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9/24/2018

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## **Regular Board Meeting (Wednesday, May 23, 2018)**

Generated by Eva Renteria on Wednesday, May 23, 2018

### **1. CLOSED SESSION OPENING CEREMONY IN OPEN SESSION**

#### **1.1 Call to Order**

Trustee Orozco called the meeting of the Board to order in public at 6:06 p.m. at 275 Main Street, Watsonville, CA

#### **1.2 Public Comments on Closed Session Agenda**

None

### **2. CLOSED SESSION**

**2.1 CERTIFICATED Public Employee Appointment/Employment, Government Code Section 54957**

**2.2 CLASSIFIED Public Employee Appointment/Employment, Government Code Section 54957**

**2.3 Public Employee Discipline/Dismissal/Release/Leaves**

**2.4 Negotiations Update**

**2.5 Real Property: Real Estate The Towers**

**2.6 Approve MOU Live Oak School District with PVUSD for 1 Special Education Student**

**2.7 Ratify Workers' Compensation Claim 465292 Settlement Authority**

**2.8 Claim for Damages Keenan Claim #553165**

### **3. OPENING CEREMONY - MEETING OF THE BOARD IN PUBLIC**

#### **3.1 Pledge of Allegiance**

Trustee Jeff Ursino led the Board in the Pledge of Allegiance.

#### **3.2 Welcome by Board President**

Trustee Maria Orozco chaired and called the meeting of the Board in public to order at 7:07 p.m.

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Trustees Kim De Serpa, Maria Orozco, Karen Osmundson, Jeff Ursino, and Willie Yahiro were present.

### **3.3 Superintendent Comments**

Superintendent Rodriguez shared that on May 17<sup>th</sup> we held the first Annual Latino Youth Oscar Award Ceremony. Students were part of a yearlong film class taught by mentors of the Latino Youth Film Institute. These students transformed narrative stories to short films with help of teachers Ricardo Reyes and Luci Basor.

We also held the first Annual College Signing Day on May 18<sup>th</sup>. 150 seniors throughout the District celebrated their accomplishments. Almost 300 students will be attending one of the 4-year college and universities; and hundreds will be attending junior colleges, trade schools and the military.

### **3.4 Student Recognition**

Staff, families and friends recognized the accomplishments of the following students:

David Gonzalez - Pacific Coast Charter School  
Joseph Daniel Espinoza – WCSA

### **3.5 Employee of the Month Recognition**

Christina Harper presented employee of the month recognitions on behalf of Jacob Young to the following teachers:

Whitney Hegg Science Teacher at PCCS  
Erik Johnson, 3rd grade Teacher at Ann Soldo  
Alice Miller, 4th grade Teacher at Hall District  
Nancy Claspil-Navarro, Resource Specialist at Mintie White and with the District for over 30 years.  
Anabel Mendez, 1st grade Bilingual Teacher at Landmark

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3 Classified employees:

Lori Hallett, Program Evaluation, with PVUSD for over 30 years and retiring this year  
Freddy Villafuerte, Lead Custodian at Ann Soldo  
Katrina Hernandez, Campus Supervisor at PMS.

### **3.6 Governing Board Comments/Reports on Standing Committee Meetings**

Trustees, De Serpa, Osmundson and Ursino reported on activities they attended.

Student Trustee Perla Pineda Leon mentioned that this was her last meeting and thanked the Board and community for this opportunity. Shared that Thursday and Friday seniors would be presenting their community action projects. Invited the Board and community to attend from 8:30 - 2:30.

## **4. APPROVAL OF AGENDA**

### **4.1 Approve Agenda**

Trustee Ursino moved to approve the agenda. Trustee Osmundson seconded the motion. The motion passed 5/0/2. (Trustees De Serpa, Orozco, Osmundson, Ursino and Yahiro: Yes; Trustees Acosta and DeRose: Absent).

## **5. APPROVAL OF MINUTES**

### **5.1 Minutes for May 9, 2018**

Trustee Ursino moved to approve the minutes. Trustee De Serpa seconded the motion. The motion passed 5/0/2. (Trustees De Serpa, Orozco, Osmundson, Ursino and Yahiro: Yes; Trustees Acosta and DeRose: Absent).

