our community in addition as well as the our community in addition the board will have an opportunity to ask any questions it may have regarding the teston international Chari school I would like to call Mrs alalia to the PO Podium

**Sukhi K. Ahluwalia, Counsel for TUSD** - good evening board members um tonight you're going to be hearing from myself as well as the petitioners for teston international Charter Academy the purpose of tonight's meeting or excuse me hearing is for the board to consider the level of um support from teachers community members um in the proposed Charter petition you'll recall that this petition was before you approximately 8 to 10 months ago and then it was appealed to the Orange County Board of Education prior to the Orange County Board of Education actually taking action on the petition it was withdrawn and it has now been resubmitted our staff and District um staff are reviewing the revised Charter petition they did make some changes and we will be preparing a staff analysis and recommendation that will be posted at least 15 days prior to the board meeting at which you will take action the board meeting at which you will take action needs to take place within 90 days of the submission of the charter petition but there is an opportunity to have an extension of that um and we'll probably be talking to to the petitioner about that as I said right now we have not formulated our staff recommendations and findings uh we will be obviously taking into account any comments that are made by the petitioner at tonight's meeting as well as any information that's provided by um any member of the public that chooses to make comments to the board with that I don't have any further comments or um statements at this time are there any questions that the board has of me at this time

**Board President** - Thank you. Next, I'd like to call Mr. Chuang to present on the Tustin International Charter School petition. Mr. Chuang you will have 15 minutes to present.

**Mr. Steven Chuang, TICS** - thank you sukii and uh thank you board president board members superintendent Johnson and esteem members of T Unified School District Community today um my name is Steven Chuang and Joe Liu we are here on on behalf of the Tuson International Char School founding team uh to share our petition as a second time and um first of all I would like to uh notify that we we didn't get the notification about this uh public hearing until Wednesday so even though most of our board our founding team members would like to be here but they already made a commitment so we will appreciate in the future that you could give us more time so we can prepare and uh second of all we are glad that the tus UniFi school distory is planning to operate your own VOR immersion program with the TK and K program uh in the year of 2025 um however many parents reach out to us saying that they have all kids

starting from first grade so for those parents they won't be able to take this great opportunity to enroll their child in your own mental emotion program and uh again to introduce myself I grew up in Taiwan and I came here in year 2000 as a first uh generation immigrants I learned that we have to work hard to be successful so four years ago I stood in the board meeting at the Irvine UniFi School District to advocate for the mentor immersion program and at that time we understood that because of the board didn't know me at very well so they rejected the petition but again as I share with many parents and board members and community members the model is very successful because as you can see from the academic performance in at Irvine International Academy this year their academic performance outranked the UniFi School District this is their fourth year so again I would like to emphasize that there's a strong KN out there because during the parent um information Zoom meeting last Thursday there were 104 parents participate in that Zoom meeting that's just one Zoom meeting so just let you know that there's a strong need there so the model is absolutely you know um worth operating and again we are a team of experien educators with over 20 years experience in bilingual and Mentor emersion program for example in the past I was a school principal at College Park Elementary School in s Matel in those four years it was a hard work because I work from 7 a.m. to 8:00 p.m. every day including I even went to school on a weekend to make sure that every issue has been taken off for example we build the PBIS uh handbook positive behavior intervention and support system it took us three years to run the program not only in English but also in manding so we have the handbook in ready and also for the model of the program I know touchon UniFi is proposing the ad20 for the first year and 7030 for the second year then during the third grade student will move to 5050 model I would just let you know that we study we've been been there done that there will be a challenge for that that I can share with you because for English teacher how many classes your English teacher have to teach that would be an equity issue and your union will bring out that issue to to the uh Administration so just let you know that why we ran a 5050 model which means the English teacher will teach two classes and mentoring teacher will teach two classes and they will switch in the middle so you'll be half day Chinese and have the English and there's another challenge would be what kind of textbook you're going to use for to support those families who don't speak mentoring at home right so that you will hear from parents say hey I don't speak mentoring at home how could I support my child at home if you use the kind this testbook then the TX book doesn't offer that support that's why we we spend over six month with the support from uh division of um Educational Services to decide that we use the M um better better emersion textbook because that textbook can offer the online support without parents knowing Chinese at all kids can just go online and lock online and then they can just click whatever they don't understand and the computer can just share that with them so I just let let you know that there are so many things that you have to uh overcome the hurdle but we we've done that and for the uh first child School in Irvine Iran which is name Irvine International Academy they were no School side no teachers no students no textbook in the beginning but I was there to help to build everything I held over 14 Zoom meetings to recruit parents and as we proposed that during our first year we will have over 300 students at that time irvan univ School dist did not believe that but we did we even have a long way list and another another example to support my point is that for this school year Irvine Chinese immersion Academy and IIA they have a long waist I'm sorry long weight list for the TK and K and they have to expand it to five classes of TK and K so we just want to let you know that this

is a very successful model um and very competitive program so hopefully uh this time the board member can listen to us that we are advocating for parents to have more choices and thank you for your 20 years of service thank you any question

**Board President** - We have a public hearing. Is there anybody that would like to speak on behalf of this subject? Seeing no speakers, is there any um does the board have any questions

**Board President** - I I I have one

**Mr. Chuang** - yes

**Board President** - I will tell you that I heard more about the criticism of our proposed program than truly a real plan on your side but with that said assuming the plan is what is your role today and what do you do and also what do the what is the role then that do you see playing in this charter school going forward for yourself personally?

**Mr. Chuang** - Okay to clarify your uh question you said you learn that this criticism about your program is from our team I want to clarify that's not true at all we I we did not reach out to parents to undermine your effort at all because I know how hard to be a appropriate I can swear that we didn't do that we didn't do that kind of uh Shady thing at all second of my role will be helping this school this school to build up it's what I did uh for the Irvine international academy and all of these effort out of my own pocket we did not make anything out of this

**Board President** - so your so just for clarity Your Role would be helping and not as a paid position in the charter

**Mr. Chuang** - in the future

**Board President** - uhuh

**Mr. Chuang** - uh the uh OCD they would like me to be the founding principal again

**Board President** - and currently your role uh in your job today is

**Mr. Chuang** - was the board member and then I have to step

**Board President** - no but right

**Mr. Chuang** - but there's no pay at all

**Board President** - you have no job

**Mr. Chuang** - no pay at all

**Board President** - okay thank you

**Mr. Chuang** - and for the public record I know the board member receive email in March regarding me I want to clarify that's misinfo so I want to clarify that part is absolutely false for the public record thank you

**Board President** - okay thank you is there any other comments questions no all right we are on to our board oh correct we close the hearing at 7:12 p.m.

# ATTACHMENT D

**Resolution No. 12-44-24**  
**Denying the Charter School Petition for**  
**Tustin International Charter School**  
**by the Governing Board of the**  
**Tustin Unified School District**

**WHEREAS**, pursuant to Education Code Section 47600 *et seq.*, the Governing Board of the Tustin Unified School District (“District Board”) is required to review and consider authorization of charter schools; and

**WHEREAS**, on or about September 25, 2024, petitioners delivered to the District Office a Charter School Petition (“Charter”) and a certificate of completeness for the proposed Tustin International Charter School (“TICS”) to be operated and governed by Mandarin Immersion Schools, a nonprofit public benefit corporation. The terms “Mandarin Immersion,” and “Charter School” are used herein collectively, individually, and interchangeably to refer to both Mandarin Immersion Schools and/or the proposed Tustin International Charter School; and

**WHEREAS**, in accordance with the Charter Schools Act of 1992, the Charter was deemed received on the date of its delivery to the District Office with the certificate of completeness, thereby commencing the timelines for District Board action thereon; and

**WHEREAS**, the District Board conducted a public hearing on the provisions of the Charter on November 18, 2024, pursuant to Education Code Section 47605, at which time the District Board considered the level of support for this Charter by teachers employed by the District, other employees of the District, and parents. The lead petitioner spoke in favor of the charter school. No parents, District teachers or other District employees spoke in favor of the Charter during the public hearing; and

**WHEREAS**, in accordance with the requirements of Education Code Section 47605(b), the District published its staff recommendations, including the recommended findings, regarding the Charter, including the proposed resolution of denial (collectively “Staff Recommendations & Findings”), by posting proposed Resolution No. 12-44-24 to the District’s website and providing this information to TICS on December 4, 2024; and

**WHEREAS**, on or about October 30, 2023, the same petitioners submitted an earlier version of a charter proposing to open Tustin International Charter School (“Charter 1”), and the District Board held a public hearing on the provisions of Charter 1 on December 11, 2023. On January 15, 2024, the District published its staff recommendations, including the recommended findings, regarding Charter 1, whereby District staff recommended that Charter 1 be denied. The District provided a copy of those recommendations and recommended findings to the TICS petitioners. After the denial of Charter 1, the TICS petitioners appealed the decision to the Orange County Board of Education. After the OCBOE public hearing on April 3, 2024, during which the lead petitioner, Mr. Chuang, was asked to explain his role/ address allegations regarding his performance at the Irvine International Academy Charter School in Irvine, California, the TICS petitioners withdrew Charter 1 from further consideration by the OCBOE, so the OCBOE did not act on appeal of the denial of Charter 1; and

**PROPOSED**

**WHEREAS**, at the time that the District published its staff recommendations and findings recommending that the District Board deny Charter 1, the proposed resolution of denial specified that the resolution “[did] not necessarily include findings relative to every defect in the Charter submitted, and that the findings set forth [therein] are sufficient to support denial of the Charter, and it is the findings set forth and adopted [therein] on which the denial findings are based”; and

**WHEREAS**, the Charter proposes a TK-5 school that would open with grades TK-4 in the 2025-26 school year, with a total enrollment capacity at full roll out of 436 students, and TICS is seeking a term of July 1, 2025, through June 30, 2030; and

**WHEREAS**, in reviewing the Charter for the establishment of TICS, the District Board has been 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, and the District Board has considered the academic needs of the students the Charter School proposes to serve; and

**WHEREAS**, the District Board finds that, given the nature and operational structure of independent charter schools and the necessity that they operate independently outside of the traditional noncharter public school system and the structure of a school district and in accordance with the law, it is imperative that any charter petitioner establishes its capacity to prepare a fully formed and compliant charter petition that comports with the requirements of the Charter Schools Act and establishes that approval is consistent with sound educational practice and the interests of the community where the charter school proposes to locate. The District Board further finds that it is not the role of the District to provide a “roadmap” to approval or substitute the District’s experience and expertise for that of the charter petitioners. Instead, charter petitioners must establish that they will be able to operate the proposed charter school independently and in a manner that serves students and provides them a sound educational experience by providing a clear, complete, fully developed and reasonably comprehensive charter petition that complies with the requirements of the Charter Schools Act; and

**WHEREAS**, charter schools are subject to the requirements of federal law, including, but not limited to, the Family Educational Rights and Privacy Act (“FERPA”), 20 U.S.C. § 1232g, the Individuals with Disabilities Education Improvement Act (“IDEA”), 20 U.S.C. §1400, *et seq.*, Section 504 of the Rehabilitation Act of 1973 (“Section 504”), and the Americans with Disabilities Act of 1990, as amended (“ADA”); and

**WHEREAS**, the District staff, working with District legal counsel, has reviewed and analyzed all information received with respect to the Charter and information related to the operation and potential effects of the proposed Charter School, and based on that review, prepared and published the Staff Recommendations & Findings, and made a recommendation to the District Board that the Charter be denied by adoption of this Resolution No. 12-44-24 adopting the findings of denial set forth herein; and

**WHEREAS**, the District Board has fully considered the Charter submitted for the establishment of TICS, statements and information presented at the public hearing, and the Staff Analysis and Recommendations, including the recommended findings set forth in the proposed Resolution No. 12-44-24; and

**PROPOSED**

**WHEREAS**, the District Governing Board specifically notes that this Resolution No. 12-44-24 does not necessarily include findings relative to every defect in the submitted Charter, and that the findings set forth herein are sufficient to support denial of the Charter, and it is the findings set forth and adopted herein on which the denial findings are based.

**NOW, THEREFORE, BE IT RESOLVED AND ORDERED** that the Governing Board of the Tustin Unified School District finds the above listed recitals to be true and correct and incorporates them herein by this reference.

**BE IT FURTHER RESOLVED AND ORDERED** that the Governing Board of the Tustin Unified School District, having fully considered and evaluated the Charter for the establishment of TICS, pursuant to Education Code Section 47605, hereby denies the Charter and finds that approval of the Charter is not consistent with sound educational practice and with the interests of the community in which the Charter School is proposing to locate, based upon the following grounds and factual findings:

- A. The petitioners are demonstrably unlikely to successfully implement the program set forth in the Charter. [Education Code Section 47605(c)(2)]
- B. The Charter does not include the required number signatures of meaningfully interested teachers. [Education Code Section 47605(c)(3)]
- C. The Charter School presents an unsound educational program for the pupils to be enrolled in the Charter School. [Education Code Section 47605(c)(1)]
- D. The Charter does not contain reasonably comprehensive descriptions of all of the required elements. [Education Code Section 47605(c)(5)]
- E. The charter school is demonstrably unlikely to serve the interests of the entire community in which the school proposes to locate. [Education Code Section 47605(c)(7)]

**BE IT FURTHER RESOLVED AND ORDERED** that the Governing Board of the Tustin Unified School District hereby determines the foregoing findings are supported by the following specific facts:

**I. THE PETITIONERS ARE DEMONSTRABLY UNLIKELY TO SUCCESSFULLY IMPLEMENT THE PROGRAM SET FORTH IN THE PETITION. [EDUCATION CODE SECTION 47605(C)(2)]**

- A. Unrealistic Enrollment Projections. The Charter School's enrollment projections do not appear reasonable and lack adequate supporting documentation, including an interest list for prospective students. Petitioner's comments at the November 18, 2024, public hearing provided no legitimate basis for the enrollment projections beyond stating there is "a need" and desire for this type of educational program in the Tustin area. Indeed, TICS did not submit any evidence of student/family interest in or demand for TICS to open in Tustin or the general geographic area. Instead, TICS relied on teacher signatures in submitting the petition and no prospective

parents spoke at the public hearing or otherwise expressed their support for the TICS program to open in Tustin.

The Charter anticipates first year enrollment at 228 students and anticipates growth of more than 30% for the second year of operations, and projects that enrollment will have nearly doubled to 436 students by its fifth year of operations.

These are very large enrollment numbers to start with, and increase at a dramatic rate, with no explanation provided as to the basis for the growth estimates other than the Petitioners statements that there is a need and desire for this type of educational program in the Tustin area. The students who reside within the District are its target population, but the District's non-charter schools are among the top performing in the State of California and the nation, and generally there is a very high degree of satisfaction among residents with the District's schools and programs, thereby providing a limited population from which this untried and unproven Charter School would be drawing.

Furthermore, beginning in 2026-27 Kindergarten enrollment is projected to be 78 students or three classrooms of 26 students, an increase of one classroom as compared to 2025-26. Utilizing a cohort survival methodology, the preceding years TK class of 20 is projected to increase by an additional 58 students. TICS offered no rationale or supporting information to support the tripling of the cohort.

Additionally, the District intends to commence providing a Mandarin Immersion program at the start of the 2025-26 school year that will initially serve approximately 100 students in grades TK-K. The instructional model that the District intends to utilize for its proposed Mandarin immersion program is rooted in well-respected studies and staff research/expertise. Tustin families will of course have first right to enroll in this program and given the size and scope of the District's proposed program, it is unlikely that TICS' program will be a desirable option for Tustin residents, thereby further reducing the population from which TICS would be drawing.

The overestimated projected enrollment indicates that TICS' budget projections are unsound, and the proposal is likely to create an unworkable and unstable educational program for the proposed students. The Charter's budget will rely heavily on the number of students enrolled and their attendance. Alarming, TICS has no contingencies in place should reality fall short of these projections. Unsound and unbalanced budgets lead to charter schools closing or failing to provide the program promised in their charter, at students' expense. To wit, in its June 2023 publication, FCMAT's *Charter School Indicators of Risk* include "Enrollment and/or ADA projections and assumptions not based on historical data, industry standards, and other reasonable considerations."<sup>1</sup>

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<sup>1</sup> *Charter School Indicators of Risk or Potential Insolvency* (last revised 6/28/23) available at: <https://www.fcmat.org/indicators-risk> and <https://www.fcmat.org/PublicationsReports/Charters%20Indicators%20of%20Risk.pdf> [last visited on 1/10/2024]

**PROPOSED**

- B. TICS' planned salaries are extremely low when compared to the District, and it is unrealistic and unconvincing that TICS will be able to successfully recruit and retain high quality certificated and noncertificated staff at these rates, particularly given the current teacher shortage and the TICS Charter requirement that teachers be bi-literate and bi-lingual in Mandarin Chinese.

In preparing to commence the operations of its own Mandarin immersion program, the District is aware of the extremely small number of qualified Mandarin Chinese teachers and finds it extremely unlikely that these highly sought after teachers would be willing to work at TICS for a far lower salary and range of benefits than work at the District's program or a similar program with much higher salaries. The difficulty of finding qualified language immersion teachers is exemplified by TICS' inability to find a sufficient number of qualified Mandarin teachers to sign the Petition.

- C. The Charter does not provide an alternative cash flow that excludes startup grant funds in the event these funds are not awarded. The TICS budget contains funding from a Charter Revolving Loan in the amount of \$250,000, an initial --- of \$150,000, and a Public Charters School Grant Program in the amount totaling \$600,000 or \$200,000 in each of the first three years. However, there is no description or assurance that these grants have been awarded or the basis for reliance on these funds.
- D. The Charter provisions on insurance and indemnification are not adequate to protect the Charter School or the District from potential liability for TICS' acts or omissions, even though TICS will be operated by a 501(c)(3) nonprofit public benefit corporation. Likelihood of a charter's success depends on whether its petition budgets for "general liability, workers compensations, and other necessary insurance of the type and in the amounts required for an enterprise of similar purpose and circumstance." (Cal. Code of Regs., tit. 5, § 11967.5.1(c)(3)(C).) The insurance levels budgeted by the petitioners are woefully inadequate for the school, and do not comply with current expectations, best practices, and realistic assessments of potential liabilities for a charter school and/or charter management organization. Thus, the District finds that the Charter does not contain adequate assurances that the Charter School will acquire and maintain coverage in amounts and types that comply with the District's standards and expectations to protect the District and its stakeholders, as well as the Charter School and its students, employees, and community members, from potential liabilities created by TICS' operations.

Based on information provided, LCFF revenues appear to be overstated. There is not the requisite detail (LCFF Calculator, UPP assumption, etc.) to determine the accuracy of LCFF and other budgeted revenues (e.g. ELOP).

The budgetary documents reference a startup cash balance of \$150,000, but the source is not clearly delineated and, if the source is donations or competitive grants, there is no alternative cash flow to account for these funds not being received.

**PROPOSED**

The budget submission did not provide a narrative, but did include assumptions- however the assumptions are incomplete (missing Unduplicated Pupil Percentage) and contain inaccurate information (LCFF Base rates, Mandated Block Grant, Lottery, and Special Education). Additionally, there is a lack of supporting calculations (LCFF Calculator) to substantiate requested information.