## **6. HIGH SCHOOL STUDENTS BOARD REPRESENTATIVES REPORT (5 min each)**

### **6.1 Student Representative Report**

None

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## **7. VISITOR NON-AGENDA ITEMS**

Becky Steinbruner mentioned she came to the last board meeting and spoke about the cliff swallows at PVHS. Met with Joe Dominguez today and had best meeting every. Thanked him for his willingness to work with the biologist and to find the best solution.

## **8. EMPLOYEE ORGANIZATIONS COMMENTS (5 Min. Each)**

### **8.1 PVFT (Pajaro Valley Federation of Teachers)**

Francisco Rodriguez, President of PVFT, pointed out that there is a tentative agreement. A compromise has been reached to provide a raise for teachers. Hopefully we will be able to congratulate the District in September for having more or less correct projections. If we all know the facts it is easier to come to an agreement. Hope while moving forward that will be the case. Still not at our goal which is to have every fully teacher at step where a teacher can start at a \$50,000 annual salary. Ask for approval for staff's recommendation for denial for WPS. Feels the 16-page report by staff for denial is accurate. Invited Board to meet the candidate even with guest speaker Dolores Huerta this Friday at 4:00 at El Alteños.

### **8.2 CSEA (California School Employees Association)**

None

### **8.3 PVAM (Pajaro Valley Association of Managers)**

None

### **8.4 CWA (Communication Workers of America) – Substitutes**

None

## **9. ACTION ITEMS**

### **9.1 PVUSD Consideration of Watsonville Prep School Charter Petition Pursuant to Education Code §47605**

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Dr. Rodriguez, Superintendent, mentioned that the petition spoke to the fact that they would not offer transitional kinder unless we require it. There are 3 specific areas where we found deficiencies: educational program, educating ELS, students with special needs, Migrant and foster students. Eleven participated in reviewing the petition; staff and legal counsel were involved in looking at different components. There are six specific areas where a charter can be denied. Staff recommendation is to deny the petition based on multiple factors, specifically 4 areas: unlikely to successfully implement the program; does not contain # of required signatures; fails to provide a reasonably comprehensive description of all required elements of a charter petition; and an unsound educational program.

They have an unrealistic financial and operation plan. State they would receive donation revenue of \$150,000 but do not note where donation would come from. They do not have any budget for facilities costs. Transportation: 17% of regular students use our transportation services, they do not offer this service. The petition states that the target population would operate in the city limits of Watsonville. Have high CMO management fee of 14%. Lack of programs for ELD students. Only 2 references to Migrant and failed to recognize 11% of these migrant students. Teaching methodology in math not aligned with Common Core expectations. Special Ed - not clear that they can provide services to this population.

Yuko Pierson - Very passionate group who are focused on mission of Navigator school. They see the big picture of the real world.

Emerenciana Abrego - As a member of the community here to support the charter proposal. This is a grand opportunity for students so they are prepared for an excellent education. Want other students to have the same opportunity of a good education and are prepared for the university.

Katie Tapiz - Senior at CEIBA expressed that wants the best for her younger siblings. Sees a lot of potential in WPS.

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Patrick Walsh, Director of Ca Charter Schools Association expressed that charter help expand options and opportunity to families. Law and Ed code states that school districts could not deny charter if they meet the 6 criteria. Looks like the petition went through with a fine tooth comb with the intent to deny.

Michelle Tapiz - First 3 children attended Mar Vista; 2 of her boys have autism, and were not offered enough educational tools. Each child learns differently and parents in our community need more options. It does work.

Jennifer Holm – PVUSD parent for 15 years and another 8 to go. Believe in the power of strong public school system and power of choice. Can see the power of a charter when it is inclusive and accountable to the community. We need inclusive improvement to our schools. The charter has top heavy management spending. Questions ethics of benefiting a small group of student to the detriment of those left behind. Encouraged board to vote no on the petition.

Donna Bakich – In August 2017 this district published a statement that they would ensure student success through providing high quality environments and expanding parent and community partnerships and place student learning in the center of all decisions. Has been a member of the navigator family for over 4 years. They are succeeding. Sentinel article stated that the district English learners and Hispanic students are performing low in test scores. Kern Co employee, Lisa Gilbert, said it requires looking in the mirror not out the window.

Michelle McCoun - Teacher with Hollister School District, wants to see students in our schools succeed. First introduced to James Dent in 2013. Has observed the dedication of him and his staff. Continue community building by working with Hollister School District staff. The relationship has been very beneficial.

Veronica Rubio - Here in support of the charter school. Interested in the school. Has two daughters in CEIBA and two small daughters that would like to attend this charter so they can have a better education.

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Janelle Ruley - Attorney of Young Minney and Corr, represent many charter schools. Disappointed how many findings were factually incorrect. Signatures - meaningful interest should be left to decision of the signer. Admissions preference is for residents of the district.

Lisa Uccello - Literacy Coach at Hollister District. Visited GPS in 2012. With help of Navigator, she and colleagues implemented many of their strategies. Also reach out to them for resources and advice.

Kirsten Carr - Employee of Navigator Schools. Surprised by staff finding of the unfounded claim that the charter is unlikely to implement the program. we have never had a charter revoked but have visited many awards and recognitions. Get numerous requests to tour the Navigator schools.

Caitrin Wright - Works at Silicon Schools Fund, foundation that provide grants to various schools. Also part of the Navigator School Board. Board made a commitment of \$800,000 to WPS. Sometimes the hard thing to do is the right thing to do.

Debbie Benitez - Former Academic Dean of GPS, and next year's principal to HPS. Navigator model is designed to accelerate English Language development. Integrated and designated ELD program designed to build academic English Language proficiency. The daily schedule illustrates time and commitment dedicated to the success to EL students.

Heather Parsons – Was offended with staff finding stating that the budget for textbooks was woefully under budgeted. Navigator and GPS will continue to invest heavily in the future of education the Navigator model includes 1 to 1 tablet. Richard Colata said “Textbooks are outdated.” Look forward to implementing this 21st Century approach at WPS.

Alison Stull - Small group instructor at HPS. Attends same professional development and receives weekly coaching. The ratio is 22.5 students per teacher/TNT - teacher in training.

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Marcela Salas-Ibarra - Parents deserve more options, not overcrowded classrooms. Watsonville needs something new. Don't want them to settle for lower paying jobs because that is what their education allowed them to do. Offer and give them the best.

Missy Corral - Interested in opportunity to impact students. Has been a STEM instructor in math and science. Students are excelling in math. Math scores have continued to increase. GPS has also been awarded for this.

Ami Ortiz - Director for Business and Finance of Navigator Schools. The 3% oversight fee calculated using LCFF revenue only. Finding used total revenue in calculation instead of LCFF revenue. CMO covers compliance reporting, business and financial services, Human Resources and many more. Charter used an accrual basis in accounting rather than modified accrual.

Norma Mochan - Middle School Teacher and signatory. Signed the document because would love to bring navigator to a new community. Visit successful schools and great teachers in order to see what they are doing and use those ideas. Teachers learn from teachers.

James Dent - Chief Academic Officer of Navigator. Board has a chance to change the life trajectories of many students. Navigator is all about student success. Sat with GPS and HPS staff to answer questions and set forth MOUs. Many principals and staff from PVUSD have visited Navigator Schools. Dr. Rodriguez refused to meet with Navigator.

Kevin Sved - CEO of Navigator. Understands the business of school districts and why the superintendent would recommend for denial. Don't agree with the findings but remains optimistic. Hope to partner and collaborate with PVUSD.

Andrea Hernandez - Founding Principal of WHS and founding teacher of Hollister Prep. Demographics are very similar to Watsonville. Implemented the model with an extended day option.

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Sharon Waller - Founder of Navigator Schools. Third generation Watsonville graduate. Grateful for teachers of PVUSD that she had during her schooling in the District. Did detail responses to findings to the District. Are part of El Dorado County Charter SELPA and follow their guidelines. Prepared to serve the range of students.

Timothy Pierson - Parent of girls enrolled in HPS. Wanted his kids to have different opportunities he had going to school. Parent involvement at HPS is second to none. Do a lot of fundraised and bridging gaps.

Crystal Toriumi - Founding Navigator employee and graduate of Mintie White and WHS. Success is our thing; student success. Have a growth mindset. Grow through collaboration with other educational organizations. Coaching is included as 5 of their compass points. Teachers receive weekly coaching with weekly feedback.