- E. Facility. The charter petition is required to submit a description of the facility to be used by the charter school, including specifying where the charter school intends to locate, and is also required to include financial statements that include a proposed first-year operational budget, including startup costs, and cashflow and financial projections for the first three years of operation. Together, these budget documents and the description of facilities, in addition to the specified information about the location, necessarily must include terms, budgeted costs (of the facility and improvements) and funding source, minimum attributes required of any facility, and related matters in order for these required documents and information meaning and for them to be reasonable and reliable. The Charter provides only that “Tustin International Charter School will operate within the boundaries of the Tustin Unified School District. If TICS does not secure a private facility, the Charter School reserves the right to request a facility from the District,” pursuant to Proposition 39 (Ed. Code § 47614). Notably, TICS did not submit a Proposition 39 request for District facilities by the November 1, 2024, deadline for the 2025-26 school year.

Thus, TICS does not have any right to use any District facilities for the 2025-26 school year. Inexplicably, on both its website homepage and on its Facebook page, TICS posted pictures of the District’s Lambert Elementary School site. On the website, this District school is identified as the “proposed” location, including a Google map setting forth its specific location.

TICS has no right to use any District facility for the upcoming school year, let alone Lambert Elementary, the particular school that TICS has chosen to spotlight on its website and social media platforms. TICS inclusion of a picture of this District school, plus the notation on the website that Lambert Elementary is TICS’ “proposed location,” is misleading, at best creating confusion and possibly substantial concern and disruption to the school’s students, families, staff, and community as well as any prospective TICS families or staff.

This appears to be an inappropriate attempt to incorrectly convey to the public that TICS will be located in a District site, specifically Lambert. Further, this incorrect information is inconsistent with TICS’ obligations to provide information with its Charter about its facilities, including where the proposed school intends to locate, and indicates, consistent with the lack of facilities information submitted with the Charter Petition, that TICS has not done the necessary work to locate, plan, and budget for an appropriate facility to house the proposed school, which are necessary in order to successfully implement the program.

**PROPOSED**

Moreover, any expression of interest in enrolling or working at the school is necessarily undermined by the fact that any prospective employee, and especially any family contemplating its local school options, was misled and misinformed about the location and nature of the facilities at which TICS would be housed, which are important considerations in deciding whether to seek to enroll a student or work at a school.

**II. THE PETITION DOES NOT INCLUDE THE REQUIRED NUMBER SIGNATURES OF MEANINGFULLY INTERESTED TEACHERS. [EDUCATION CODE SECTION 47605(C)(2)]**

- A. The teacher signatures supporting the Petition do not appear to reflect teachers who are “meaningfully interested” in teaching at the proposed Charter School, as required by law, because two-thirds of the teachers who signed the Petition are not qualified to teach at the proposed school. When a petition is submitted based on teacher (not parent) signatures, the petition must be “signed by a number of teachers that is equivalent to at least one-half of the number of teachers that the charter school estimates will be employed at the charter school during its first year of operation.” (Educ. Code § 47605(a)(1)(B).) The petition “shall include a prominent statement that “a signature on the petition ... means that the teacher is meaningfully interested in teaching at the charter school.” (Ed. Code § 47605(a)(3).) In this case, the Petition estimates that ten (10) teachers will be employed at the Charter School in Year 1, so a minimum of five teacher signatures was required.
- B. The Charter specifies that a required qualification for teachers at the proposed school is to be “Bi-lingual and bi-literate in both Mandarin Chinese and English (except for English-only positions). Additionally, the TICS website states: “We will recruit teachers who are certified Mandarin language instructors. They have years of experience and are skilled in making language learning enjoyable and engaging.”

The petitioners submitted signatures from six individuals. Yet, TICS provided no evidence or information establishing that the teachers whose signatures were submitted to comply with this mandatory prerequisite to the Petition submission and/or approval are bi-literate or bi-lingual in Mandarin Chinese or, regardless of their potential language level, that they are properly credentialed to teach in Mandarin Chinese, as is necessary in order to teach in Mandarin as part of the proposed dual-immersion program.

The District retrieved information from the Commission on Teacher Credentialing website and ascertained that only two of the six teachers who signed the Petition and indicated that they are meaningfully interested in teaching at the proposed school have a BCLAD certification in Mandarin. Thus, four signatories do not meet the teacher qualifications specified in the Petition (unless they are interested in the unspecified number of “English- only” positions, thus could not be teachers at TICS

**PROPOSED**

in its first year of operation, so any interest they may have in teaching there is, by definition, not “meaningful.”

It is not enough that the signatures are submitted under the required statement if the evidence clearly indicates the contrary. For these reasons, the District does not accept the teacher signatures as meeting the minimum requirements of Education Code Section 47605(a) for submission or approval of the Charter.

**III. THE CHARTER SCHOOL PRESENTS AN UNSOUND EDUCATIONAL PROGRAM FOR THE PUPILS TO BE ENROLLED IN THE CHARTER SCHOOL. [EDUCATION CODE SECTION 47605(C)(1)]**

- A. The above-described concerns regarding the inability to successfully implement the program set forth in the Charter are incorporated herein by this reference. These concerns and deficiencies include the issues regarding how TICS would serve students with disabilities in accordance with state and federal law, and the unrealistic enrollment and ADA projections and corresponding budget concerns that would inhibit implementation of the proposed educational program. Each of these concerns establishes that the Charter presents an unsound educational program for the pupils to be enrolled in the proposed TICS Charter School.

The program is described as a one-way Mandarin immersion model which means students will not be required to know Chinese before entering the program. Allowing students to enter starting at the 4th grade will not allow a student to receive enough instruction in Chinese to become a fluent speaker or biliterate.

- B. The Charter Petition does not adequately address the provision of services pursuant to the IDEA. The District is obligated to ensure that a proposed charter school will meet the needs of individuals with exceptional needs in accordance with state and federal law. (Ed. Code § 47605.7(b).) The District has numerous concerns regarding the proposed language in the Charter Petition related to the provision of services pursuant to the IDEA. The following discussion is not meant to provide an exhaustive list of the District’s concerns, but rather to highlight the Charter Petition’s most glaring deficiencies.
- C. The Charter Petition fails to account for the financial implications associated with designation of the Charter as a public school of the District for purposes of special education funding in Year 1. The Charter Petition states that “should TICS not secure SELPA membership in its inaugural year, it will, by default, be classified as a school of the district for special education purposes. . . .” This means that TICS’ special education services will initially be the responsibility of the District, and that in exchange, the District will directly receive the full amount of federal and state special education funding. Yet, according to its budget, TICS assumes \$181,351 of “Special Education – AB 602” state funding for its first year, 2025-2026. Further, charters that operate as schools of their district authorizer must contribute an equitable portion of their block grant funding to support district-wide special education services. (Ed. Code § 47646(c).) While the Charter Petition budgets an

**PROPOSED**

extremely limited amount of projected expenses “Special Education Encroachment” in the 2025-2026, based on the District’s own experience in providing the full continuum of services to District students is woefully inadequate. Therefore, the Charter’s financial projections are miscalculated.

The Charter Petition also indicates that in the event the school opts to remain an arm of the District, it shall enter into an agreement with the District for the provision of special education and related services. It should be noted that once again there is not a draft or proposed MOU attached to the Charter. Therefore, the Charter Petition fails to present a coherent plan for the provision of special education and related services.

**IV. THE CHARTER DOES NOT CONTAIN REASONABLY COMPREHENSIVE DESCRIPTIONS OF ALL OF THE REQUIRED ELEMENTS. [[EDUCATION CODE SECTION 47605(C)(5)]]**

**A. DESCRIPTION OF THE EDUCATIONAL PROGRAM [Ed. Code §47605(b)(5)(A)]**

All of the above-described concerns regarding the unsoundness of the educational program and the inadequacy of the Charter’s description thereof are hereby incorporated herein by this reference.

**B. DESCRIPTION OF THE GOVERNANCE STRUCTURE [Ed. Code §47605(c)(5)(D)]**

The Charter and bylaws again provide that a majority of Directors then in office constitutes a quorum, and further provide that any act by a majority of the Directors “in attendance” or “present” at a meeting at which there is a quorum is adequate to constitute an act of the Board. The result is that TICS may take any action with approval of *less than a majority* of the members of the Board of Directors then in office. For example, TICS currently has five Directors in office, so a quorum is three. Pursuant to the Charter, if three Directors attend a meeting, TICS can take any action – including fiscal, educational, and/or operational decisions – with the approval of only two of the five Directors. Notwithstanding the legal minimum requirements applicable to nonprofit corporations, it is concerning for TICS to provide for action by a minority of the members of the Board of Directors of a public charter school, and the District Board again finds this to be an unacceptable means of governing the proposed public charter school.

It is also unclear who is serving on the Charter Board. The Charter provides at page 135 that Joe Lu, Timothy Jones, Ruby Costea, Anko Hsiao and Sophia Chen are the five individuals currently serving on the Board of Mandarin Immersion Schools, the non-profit corporation that oversees and operates TICS. Yet, at the public hearing on November 18, 2024, Mr. Chuang identified himself as a Mandarin Immersion Board member. It is unclear why Mr. Chuang would represent himself

**PROPOSED**

as a board member of the governing corporation when the petition he submitted does not identify him as such.

C. EMPLOYEE QUALIFICATIONS [Ed. Code §47605(c)(5)(E)]

The TICS Executive Director(s) shall perform all the duties and accept all the responsibilities usually required of a Superintendent as prescribed by the TICS Board. At the public hearing, Mr. Chuang indicated that while he is presently on the Mandarin Immersion Schools Board, he intends to serve as the Principal of the School. The Charter provides that the Executive Director will also act as the Principal of TCIS during the first or second year until the budget allows for the hiring of a Principal, thus presumably Mr. Chuang will serve in both capacities for the first few years of operation. However, there is no requirement that the Executive Director or the Principal have a teaching credential (although it is “preferred” for both positions.). The District Board finds that the job duties of the Executive Director and the Principal position require, at minimum, a teaching credential.

Moreover, the Executive Director duties include “ [S] ubmits to the Board periodic financial and budgetary reports and [A] nnually prepares and submits to the Board the TICS budget for the upcoming year, revises this budget or takes other related actions as the Board designate.

Despite these responsibilities and the complexities of charter school finance issues, the Charter Petition does not require the Executive Director to have any training or experience in finance generally or public or charter school finance specifically. Instead, the Charter provides that training or experience in finance generally or public or charter finance is specifically preferred, but not required.

This lack of required school finance expertise for the individuals who will serve the two top level administrative position for the first two years of operations exacerbates the serious concerns implicated by TICS’ overly optimistic and unrealistic enrollment and ADA projections, given the direct fiscal consequences should TICS fail to meet those projections. Again, the qualifications for these positions are not consistent with the duties of these high-level administrators.

D. STUDENT BALANCE [Ed. Code §47605(c)(5)(G)]

The Charter Schools Act requires that each charter include a reasonably comprehensive description of “[t]he means by which the charter school will achieve a balance of racial and ethnic pupils, special education pupils, and English learner pupils, including redesignated fluent English proficient pupils, as defined by the evaluation rubrics in Section 52064.5, that is reflective of the general population residing within the territorial jurisdiction of the school district to which the charter petition is submitted.”

The Petition states that the Charter School shall not discriminate on the basis of the characteristics listed in Education Code § 220, which include actual or perceived

**PROPOSED**

nationality, race or ethnicity. (Petition, pp. 8, 146, 170; Educ. Code § 47605(d)(1).) The Charter Schools Act provides that a charter school “shall admit all pupils who wish to attend the charter school,” subject to space limitations and a nondiscriminatory lottery process. (Educ. Code § 47605(e)(2).) Lottery preferences “shall not result in limiting enrollment access for ... English Learners ... or pupils based on nationality, race, ethnicity, or sexual orientation.” (Educ. Code § 47605(e)(2)(B)(iii).)

In conflict with these laws, the Petition describes an admission process that would require a Mandarin language review of students seeking admission into the 2nd grade or higher. The purpose of the review is to assess the reading, writing and conversation abilities of the student. Although the charter states TICS does not require students to speak or understand Mandarin, and that supports will be provided, such as “tutoring during class time by volunteers, [s]tudying in other classrooms for part of the day” and providing instruction to parents to help their child learn Mandarin, this requirement would preclude many students from attending the charter school and would have a discriminatory effect on students based on their nationality, race or ethnicity. As such, Petitioners are demonstrably unlikely to successfully implement the requirement to have nondiscriminatory admission practices, and to admit all pupils who wish to attend, space permitting.

- E. **THE PROCEDURES TO BE USED BY THE DISTRICT AND THE CHARTER SCHOOL FOR RESOLVING DISPUTES RELATING TO PROVISIONS OF THE PETITION. [Ed. Code §47605(b)(5)(N)]**

The dispute resolution process between the Charter School and the District is unacceptable and the District would not agree to such a process. There are multiple proposed steps of the process which could take many months to complete. Having disputes remain unresolved for such an inordinate amount of time impedes the District’s ability to properly exercise its oversight obligations as required by the Education Code. While the Charter states that it is amenable to changing the process if it is unacceptable to the District, it agrees to only change through the Memorandum of Understanding process to be mutually agreed upon. Thus, the Charter School is not committed to making any changes to this process that are not acceptable to the District and might interfere with its ability to properly oversee the school.

**V. THE CHARTER SCHOOL IS DEMONSTRABLY UNLIKELY TO SERVE THE INTERESTS OF THE ENTIRE COMMUNITY IN WHICH THE SCHOOL PROPOSES TO LOCATE. [EDUCATION CODE SECTION 47605(C)(7)]**

- A. The charter school is demonstrably unlikely to serve the interests of the entire community of the Tustin Unified School District, where the school is proposing to

**PROPOSED**

locate as it would undermine and negatively impact the District's proposed academic program.

- B. The District plans to commence providing its Mandarin immersion program beginning in the 2025-26 school year, initially serving approximately one hundred students in grades TK-K, and expanding grade levels and enrollment in subsequent years. The District's Mandarin immersion program will utilize an instructional model that is rooted in well-respected studies and staff research/expertise. The proposed charter school would directly compete with this District program. The District has expended financial and staff resources in the planning and proposed implementation of the program in accordance with best educational practices and local demand, and the opening of the proposed charter would necessarily undermine and negatively impact those efforts.
- C. While the District agrees with TICS that there is interest in a Mandarin immersion program in Tustin, given the District's demographics and its plan to begin operating this program at the same time that the charter school is seeking to open, it is unlikely that there is adequate student interest to sustain both the District program and the proposed charter school's duplicative Mandarin immersion program.

**BE IT FURTHER RESOLVED AND ORDERED** that the terms of this Resolution are severable. Should it be determined that one or more of the findings and/or the factual determinations supporting the findings is invalid, the remaining findings and/or factual determinations and the denial of the Charter shall remain in full force and effect. In this regard, the District Board specifically finds that each factual determination, in and of itself, is a sufficient basis for the finding it supports, and each such finding, in and of itself, is a sufficient basis for denial.

The foregoing resolution was considered, passed, and adopted by this Board at its special meeting of December 19, 2024.

[SIGNATURES TO FOLLOW ON NEXT PAGE]

**PROPOSED**

**AYES IN FAVOR OF SAID RESOLUTION:**

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**NOES AGAINST SAID RESOLUTION:**

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**ABSTAINED:**

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Dated: \_\_\_\_\_

By: \_\_\_\_\_  
Allyson Muñiz Damikolas  
President, Governing Board  
Tustin Unified School District

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
Lynn Davis  
Clerk, Governing Board  
Tustin Unified School District

**STAFF ANALYSIS, RECOMMENDATIONS, AND RECOMMENDED FINDINGS OF  
FACT REGARDING TUSTIN INTERNATIONAL CHARTER SCHOOL CHARTER  
PETITION**

**December 19, 2024, posted December 4, 2024**

**PROCEDURAL STATUS**

The Tustin Unified School District (“District”) received a charter petition (“Charter 2”) on September 25, 2024, seeking approval of Charter 2 for Tustin International Charter School (“TICS”), to be operated and governed by Mandarin Immersion Schools, for a term of July 1, 2025, through June 30, 2030. The terms “TICS” and “Charter School” are used herein collectively and interchangeably to refer to both Mandarin Immersion Schools and/or the proposed Tustin International Charter School. The District Board’s consideration and action on the Charter is governed by the standards, criteria, and procedures set forth in Education Code Section 47605.

On November 18, 2024, per Education Code Section 47605, the District Board held a public hearing on TICS Charter 2, consistent with the requirement to do so within 60 days of receipt of the submission of the Charter petition. During the public hearing, the lead petitioner spoke in favor of Charter 2. No District teachers or other District employees spoke in favor of Charter 2. Action on the Charter will be on the District Board’s December 19, 2024 agenda.

On or about October 30, 2023, the same petitioners submitted an earlier version of a charter proposing to open Tustin International Charter School (“Charter 1”), and the District Board held a public hearing on the provisions of Charter 1 on December 11, 2023. On January 15, 2024, the District published its staff recommendations, including the recommended findings, regarding Charter 1, whereby District staff recommended that Charter 1 be denied. The District provided a copy of those recommendations and recommended findings to the TICS petitioners. The District Board denied Charter 1 on January 29, 2024. Subsequently, TICS appealed the denial to the Orange County Board of Education (“OCBOE”), but petitioners withdrew the appeal before the OCBOE could act on the appeal of the denial.

A copy of the Charter is available for review in the office of Maggie Villegas, Assistant Superintendent, Educational Services, at the District Office.

**CRITERIA FOR ACTION ON A CHARTER PETITION**

The District analyzes a charter petition against the standards and expectations set forth in the Charter Schools Act. The District believes that, given the nature and operational structure of independent charter schools and the necessity that they operate independently outside of the traditional noncharter public school system and the structure of a school district and in accordance with the law, it is imperative that any charter petitioner establishes its capacity to prepare a fully formed and compliant charter petition that comports with the requirements of the Charter Schools Act and establishes that approval is consistent with sound educational practice and the interests of the community where the charter school proposes to locate. It is not the role of the District to provide a “roadmap” to approval or substitute the District’s experience and expertise for that of the charter petitioners. Instead, charter petitioners must establish that they

will be able to operate the proposed charter school independently and in a manner that serves students and provides them a sound educational experience by providing a clear, complete, fully developed and reasonably comprehensive charter petition that complies with the requirements of the Charter Schools Act.

Part of any assessment and analysis of a charter that has been previously denied by the District is consideration of whether the charter petitioners have presented a legally and educationally appropriate petition and have not simply relied upon or been guided by findings made in prior denials of their charter as a roadmap for approval. For these reasons, the District staff has determined that in recommending denial of TICS's submission of Charter 2 it is most appropriate to limit its analysis, recommendations, and recommended findings to those issues and findings on which basis the District Staff is recommending that the District Board deny Charter 2 at this time. This Staff Analysis will not go through each component and element of Charter 2, but will focus on those matters that form the basis for the recommendations and recommended findings of denial set forth herein.

### **CRITERIA OF A CHARTER PETITION**

In considering charter petitions, the District Board "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 the establishment of charter schools should be encouraged." The District Board shall grant a charter if it satisfied that doing so is consistent with sound educational practice and with the interests of the community in which the school proposes to locate. The District Board shall consider the academic needs of the pupils the school proposes to serve. (Education Code Section 47605(c).)