#### Board Comments:

Trustee Osmundson – Surprised at the 14% management cost compared to our 6%. Not excited about independent charter schools. CEIBA fired a teacher with no representation. We would not be the first District that would deny Navigator.

Trustee Ursino - Colleague called him to ask him to look at Navigator Schools. No doubt in his mind that people are passionate. Tends to be pro charter school. Represents Aptos area and what really concerns him is the exclusion for his area. North county represents 20% of the District.

Kevin Sved - The attendance preference can be discussed with the District and addressed in an MOU. Priority to Watsonville residents as a way to serve students that do not have access to high quality schools. The more students that are more prepared the more it benefits the entire community. Would collaborate with all schools in the School District.

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Trustee Yahiro - 70% of WHS seniors go on to university or college. We have 6 charters now. It gives the community the opportunity to be able to choose their school. Parents here have local control; the Navigator charters have no local control. One board for all 3 schools.

Kevin Sved - District can appoint a representative to the Board. Parents are engaged in SSC and EL Advisory Council. Also have Board committees which parents can sit on. All Board members would represent Watsonville.

Trustee De Serpa - How many families apply and how many on the waitlist? Also concerned that the population that will be served may not be able to participate at the level as families over the hill at the other Navigator charters.

Sharon Waller replied that there are over 500 at GPS and over 300 at HPS on the waitlist. There are 60 students per grade. Contract with outside agency for random lottery.

Trustee Yahiro concerned about the facility needs. What will be the obligation for our District to provide facilities?

Kevin replied they have not waived Prop 39 rights. Longer term plan is to arrange and lease own facilities.

Dr. Rodriguez mentioned that because of lack of facilities the charter would not be placed in one location.

Trustee Osmundson - Each of our charter schools are unique. We already have a prep charter which is CEIBA. We have few independent charters.

Trustee Orozco questioned the current percentage of migrant students served? Also concerned that students in Las Lomas and Aptos would not have priority. Shared concern in the area of transportation.

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Sharon Waller stated that currently they do not have any identified migrant students. Feel they are prepared to serve these students. Students have the right to return. Parents are advocates for their kids so they can have a great education which is in line with the Migrant Education Mission. Kevin recognized the obligations for Special Ed population regarding transportation.

Trustee Yahiro questioned the student to teacher ratio. James Dent replied that 6 teachers and 2 teachers in training (fully credential) will start at Watsonville Prep. The ratio will be 22.5 to 1; by year 5 the ratio will be 21 to 1.

Trustee Orozco moved to approve the denial of the Watsonville Prep Charter petition. Trustee De Serpa seconded the motion. The motion passed 5/0/2. (Trustees De Serpa, Orozco, Osmundson, Ursino and Yahiro: Yes; Trustees Acosta and DeRose: Absent).

## **9.2 Public Disclosure of Collective Bargaining Agreement between PVUSD and PVFT**

Joe Dominguez - Submitted to the county to review the impact with negotiated terms of the agreement with PVFT. Read off some of the agreements. Will meet requirement of minimum of 3% reserves.

Bill Beecher - Commend the District to find a way to give raises to teachers, however there are consequences to doing that. Expectation was to get enough benefits offset to give increase in salaries.

Wages plus benefits will be 92.3% in 2019/20. These funds need to be taken from operating expenses. If we have a recession, we will have to do what we did in 2008 which is cut Classified positions. Raises should be indexed to revenue. Didn't get enough concession on health benefits.

Trustee Yahiro would like to make sure we have the funds to afford this. Dr. Rodriguez stated we have 3% reserves and have on-going revenues.

Trustee De Serpa asked if 92.3% is accurate. Joe replied we have 89% cost of unrestricted funds. Kim concerned if any funds will be left for facilities, maintenance and other programs. Joe will be assessing all of the facilities funds.

Trustee Ursino would like more information on the Cadillac tax.

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Trustee Ursino moved to approve this item. Trustee De Serpa seconded the motion. The motion passed 5/0/2. (Trustees De Serpa, Orozco, Osmundson, Ursino and Yahiro: Yes; Trustees Acosta and DeRose: Absent).

### **9.3 Multi-Year Agreement with the Pajaro Valley Federation of Teachers (PVFT) for 2016/17, 2017/18, and 2018/19**

Dr. Chona Killeen, Assistant Superintendent and Human Resources and Nelly Vaquera Boggs gave a joint presentation. Agreement involves multi years. Shared negotiations chronology. Agreement included Article III Rights and Responsibilities changes to ensure employees have release time to participate in new employee participation; Article IV Workload and Hours agreement; Article VI Class size for Resource Specialist teachers and Article VII Wages and Related matters.

Trustee De Serpa moved to approve this item. Trustee Osmundson seconded the motion. The motion passed 5/0/2. (Trustees De Serpa, Orozco, Osmundson, Ursino and Yahiro: Yes; Trustees Acosta and DeRose: Absent).

Trustee De Serpa moved to extended the meeting until 11:30 p.m. Trustee Ursino seconded the motion. The motion passed 5/0/2. (Trustees De Serpa, Orozco, Osmundson, Ursino and Yahiro: Yes; Trustees Acosta and DeRose: Absent).

### **9.4 Management Employee Salary Increase**

Dr. Chona Killeen, Assistant Superintendent of Human Resources, stated that this increase is to give total compensation to all employee groups. This increase is requested for classified and certificated management, and Cabinet.

Trustee De Serpa moved the approve the item. Trustee Ursino seconded the motion. The motion passed 5/0/2. (Trustees De Serpa, Orozco, Osmundson, Ursino and Yahiro: Yes; Trustees Acosta and DeRose: Absent).

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### **9.5 Job Description for Career Technical Education (CTE) Counselor**

Dr. Chona Killeen, Assistant Superintendent of Human Resources mentioned that currently the CTE counselor at all 3 comprehensive high schools is shared with the county. Proposing this position to be within PVUSD instead of contracting with the county.

Trustee De Serpa moved to approve this item. Trustee Osmundson seconded the motion. The motion passed 5/0/2. (Trustees De Serpa, Orozco, Osmundson, Ursino and Yahiro: Yes; Trustees Acosta and DeRose: Absent).

### **9.6 Resolution #17-18-37 Indemnification of the City of Watsonville for the PVHS Athletic Field Project**

Dr. Michelle Rodriguez, Superintendent, mentioned that on Friday, May 11th the appeal period to the Coastal Commission closed. No appeals or objections were filed. Our counsel and City Council of Watsonville worked to develop this resolution for the Board to authorize the indemnification of the City for the PVHS project.

Trustee De Serpa moved to approve this item. Trustee Osmundson seconded the motion. The motion passed 5/0/2. (Trustees De Serpa, Orozco, Osmundson, Ursino and Yahiro: Yes; Trustees Acosta and DeRose: Absent).

### **9.7 APPROVE RESOLUTION NO. 17-18-39 ADOPTING BEST VALUE PROCUREMENT PROCEDURES AND GUIDELINES FOR LEASE-LEASEBACK PROJECTS**

Joe Dominguez, Chief Business Officer, described the lease-leaseback delivery method which will allow the District to assist with timelines and cost savings.

Trustee De Serpa moved to approve this item. Trustee Ursino seconded the motion. The motion passed 5/0/2. (Trustees De Serpa, Orozco, Osmundson, Ursino and Yahiro: Yes; Trustees Acosta and DeRose:

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Absent).

### **9.8 Adoption of Resolution 17-18-38 Declaring Futility to Bid and Approval of Purchase of Child Safety Alert System**

Kathryn Powell, Director of Transportation, mentioned that in the March Board meeting this item was tabled. Richard Arellano, Director of Purchasing, asked to issue a bid for installation. Did not receive any bids. Worked with legal counsel in order to meet the statutory deadline and receive a \$27,000 grant. District can install equipment itself. Zonar will train District staff and we will not lose the warranty on equipment and they will certify the installation.

Trustee Ursino moved to approve this item. Trustee De Serpa seconded the motion. The motion passed 5/0/2. (Trustees De Serpa, Orozco, Osmundson, Ursino and Yahiro: Yes; Trustees Acosta and DeRose: Absent).

## **10. CONSENT AGENDA**

Trustee Ursino moved to approve the consent agenda. Trustee Osmundson seconded the motion. The motion passed 5/0/2. (Trustees De Serpa, Orozco, Osmundson, Ursino and Yahiro: Yes; Trustees Acosta and DeRose: Absent).