The District Board shall not deny Charter 2 unless it makes written factual findings, specific to the particular charter, setting forth specific facts to support one or more of the following findings (Education Code Section 47605(c)(1)-(8)):

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 Education Code Section 47605(a).
4. The petition does not contain an affirmation of each of the conditions described in Education Code Section 47605(e).
5. The petition does not contain reasonably comprehensive descriptions of all the required elements.
6. The petition does not contain a declaration of whether or not the charter school shall be deemed the exclusive public employer of the employees of the charter school for purposes of the Educational Employees Relations Act (EERA).

7. The charter school is demonstrably unlikely to serve the interests of the entire community in which the school proposes to locate.
8. The District is not positioned to absorb the fiscal impact of the proposed charter school.

The District Board is also to require charter petitioners to provide information regarding the proposed operation and potential effects of the proposed school, including, but not limited to:

1. The facilities to be used by the school, including specifying where the charter school intends to locate.
2. The manner in which administrative services of the school are to be operated.
3. Potential civil liability effects, if any, upon the school and the county board of education.
4. Financial statements that include a first-year operational budget, including startup costs, cash flow, and financial projections for the first three years of operation.
5. The names and relevant qualifications of all persons whom the petitioner nominates to serve on the charter school nonprofit corporation's Board of Directors.

### **REVIEW OF THE TICS CHARTER PETITION**

District Staff's recommendations and recommended findings are set forth below and in the attached proposed Resolution No. 12-44-24.

District staff reviewed the Charter using the criteria established in Education Code Section 47605, as described above. The District staff's recommendations and recommended findings are set forth below.

- A. The District Board must hold a public hearing on the provisions of Charter 2 at which it considers the level of support for Charter 2 by District teachers, other TUSD employees, and parents/guardians. (Education Code Section 47605(b).)

The District Board held a public hearing on the provisions of TICS Charter 2 on November 18, 2024. During the public hearing, the lead petitioner spoke in support of TICS Charter 2, but no parents, TUSD teachers, or other TUSD employees spoke in favor of TICS. There were no speakers in opposition to TICS Charter 2.

- B. The District Board shall grant TICS Charter 2 if it satisfied that granting Charter 2 is consistent with sound educational practice and with the interests of the community in which TICS proposes to locate. The District Board shall consider the academic needs of the pupils TICS proposes to serve. The District Board shall not deny Charter 2 unless it makes written factual findings, specific to

Charter 2, setting forth specific facts to support one or more of the findings set forth in Education Code Section 47605(c)(1)-(8).

District administrative staff was given responsibility to make a recommendation to the District Board regarding TICS Charter 2 proposal. In analyzing Charter 2 and developing its recommendations, the District administrative team was 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 and has considered the academic needs of the students the Charter School proposes to serve. District staff reviewed Charter 2 using the criteria established in Education Code Section 47605, as described above, and assessed Charter 2 against the standards and requirements set forth in the California Education Code in order to develop final recommendations.

In Charter 2, District administrative staff has again noted omissions, issues, and concerns supporting the legal findings for denial of a charter petition, which are included as proposed factual findings in the recommended Resolution No. 12-44-24 (attached). For the reasons detailed in that proposed Resolution and supported by the recommended findings of fact set forth therein, District staff recommends that TICS Charter 2 be denied and that the District Board adopt Board Resolution No. 12-44-24. Denying the Charter School Petition for Tustin International Charter School.

District staff note that TICS petitioners did update and revise the Charter 2, primarily to responding directly to the findings in the resolution recommending denial of Charter 1. The District staff, did however, expect TICS to use the information and the process to review the entire Charter and appendices to update the same to address the District and OCBOE's concerns, yet numerous concerns and omissions remain as outlined in the Resolution of Denial.

It must be noted that in order to submit a charter petition to a potential chartering authority, the charter petitioner must submit a signed certification that the petitioner deems the charter petition to be complete, so it is incumbent on the petitioner to submit a complete charter. Moreover, charter schools are exempt from most laws governing school districts, but, instead, are bound by the terms of their approved charter, and not by extraneous statements or representations made by the petitioners. It is appropriate for the potential chartering authority to review the charter as submitted, and the potential authorizer is not obligated to seek further clarification or correction from the petitioners, particularly if they have gone through the petition process with the District.

Moreover, TICS is not an operating school and has submitted a proposal, based on its own projections and speculation. The proposed chartering authority charged with review and evaluation of TICS Charter 2 must also analyze Charter 2 based in some part on projections, taking account of the chartering authority's knowledge, expertise, and experience and the available facts. The findings for charter denial do not require the chartering authority to be able to prove beyond a reasonable doubt that a certain outcome will ensue.

As required by the Charter Schools Act, the staff recommendations, including the recommended findings, were published, as well as provided directly to the TICS petitioners, at least 15 days prior to the meeting at which the District Board will act on Charter 2. As detailed in the attached proposed Resolution, staff's recommendations are based on the following findings:

1. The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition.
2. The petition does not contain the number of signatures required by Education Code Section 47605(a).
3. The petition does not contain reasonably comprehensive descriptions of all the required elements.
4. The charter school presents an unsound educational program for the pupils to be enrolled in the charter school.
5. The charter school is demonstrably unlikely to serve the interests of the entire community in which the school proposes to locate.

Written factual findings, specific to the particular Tustin International Charter School Charter 2 petition, setting forth specific facts to support each of these statutory findings for denial are set forth in detail in the proposed Resolution No. 12-44-24.

### **CONCLUSION**

The District staff reviewed TICS Charter 2 utilizing the criteria for consideration and action on a charter petition, as set forth in Education Code Section 47605. District staff recommends that TICS Charter 2 be denied and that the District Board adopt proposed Resolution No. 12-44-24. Denying the Charter School Petition for Tustin International Charter School by the Governing Board of the Tustin Unified School District and adopting the specific factual findings of denial set forth therein, in accordance with the requirements of the Charter Schools Act.

### **PROPOSED MOTION**

Move to deny the Tustin International Charter School Charter Petition and adopt Resolution No. 12-44-24, denying the Charter, and adopting the specific factual findings of denial set forth therein.

# ATTACHMENT E

/ 7/ 4, 0:55 --

i t Item



**BOARD OF EDUCATION SPECIAL MEETING-  
12/19/2024 09:00 AM**

Tustin Unified School District - Board Room  
300 South C Street  
Tustin, CA 92780

Printed 0 4 0 54 AM PT

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**I. OPENING**

- A. CALL TO ORDER
- B. ADOPTION OF THE AGENDA

**II. CLOSED SESSION**

- A. ADJOURN TO CLOSED SESSION

**III. RECONVENE IN OPEN SESSION**

- A. OPENING - PLEDGE OF ALLEGIANCE
- B. PUBLIC COMMENTS

**IV. DISCUSSION/ACTION ITEM**

- A. ACTION ON REQUEST FOR APPROVAL OF CHARTER FOR TUSTIN INTERNATIONAL CHARTER SCHOOL AND ADOPT RESOLUTION NO. 12-44-24

**V. ADJOURNMENT**

- A. MOVE TO ADJOURN THE MEETING-

**REASONABLE ACCOMMODATION FOR ANY INDIVIDUAL WITH A DISABILITY**

In compliance with the Americans with Disabilities Act, if you need special assistance, disability-related modifications or accommodations, auxiliary aids or services, in order to participate in the public meeting of the District's governing board, please contact the office of the District Superintendent at (714) 730-7305. Notifications 72 hours prior to the meeting will enable the District to make reasonable arrangements to ensure accommodation and accessibility to this meeting. Upon request, the District shall also make available this agenda and all other public records associated with this meeting in appropriate alternative formats for persons with a disability. The Tustin Unified School District's Website can be accessed at: <http://www.tustin.k12.ca.us/>.

# ATTACHMENT F



## MEETING MINUTES

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### Attendance

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#### Voting Members

Jonathan Abelow, Board Clerk

Allyson Muñiz Damikolas, Board Member

Lynn Davis, Board Vice President

Jonathan Stone, Board President

Kathy Copeland, Board Member

### I. OPENING

#### A. CALL TO ORDER

President Jonathan Stone called the meeting to order at 9:02 a.m.

#### B. ADOPTION OF THE AGENDA

Motion made by: Lynn Davis

Motion seconded by: Jonathan Abelow

Voting:

Jonathan Abelow - Yes

Allyson Muñiz Damikolas - Yes

Lynn Davis - Yes

Jonathan Stone - Yes

Kathy Copeland - Yes

#### C. OPENING - PLEDGE OF ALLEGIANCE

Board President Jonathan Stone led the Pledge of Allegiance.

#### D. PUBLIC COMMENTS

None.

### II. DISCUSSION/ACTION ITEM

#### A. ACTION ON REQUEST FOR APPROVAL OF CHARTER FOR TUSTIN INTERNATIONAL

**CHARTER SCHOOL AND ADOPT RESOLUTION NO. 12-44-24**

District staff were given 10 minutes to make a presentation regarding their recommendations and recommended findings.

Tustin International Charter School was given 10 minutes to make a presentation regarding their petition, including their response to the District's findings.

There were no additional speakers for or against the Tustin International Charter School petition.

Having fully considered and reviewed the Charter Petition for the proposed Tustin

Board deny the Charter and adopt the attached Board Resolution No. 12-44-24 denying the Charter and making written factual findings in support of the denial.

Motion made by: Lynn Davis

Motion seconded by: Allyson Muñiz Damikolas

Voting:

Jonathan Abelove - Yes

Allyson Muñiz Damikolas - Yes

Lynn Davis - Yes

Jonathan Stone - Yes

Kathy Copeland - Abstain

**III. ADJOURNMENT****A. MOVE TO ADJOURN THE MEETING**

The meeting was adjourned at 9:17 a.m.