**10.1 Purchase Orders Report: May 3, 2018 - May 16, 2018**

**10.2 Warrants Report: May 3, 2018 - May 16, 2018**

**10.3 Agreement with Dannis Woliver Kelley for 2018-2019**

**10.4 Adult Education Scholarship Committee**

**10.5 MOA First 5 Santa Cruz County and PVUSD, Child Development Center Contract# 17-18-057**

**10.6 Services Agreement - Capitol Advisors - Mandated Block Grant Compliance**

**10.7 Monterey County Civic Innovation Grant \$35,000 to Pajaro Middle School**

**10.8 Migrant & Seasonal Head Start IMPACT - Request for Resources for Preschool centers**

**10.9 Migrant and Seasonal Head Start Infant/Toddler Block Grant - Request for Resources**

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**10.10 Memorandum of Understanding between PVUSD/Migrant and Seasonal Head Start and San Andreas Regional Center**

**10.11 Migrant & Seasonal Head Start Budget Revision and Blended Budget with California State Preschool Program (CSPP) 2018-2019**

**10.12 Approve Resolution #17-18-40, Ordering Election, Requesting Santa Cruz County Elections to Conduct the Election, Requesting Consolidation of the Election, and Specifications of the Election Order**

**11. DEFERRED CONSENT ITEMS**

None.

**12. CLOSED SESSION - RECONVENE IF NECESSARY**

**13. ACTION/REPORT ON CLOSED SESSION**

**2.1 CERTIFICATED Public Employee Appointment/Employment, Government Code Section 54957**

Trustee Orozco moved to approve the certificated personnel report with the following additions: 4 additions, 2 resignations, 1 rescission and 1 administrative appointment. Trustee Ursino seconded the motion. The motion passed 5/0/2. (Trustees De Serpa, Orozco, Osmundson, Ursino and Yahiro: Yes; Trustees Acosta and DeRose: Absent).

**2.2 CLASSIFIED Public Employee Appointment/Employment, Government Code Section 54957**

Trustee Orozco moved to approve the classified personnel report with the following additions: 1 retirement under Separations from Service. Trustee Ursino seconded the motion. The motion passed 5/0/2. (Trustees De Serpa, Orozco, Osmundson, Ursino and Yahiro: Yes; Trustees Acosta and DeRose: Absent).

**2.6 Approve MOU Live Oak School District with PVUSD for 1 Special Education Student**

Trustee Orozco reported that the Board approved 5/0/2 (Trustees De Serpa, Orozco, Osmundson, Ursino and Yahiro: Yes; Trustees Acosta and DeRose: Absent) the MOU with the Live Oak School District for 1

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Special Education student.

### **2.8 Claim for Damages Keenan Claim #553165**

Trustee Orozco reported that the Board voted 5/0/2 (Trustees De Serpa, Orozco, Osmundson, Ursino and Yahiro: Yes; Trustees Acosta and DeRose: Absent) to reject this claim.

## **14. UPCOMING MEETINGS**

### **14.1 Board Meetings**

Noted: The next Board meeting will be on June 13, 2018.

## **15. ADJOURNMENT**

There being no further business to address, the meeting of the Board adjourned at 10:53 a.m.

**PAJARO VALLEY UNIFIED SCHOOL DISTRICT**

*Staff Report and Findings of Fact  
Watsonville Prep School  
Charter Petition*

Presented:  
Board of Trustees Meeting  
May 23, 2018

1. **INTRODUCTION**

The Charter Schools Act of 1992 permits school districts to grant charter petitions that authorize the operation of charter schools within their geographic boundaries. (Ed. Code, § 47600, et seq.)

A proponent may seek to establish a charter school within Pajaro Valley Unified School District ("District" or "PVUSD") by submitting a Petition to the District Governing Board ("Board"). The Board must grant a charter "if it is satisfied that granting the charter is consistent with sound educational practice." (Ed. Code, § 47605(b).) However, the Board may deny a petition for establishment of a charter school if it finds that the particular petition fails to meet enumerated statutory criteria, and the Board adopts written findings in support of its decision to deny the charter.

If authorized, charter schools "are part of the public school system," but "operate independently from the existing school district structure" subject to the oversight of the Board. (Ed. Code § 47615(a)(1) and 47601.) The Courts have made clear that charter schools are constitutionally permissible because they exist under the oversight of elected officials of public agencies, including the PVUSD Board. (*Wilson v. State Board of Education* (1999) 75 Cal.App.4th 1125 [holding that charter schools are legal by virtue of the fact that they are under the oversight of chartering authorities within the public school system defined by Article IX, Section 6]; aff'd in *Anderson Union High School District v. Shasta Secondary Home School* (2016) 4 Cal.App.5th 262 [referred hereinafter as "*Anderson*") Thus, it is the District's constitutional responsibility to ensure, prior to approving a charter school and during its term, that the charter school is sufficiently transparent and open to the level of oversight necessary to satisfy constitutional criteria.

2. **EXECUTIVE SUMMARY**

On March 28, 2018, the Pajaro Valley Unified School District ("District") received a charter petition ("Petition") from Navigator Schools, Inc., a California nonprofit public benefit corporation ("Petitioners"). The Petitioners propose the creation of Watsonville Prep School ("Charter School or WPS"), a charter school to serve 180 students in grade K through 2 in Year 1 (2019-20), and expanding to serve a total of 420 students in grades K through 8 by Year 2023-2024. (Petition, p. 12-13.)<sup>1</sup>

At the beginning of the 2011-12 school year, Petitioners opened Gilroy Prep School, which served 476 students in grades K through 7 in the 2016-2017 school year. (CDE School Dashboard.) A second Navigator school, Hollister Prep School, opened in August 2013, which served approximately 361 students in grades K through 5 in the 2016-2017 school year. (CDE School Dashboard.) Petitioners point to Gilroy Prep School's "track record of achievement" as an indicator of their ability to successfully implement a similar program within Pajaro Valley Unified School District (Petition, p. 8.) However, in evaluating the suitability of the program proposed in the Petition, the District's Board of Trustees ("Board") are cautioned to bear in mind that there are significant differences between the communities served by existing Navigator Schools and the PVUSD community.

Notably, at the public hearing, held on April 25, 2018, the Petition received strong criticism from both the public and local educators. Several public comments were made expressing concern over Petitioner's ability to provide an educational program not already provided

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<sup>1</sup> The Petition also indicates that the Charter will not offer transitional kindergarten unless "the charter authorizer so requires." (Petition, p. 12.)

within the District, the focus of efforts being placed outside of the school district, the use of staffing without representation rights and the current poor state of District facilities. Moreover, as described in detail below, District staff has identified a number of significant deficiencies in the Petition, including but not limited to: (1) deficiencies in the Charter School's proposed educational program; (2) deficiencies in its plans for educating English Language Learners, students with special needs, migrant students and foster students; and (3) omissions from the Charter School's operating budget and financial projections.

Based upon the Petition, its supporting documents, comments made at the public hearing and District staff's analysis of the Petition, the Board will decide whether to grant or deny the Petition at its May 23, 2018 meeting. If the District grants the Petition, it will exist and operate as proposed under the Board's oversight. Under Education Code section 47605, subdivision (j)(1), if the District denies the Petition, the Petitioners may appeal the denial to the Santa Cruz County Board of Education ("SCCBOE"). If the SCCBOE grants the Petition, the SCCBOE becomes the supervisory agency over the Charter School. If the SCCBOE denies the Petition, then Petitioners may appeal to the State Board of Education ("SBE"). (Ed. Code, § 47605, subd. (j)(1).)

A team of District staff members and legal counsel reviewed the Petition and provided input on this recommendation to the Superintendent relevant to their area of expertise. The following individuals comprised the staff review team ("Staff Team"):

- Dr. Michelle Rodriguez, Superintendent
- Joe Dominguez, Chief Business Officer
- Helen Bellonzi, Director, Finance
- Heather Gorman, Director, SELPA/Special Education
- Dr. Jean Gottlob, Director, Equity and English Language Learners
- Luis Medina, Director, Migrant Education
- Aracelli Mendez, Coordinator, Mathematics
- Katie Powell, Director, Transportation
- Pam Shanks, Director, Human Resources
- Suzanne Smith, Director, Student Services
- Frances Whitney, Coordinator, Accountability and Assessment

Additional support in legal review was provided by Dannis Woliver Kelley.