Motion made by: Jonathan Stone

Motion seconded by: Allyson Muñiz Damikolas

Voting:

Jonathan Abelove - Yes

Allyson Muñiz Damikolas - Yes

Lynn Davis - Yes

Jonathan Stone - Yes

Kathy Copeland - Yes

# ATTACHMENT G

**PROPOSED**

**Resolution No. 12-44-24  
Denying the Charter School Petition for  
Tustin International Charter School  
by the Governing Board of the  
Tustin Unified School District**

**WHEREAS**, pursuant to Education Code Section 47600 *et seq.*, the Governing Board of the Tustin Unified School District (“District Board”) is required to review and consider authorization of charter schools; and

**WHEREAS**, on or about September 25, 2024, petitioners delivered to the District Office a Charter School Petition (“Charter”) and a certificate of completeness for the proposed Tustin International Charter School (“TICS”) to be operated and governed by Mandarin Immersion Schools, a nonprofit public benefit corporation. The terms “Mandarin Immersion,” and “Charter School” are used herein collectively, individually, and interchangeably to refer to both Mandarin Immersion Schools and/or the proposed Tustin International Charter School; and

**WHEREAS**, in accordance with the Charter Schools Act of 1992, the Charter was deemed received on the date of its delivery to the District Office with the certificate of completeness, thereby commencing the timelines for District Board action thereon; and

**WHEREAS**, the District Board conducted a public hearing on the provisions of the Charter on November 18, 2024, pursuant to Education Code Section 47605, at which time the District Board considered the level of support for this Charter by teachers employed by the District, other employees of the District, and parents. The lead petitioner spoke in favor of the charter school. No parents, District teachers or other District employees spoke in favor of the Charter during the public hearing; and

**WHEREAS**, in accordance with the requirements of Education Code Section 47605(b), the District published its staff recommendations, including the recommended findings, regarding the Charter, including the proposed resolution of denial (collectively “Staff Recommendations & Findings”), by posting proposed Resolution No. 12-44-24 to the District’s website and providing this information to TICS on December 4, 2024; and

**WHEREAS**, on or about October 30, 2023, the same petitioners submitted an earlier version of a charter proposing to open Tustin International Charter School (“Charter 1”), and the District Board held a public hearing on the provisions of Charter 1 on December 11, 2023. On January 15, 2024, the District published its staff recommendations, including the recommended findings, regarding Charter 1, whereby District staff recommended that Charter 1 be denied. The District provided a copy of those recommendations and recommended findings to the TICS petitioners. After the denial of Charter 1, the TICS petitioners appealed the decision to the Orange County Board of Education. After the OCBOE public hearing on April 3, 2024, during which the lead petitioner, Mr. Chuang, was asked to explain his role/ address allegations regarding his performance at the Irvine International Academy Charter School in Irvine, California, the TICS petitioners withdrew Charter 1 from further consideration by the OCBOE, so the OCBOE did not act on appeal of the denial of Charter 1; and

**PROPOSED**

**WHEREAS**, at the time that the District published its staff recommendations and findings recommending that the District Board deny Charter 1, the proposed resolution of denial specified that the resolution “[did] not necessarily include findings relative to every defect in the Charter submitted, and that the findings set forth [therein] are sufficient to support denial of the Charter, and it is the findings set forth and adopted [therein] on which the denial findings are based”; and

**WHEREAS**, the Charter proposes a TK-5 school that would open with grades TK-4 in the 2025-26 school year, with a total enrollment capacity at full roll out of 436 students, and TICS is seeking a term of July 1, 2025, through June 30, 2030; and

**WHEREAS**, in reviewing the Charter for the establishment of TICS, the District Board has been 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, and the District Board has considered the academic needs of the students the Charter School proposes to serve; and

**WHEREAS**, the District Board finds that, given the nature and operational structure of independent charter schools and the necessity that they operate independently outside of the traditional noncharter public school system and the structure of a school district and in accordance with the law, it is imperative that any charter petitioner establishes its capacity to prepare a fully formed and compliant charter petition that comports with the requirements of the Charter Schools Act and establishes that approval is consistent with sound educational practice and the interests of the community where the charter school proposes to locate. The District Board further finds that it is not the role of the District to provide a “roadmap” to approval or substitute the District’s experience and expertise for that of the charter petitioners. Instead, charter petitioners must establish that they will be able to operate the proposed charter school independently and in a manner that serves students and provides them a sound educational experience by providing a clear, complete, fully developed and reasonably comprehensive charter petition that complies with the requirements of the Charter Schools Act; and

**WHEREAS**, charter schools are subject to the requirements of federal law, including, but not limited to, the Family Educational Rights and Privacy Act (“FERPA”), 20 U.S.C. § 1232g, the Individuals with Disabilities Education Improvement Act (“IDEA”), 20 U.S.C. §1400, *et seq.*, Section 504 of the Rehabilitation Act of 1973 (“Section 504”), and the Americans with Disabilities Act of 1990, as amended (“ADA”); and

**WHEREAS**, the District staff, working with District legal counsel, has reviewed and analyzed all information received with respect to the Charter and information related to the operation and potential effects of the proposed Charter School, and based on that review, prepared and published the Staff Recommendations & Findings, and made a recommendation to the District Board that the Charter be denied by adoption of this Resolution No. 12-44-24 adopting the findings of denial set forth herein; and

**WHEREAS**, the District Board has fully considered the Charter submitted for the establishment of TICS, statements and information presented at the public hearing, and the Staff Analysis and Recommendations, including the recommended findings set forth in the proposed Resolution No. 12-44-24; and

**PROPOSED**

**WHEREAS**, the District Governing Board specifically notes that this Resolution No. 12-44-24 does not necessarily include findings relative to every defect in the submitted Charter, and that the findings set forth herein are sufficient to support denial of the Charter, and it is the findings set forth and adopted herein on which the denial findings are based.

**NOW, THEREFORE, BE IT RESOLVED AND ORDERED** that the Governing Board of the Tustin Unified School District finds the above listed recitals to be true and correct and incorporates them herein by this reference.

**BE IT FURTHER RESOLVED AND ORDERED** that the Governing Board of the Tustin Unified School District, having fully considered and evaluated the Charter for the establishment of TICS, pursuant to Education Code Section 47605, hereby denies the Charter and finds that approval of the Charter is not consistent with sound educational practice and with the interests of the community in which the Charter School is proposing to locate, based upon the following grounds and factual findings:

- A. The petitioners are demonstrably unlikely to successfully implement the program set forth in the Charter. [Education Code Section 47605(c)(2)]
- B. The Charter does not include the required number signatures of meaningfully interested teachers. [Education Code Section 47605(c)(3)]
- C. The Charter School presents an unsound educational program for the pupils to be enrolled in the Charter School. [Education Code Section 47605(c)(1)]
- D. The Charter does not contain reasonably comprehensive descriptions of all of the required elements. [Education Code Section 47605(c)(5)]
- E. The charter school is demonstrably unlikely to serve the interests of the entire community in which the school proposes to locate. [Education Code Section 47605(c)(7)]

**BE IT FURTHER RESOLVED AND ORDERED** that the Governing Board of the Tustin Unified School District hereby determines the foregoing findings are supported by the following specific facts:

- I. **THE PETITIONERS ARE DEMONSTRABLY UNLIKELY TO SUCCESSFULLY IMPLEMENT THE PROGRAM SET FORTH IN THE PETITION. [EDUCATION CODE SECTION 47605(C)(2)]**
  - A. Unrealistic Enrollment Projections. The Charter School's enrollment projections do not appear reasonable and lack adequate supporting documentation, including an interest list for prospective students. Petitioner's comments at the November 18, 2024, public hearing provided no legitimate basis for the enrollment projections beyond stating there is "a need" and desire for this type of educational program in the Tustin area. Indeed, TICS did not submit any evidence of student/family interest in or demand for TICS to open in Tustin or the general geographic area. Instead, TICS relied on teacher signatures in submitting the petition and no prospective

**PROPOSED**

parents spoke at the public hearing or otherwise expressed their support for the TICS program to open in Tustin.

The Charter anticipates first year enrollment at 228 students and anticipates growth of more than 30% for the second year of operations, and projects that enrollment will have nearly doubled to 436 students by its fifth year of operations.

These are very large enrollment numbers to start with, and increase at a dramatic rate, with no explanation provided as to the basis for the growth estimates other than the Petitioners statements that there is a need and desire for this type of educational program in the Tustin area. The students who reside within the District are its target population, but the District's non-charter schools are among the top performing in the State of California and the nation, and generally there is a very high degree of satisfaction among residents with the District's schools and programs, thereby providing a limited population from which this untried and unproven Charter School would be drawing.

Furthermore, beginning in 2026-27 Kindergarten enrollment is projected to be 78 students or three classrooms of 26 students, an increase of one classroom as compared to 2025-26. Utilizing a cohort survival methodology, the preceding years TK class of 20 is projected to increase by an additional 58 students. TICS offered no rationale or supporting information to support the tripling of the cohort.

Additionally, the District intends to commence providing a Mandarin Immersion program at the start of the 2025-26 school year that will initially serve approximately 100 students in grades TK-K. The instructional model that the District intends to utilize for its proposed Mandarin immersion program is rooted in well-respected studies and staff research/expertise. Tustin families will of course have first right to enroll in this program and given the size and scope of the District's proposed program, it is unlikely that TICS' program will be a desirable option for Tustin residents, thereby further reducing the population from which TICS would be drawing.

The overestimated projected enrollment indicates that TICS' budget projections are unsound, and the proposal is likely to create an unworkable and unstable educational program for the proposed students. The Charter's budget will rely heavily on the number of students enrolled and their attendance. Alarming, TICS has no contingencies in place should reality fall short of these projections. Unsound and unbalanced budgets lead to charter schools closing or failing to provide the program promised in their charter, at students' expense. To wit, in its June 2023 publication, FCMAT's *Charter School Indicators of Risk* include "Enrollment and/or ADA projections and assumptions not based on historical data, industry standards, and other reasonable considerations."<sup>1</sup>

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<sup>1</sup> *Charter School Indicators of Risk or Potential Insolvency* (last revised 6/28/23) available at: <https://www.fcmat.org/indicators-risk> and <https://www.fcmat.org/PublicationsReports/Charters%20Indicators%20of%20Risk.pdf> [last visited on 1/10/2024]

**PROPOSED**

- B. TICS' planned salaries are extremely low when compared to the District, and it is unrealistic and unconvincing that TICS will be able to successfully recruit and retain high quality certificated and noncertificated staff at these rates, particularly given the current teacher shortage and the TICS Charter requirement that teachers be bi-literate and bi-lingual in Mandarin Chinese.

In preparing to commence the operations of its own Mandarin immersion program, the District is aware of the extremely small number of qualified Mandarin Chinese teachers and finds it extremely unlikely that these highly sought after teachers would be willing to work at TICS for a far lower salary and range of benefits than work at the District's program or a similar program with much higher salaries. The difficulty of finding qualified language immersion teachers is exemplified by TICS' inability to find a sufficient number of qualified Mandarin teachers to sign the Petition.

- C. The Charter does not provide an alternative cash flow that excludes startup grant funds in the event these funds are not awarded. The TICS budget contains funding from a Charter Revolving Loan in the amount of \$250,000, an initial --- of \$150,000, and a Public Charters School Grant Program in the amount totaling \$600,000 or \$200,000 in each of the first three years. However, there is no description or assurance that these grants have been awarded or the basis for reliance on these funds.
- D. The Charter provisions on insurance and indemnification are not adequate to protect the Charter School or the District from potential liability for TICS' acts or omissions, even though TICS will be operated by a 501(c)(3) nonprofit public benefit corporation. Likelihood of a charter's success depends on whether its petition budgets for "general liability, workers compensations, and other necessary insurance of the type and in the amounts required for an enterprise of similar purpose and circumstance." (Cal. Code of Regs., tit. 5, § 11967.5.1(c)(3)(C).) The insurance levels budgeted by the petitioners are woefully inadequate for the school, and do not comply with current expectations, best practices, and realistic assessments of potential liabilities for a charter school and/or charter management organization. Thus, the District finds that the Charter does not contain adequate assurances that the Charter School will acquire and maintain coverage in amounts and types that comply with the District's standards and expectations to protect the District and its stakeholders, as well as the Charter School and its students, employees, and community members, from potential liabilities created by TICS' operations.

Based on information provided, LCFF revenues appear to be overstated. There is not the requisite detail (LCFF Calculator, UPP assumption, etc.) to determine the accuracy of LCFF and other budgeted revenues (e.g. ELOP).

The budgetary documents reference a startup cash balance of \$150,000, but the source is not clearly delineated and, if the source is donations or competitive grants, there is no alternative cash flow to account for these funds not being received.

**PROPOSED**

The budget submission did not provide a narrative, but did include assumptions- however the assumptions are incomplete (missing Unduplicated Pupil Percentage) and contain inaccurate information (LCFF Base rates, Mandated Block Grant, Lottery, and Special Education). Additionally, there is a lack of supporting calculations (LCFF Calculator) to substantiate requested information.

- E. Facility. The charter petition is required to submit a description of the facility to be used by the charter school, including specifying where the charter school intends to locate, and is also required to include financial statements that include a proposed first-year operational budget, including startup costs, and cashflow and financial projections for the first three years of operation. Together, these budget documents and the description of facilities, in addition to the specified information about the location, necessarily must include terms, budgeted costs (of the facility and improvements) and funding source, minimum attributes required of any facility, and related matters in order for these required documents and information meaning and for them to be reasonable and reliable. The Charter provides only that “Tustin International Charter School will operate within the boundaries of the Tustin Unified School District. If TICS does not secure a private facility, the Charter School reserves the right to request a facility from the District,” pursuant to Proposition 39 (Ed. Code § 47614). Notably, TICS did not submit a Proposition 39 request for District facilities by the November 1, 2024, deadline for the 2025-26 school year.

Thus, TICS does not have any right to use any District facilities for the 2025-26 school year. Inexplicably, on both its website homepage and on its Facebook page, TICS posted pictures of the District’s Lambert Elementary School site. On the website, this District school is identified as the “proposed” location, including a Google map setting forth its specific location.

TICS has no right to use any District facility for the upcoming school year, let alone Lambert Elementary, the particular school that TICS has chosen to spotlight on its website and social media platforms. TICS inclusion of a picture of this District school, plus the notation on the website that Lambert Elementary is TICS’ “proposed location,” is misleading, at best creating confusion and possibly substantial concern and disruption to the school’s students, families, staff, and community as well as any prospective TICS families or staff.

This appears to be an inappropriate attempt to incorrectly convey to the public that TICS will be located in a District site, specifically Lambert. Further, this incorrect information is inconsistent with TICS’ obligations to provide information with its Charter about its facilities, including where the proposed school intends to locate, and indicates, consistent with the lack of facilities information submitted with the Charter Petition, that TICS has not done the necessary work to locate, plan, and budget for an appropriate facility to house the proposed school, which are necessary in order to successfully implement the program.

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Moreover, any expression of interest in enrolling or working at the school is necessarily undermined by the fact that any prospective employee, and especially any family contemplating its local school options, was misled and misinformed about the location and nature of the facilities at which TICS would be housed, which are important considerations in deciding whether to seek to enroll a student or work at a school.

**II. THE PETITION DOES NOT INCLUDE THE REQUIRED NUMBER  
SIGNATURES OF MEANINGFULLY INTERESTED TEACHERS.  
[EDUCATION CODE SECTION 47605(C)(2)]**

- A. The teacher signatures supporting the Petition do not appear to reflect teachers who are “meaningfully interested” in teaching at the proposed Charter School, as required by law, because two-thirds of the teachers who signed the Petition are not qualified to teach at the proposed school. When a petition is submitted based on teacher (not parent) signatures, the petition must be “signed by a number of teachers that is equivalent to at least one-half of the number of teachers that the charter school estimates will be employed at the charter school during its first year of operation.” (Educ. Code § 47605(a)(1)(B).) The petition “shall include a prominent statement that “a signature on the petition ... means that the teacher is meaningfully interested in teaching at the charter school.” (Ed. Code § 47605(a)(3).) In this case, the Petition estimates that ten (10) teachers will be employed at the Charter School in Year 1, so a minimum of five teacher signatures was required.
- B. The Charter specifies that a required qualification for teachers at the proposed school is to be “Bi-lingual and bi-literate in both Mandarin Chinese and English (except for English-only positions). Additionally, the TICS website states: “We will recruit teachers who are certified Mandarin language instructors. They have years of experience and are skilled in making language learning enjoyable and engaging.”

The petitioners submitted signatures from six individuals. Yet, TICS provided no evidence or information establishing that the teachers whose signatures were submitted to comply with this mandatory prerequisite to the Petition submission and/or approval are bi-literate or bi-lingual in Mandarin Chinese or, regardless of their potential language level, that they are properly credentialed to teach in Mandarin Chinese, as is necessary in order to teach in Mandarin as part of the proposed dual-immersion program.

The District retrieved information from the Commission on Teacher Credentialing website and ascertained that only two of the six teachers who signed the Petition and indicated that they are meaningfully interested in teaching at the proposed school have a BCLAD certification in Mandarin. Thus, four signatories do not meet the teacher qualifications specified in the Petition (unless they are interested in the unspecified number of “English- only” positions, thus could not be teachers at TICS

**PROPOSED**

in its first year of operation, so any interest they may have in teaching there is, by definition, not “meaningful.”

It is not enough that the signatures are submitted under the required statement if the evidence clearly indicates the contrary. For these reasons, the District does not accept the teacher signatures as meeting the minimum requirements of Education Code Section 47605(a) for submission or approval of the Charter.

**III. THE CHARTER SCHOOL PRESENTS AN UNSOUND EDUCATIONAL PROGRAM FOR THE PUPILS TO BE ENROLLED IN THE CHARTER SCHOOL. [EDUCATION CODE SECTION 47605(C)(1)]**

- A. The above-described concerns regarding the inability to successfully implement the program set forth in the Charter are incorporated herein by this reference. These concerns and deficiencies include the issues regarding how TICS would serve students with disabilities in accordance with state and federal law, and the unrealistic enrollment and ADA projections and corresponding budget concerns that would inhibit implementation of the proposed educational program. Each of these concerns establishes that the Charter presents an unsound educational program for the pupils to be enrolled in the proposed TICS Charter School.

The program is described as a one-way Mandarin immersion model which means students will not be required to know Chinese before entering the program. Allowing students to enter starting at the 4th grade will not allow a student to receive enough instruction in Chinese to become a fluent speaker or biliterate.

- B. The Charter Petition does not adequately address the provision of services pursuant to the IDEA. The District is obligated to ensure that a proposed charter school will meet the needs of individuals with exceptional needs in accordance with state and federal law. (Ed. Code § 47605.7(b).) The District has numerous concerns regarding the proposed language in the Charter Petition related to the provision of services pursuant to the IDEA. The following discussion is not meant to provide an exhaustive list of the District’s concerns, but rather to highlight the Charter Petition’s most glaring deficiencies.
- C. The Charter Petition fails to account for the financial implications associated with designation of the Charter as a public school of the District for purposes of special education funding in Year 1. The Charter Petition states that “should TICS not secure SELPA membership in its inaugural year, it will, by default, be classified as a school of the district for special education purposes. . . .” This means that TICS’ special education services will initially be the responsibility of the District, and that in exchange, the District will directly receive the full amount of federal and state special education funding. Yet, according to its budget, TICS assumes \$181,351 of “Special Education – AB 602” state funding for its first year, 2025-2026. Further, charters that operate as schools of their district authorizer must contribute an equitable portion of their block grant funding to support district-wide special education services. (Ed. Code § 47646(c).) While the Charter Petition budgets an

**PROPOSED**

extremely limited amount of projected expenses “Special Education Encroachment” in the 2025-2026, based on the District’s own experience in providing the full continuum of services to District students is woefully inadequate. Therefore, the Charter’s financial projections are miscalculated.

The Charter Petition also indicates that in the event the school opts to remain an arm of the District, it shall enter into an agreement with the District for the provision of special education and related services. It should be noted that once again there is not a draft or proposed MOU attached to the Charter. Therefore, the Charter Petition fails to present a coherent plan for the provision of special education and related services.

**IV. THE CHARTER DOES NOT CONTAIN REASONABLY COMPREHENSIVE DESCRIPTIONS OF ALL OF THE REQUIRED ELEMENTS. [[EDUCATION CODE SECTION 47605(C)(5)]**

**A. DESCRIPTION OF THE EDUCATIONAL PROGRAM [Ed. Code §47605(b)(5)(A)]**

All of the above-described concerns regarding the unsoundness of the educational program and the inadequacy of the Charter’s description thereof are hereby incorporated herein by this reference.

**B. DESCRIPTION OF THE GOVERNANCE STRUCTURE [Ed. Code §47605(c)(5)(D)]**

The Charter and bylaws again provide that a majority of Directors then in office constitutes a quorum, and further provide that any act by a majority of the Directors “in attendance” or “present” at a meeting at which there is a quorum is adequate to constitute an act of the Board. The result is that TICS may take any action with approval of *less than a majority* of the members of the Board of Directors then in office. For example, TICS currently has five Directors in office, so a quorum is three. Pursuant to the Charter, if three Directors attend a meeting, TICS can take any action – including fiscal, educational, and/or operational decisions – with the approval of only two of the five Directors. Notwithstanding the legal minimum requirements applicable to nonprofit corporations, it is concerning for TICS to provide for action by a minority of the members of the Board of Directors of a public charter school, and the District Board again finds this to be an unacceptable means of governing the proposed public charter school.

It is also unclear who is serving on the Charter Board. The Charter provides at page 135 that Joe Lu, Timothy Jones, Ruby Costea, Anko Hsiao and Sophia Chen are the five individuals currently serving on the Board of Mandarin Immersion Schools, the non-profit corporation that oversees and operates TICS. Yet, at the public hearing on November 18, 2024, Mr. Chuang identified himself as a Mandarin Immersion Board member. It is unclear why Mr. Chuang would represent himself

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as a board member of the governing corporation when the petition he submitted does not identify him as such.

C. EMPLOYEE QUALIFICATIONS [Ed. Code §47605(c)(5)(E)]

The TICS Executive Director(s) shall perform all the duties and accept all the responsibilities usually required of a Superintendent as prescribed by the TICS Board. At the public hearing, Mr. Chuang indicated that while he is presently on the Mandarin Immersion Schools Board, he intends to serve as the Principal of the School. The Charter provides that the Executive Director will also act as the Principal of TCIS during the first or second year until the budget allows for the hiring of a Principal, thus presumably Mr. Chuang will serve in both capacities for the first few years of operation. However, there is no requirement that the Executive Director or the Principal have a teaching credential (although it is “preferred” for both positions.). The District Board finds that the job duties of the Executive Director and the Principal position require, at minimum, a teaching credential.

Moreover, the Executive Director duties include “ [S] ubmits to the Board periodic financial and budgetary reports and [A] nnu ally prepares and submits to the Board the TICS budget for the upcoming year, revises this budget or takes other related actions as the Board designate.

Despite these responsibilities and the complexities of charter school finance issues, the Charter Petition does not require the Executive Director to have any training or experience in finance generally or public or charter school finance specifically. Instead, the Charter provides that training or experience in finance generally or public or charter finance is specifically preferred, but not required.

This lack of required school finance expertise for the individuals who will serve the two top level administrative position for the first two years of operations exacerbates the serious concerns implicated by TICS’ overly optimistic and unrealistic enrollment and ADA projections, given the direct fiscal consequences should TICS fail to meet those projections. Again, the qualifications for these positions are not consistent with the duties of these high-level administrators.

D. STUDENT BALANCE [Ed. Code §47605(c)(5)(G)]

The Charter Schools Act requires that each charter include a reasonably comprehensive description of “[t]he means by which the charter school will achieve a balance of racial and ethnic pupils, special education pupils, and English learner pupils, including redesignated fluent English proficient pupils, as defined by the evaluation rubrics in Section 52064.5, that is reflective of the general population residing within the territorial jurisdiction of the school district to which the charter petition is submitted.”

The Petition states that the Charter School shall not discriminate on the basis of the characteristics listed in Education Code § 220, which include actual or perceived

**PROPOSED**

nationality, race or ethnicity. (Petition, pp. 8, 146, 170; Educ. Code § 47605(d)(1).) The Charter Schools Act provides that a charter school “shall admit all pupils who wish to attend the charter school,” subject to space limitations and a nondiscriminatory lottery process. (Educ. Code § 47605(e)(2).) Lottery preferences “shall not result in limiting enrollment access for ... English Learners ... or pupils based on nationality, race, ethnicity, or sexual orientation.” (Educ. Code § 47605(e)(2)(B)(iii).)

In conflict with these laws, the Petition describes an admission process that would require a Mandarin language review of students seeking admission into the 2nd grade or higher. The purpose of the review is to assess the reading, writing and conversation abilities of the student. Although the charter states TICS does not require students to speak or understand Mandarin, and that supports will be provided, such as “tutoring during class time by volunteers, [s]tudying in other classrooms for part of the day” and providing instruction to parents to help their child learn Mandarin, this requirement would preclude many students from attending the charter school and would have a discriminatory effect on students based on their nationality, race or ethnicity. As such, Petitioners are demonstrably unlikely to successfully implement the requirement to have nondiscriminatory admission practices, and to admit all pupils who wish to attend, space permitting.

**E. THE PROCEDURES TO BE USED BY THE DISTRICT AND THE CHARTER SCHOOL FOR RESOLVING DISPUTES RELATING TO PROVISIONS OF THE PETITION. [Ed. Code §47605(b)(5)(N)]**

The dispute resolution process between the Charter School and the District is unacceptable and the District would not agree to such a process. There are multiple proposed steps of the process which could take many months to complete. Having disputes remain unresolved for such an inordinate amount of time impedes the District’s ability to properly exercise its oversight obligations as required by the Education Code. While the Charter states that it is amenable to changing the process if it is unacceptable to the District, it agrees to only change through the Memorandum of Understanding process to be mutually agreed upon. Thus, the Charter School is not committed to making any changes to this process that are not acceptable to the District and might interfere with its ability to properly oversee the school.

**V. THE CHARTER SCHOOL IS DEMONSTRABLY UNLIKELY TO SERVE THE INTERESTS OF THE ENTIRE COMMUNITY IN WHICH THE SCHOOL PROPOSES TO LOCATE. [EDUCATION CODE SECTION 47605(C)(7)]**

**A. The charter school is demonstrably unlikely to serve the interests of the entire community of the Tustin Unified School District, where the school is proposing to**

**PROPOSED**

locate as it would undermine and negatively impact the District's proposed academic program.

- B. The District plans to commence providing its Mandarin immersion program beginning in the 2025-26 school year, initially serving approximately one hundred students in grades TK-K, and expanding grade levels and enrollment in subsequent years. The District's Mandarin immersion program will utilize an instructional model that is rooted in well-respected studies and staff research/expertise. The proposed charter school would directly compete with this District program. The District has expended financial and staff resources in the planning and proposed implementation of the program in accordance with best educational practices and local demand, and the opening of the proposed charter would necessarily undermine and negatively impact those efforts.
- C. While the District agrees with TICS that there is interest in a Mandarin immersion program in Tustin, given the District's demographics and its plan to begin operating this program at the same time that the charter school is seeking to open, it is unlikely that there is adequate student interest to sustain both the District program and the proposed charter school's duplicative Mandarin immersion program.

**BE IT FURTHER RESOLVED AND ORDERED** that the terms of this Resolution are severable. Should it be determined that one or more of the findings and/or the factual determinations supporting the findings is invalid, the remaining findings and/or factual determinations and the denial of the Charter shall remain in full force and effect. In this regard, the District Board specifically finds that each factual determination, in and of itself, is a sufficient basis for the finding it supports, and each such finding, in and of itself, is a sufficient basis for denial.

The foregoing resolution was considered, passed, and adopted by this Board at its special meeting of December 19, 2024.

[SIGNATURES TO FOLLOW ON NEXT PAGE]

**PROPOSED**

**AYES IN FAVOR OF SAID RESOLUTION:**

Jonathan Stone

Jonathan Ablove

Lynn Davis

Allyson Muniz Damikolas


**NOES AGAINST SAID RESOLUTION:**

None


**ABSTAINED:**

Kathy Copeland

Dated: 12/19/2024

By:   
Jonathan Stone  
President, Governing Board  
Tustin Unified School District

Dated: 12/19/2024

By:   
Jonathan Ablove  
Clerk, Governing Board  
Tustin Unified School District