### 3. **STANDARDS FOR REVIEW OF THE PETITION**

Education Code section 47605, subdivision (b), sets forth the following guidelines for governing boards to consider in reviewing charter petitions:

- The chartering authority shall be guided by the intent of the Legislature that charter schools are, and should become, an integral part of the California educational system and that establishment of charter schools should be encouraged.
- A school district governing board shall grant a charter for the operation of a school under this part if it is satisfied that granting the charter is consistent with sound educational practice.
- The governing board of the school district shall not deny a petition for the establishment of a charter school unless it makes written factual findings, specific

to the particular petition, setting forth specific facts to support one or more of the following findings:

- (1) *The charter school presents an unsound educational program for the pupils to be enrolled in the charter school.*
- (2) *The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition.*
- (3) *The petition does not contain the number of signatures required by statute.*
- (4) *The petition does not contain an affirmation of each of the conditions required by statute.*
- (5) *The petition does not contain reasonably comprehensive descriptions of the required elements of a charter petition.*
- (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 Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code.*

In addition to the above considerations, the review and analysis of the Petition was also guided by the regulations promulgated by the SBE for the SBE's evaluation of charter petitions (Cal. Code Regs, tit. 5, §11967.5 et seq. ("Regulations").

#### 4. **STAFF RECOMMENDATION - DENIAL**

The options before the Board with regard to the Petition are as follows: (1) Approve the Petition; (2) Approve the Petition subject to conditions; or (3) Deny the Petition.

Based upon a comprehensive review and analysis of the Petition by the Staff Team and legal counsel, **DENIAL** of the Petition is recommended.

The recommendation of denial is based on the following conclusions:

- *The Petitioners are demonstrably unlikely to successfully implement the program presented in the Petition [See Findings, Section 5(a)].*
- *The Petition does not contain the required number of signatures [See Findings, Section 5(b)].*
- *The Petition fails to provide a reasonably comprehensive description of all required elements of a charter petition [See Findings, Section 5(c)].*
- *The charter school presents an unsound educational program for the pupils to be enrolled in the charter school. [See Findings, Section 5(d)].*

**FINDINGS IN SUPPORT OF DENIAL**

- (a) **The Petitioners are demonstrably unlikely to implement the program described in the Petition. (Ed. Code, § 47605, subd. (b)(2).)**

The Staff Team recommends that the Petition be denied on the grounds that the Petitioners are demonstrably unlikely to successfully implement the program described in the Petition. (See Ed. Code, § 47605, subd. (b)(2); Cal. Code. Regs., tit. 5, § 11967.5.1(c).) For purposes of implementing Education Code section 47605(b)(2), the State Board of Education considers the following factors, among others, in determining whether charter petitioners are “demonstrably unlikely to successfully implement the program:”

- (1) If the petitioners have a past history of involvement in charter schools or other education agencies (public or private), the history is one that the SBE regards as unsuccessful, e.g., the petitioners have been associated with a charter school of which the charter has been revoked or a private school that has ceased operation for reasons within the petitioners' control.

...

- (3) The petitioners have presented an unrealistic financial and operational plan for the proposed charter school. (Cal. Code. Regs., tit. 5, § 11967.5.1(c).)

The Staff Team’s findings are based on the following factual determinations supporting this finding:

- (i) **The Petitioners have presented an unrealistic financial and operational plan for the proposed charter school.**

Petitioners are demonstrably unlikely to implement the program described in the Petition because the Petition’s proposed financial and operational plan is unrealistic.

- *Donation Revenue:* The Five Year Projection (“Budget”), contained in Appendix X of the Petition, identifies a \$150,000 donation to WPS in Year 0. However, the Budget notes do not indicate whether this “donation” has been made or if WPS simply has a goal to raise this substantial amount. Therefore, it is unclear whether WPS would meet its projected beginning balance for Year 1 given the uncertainty of obtaining \$150,000 in donations.
- *Revolving Loan:* The attachments to the Budget include reference to a \$250,000 revolving loan that would be paid in relatively equal amounts over a five year period. However, the repayment of this revolving loan is omitted from the Budget. Therefore, the expenses to be incurred by WPS is understated by approximately \$50,000 in Years 1 – 5.
- *Start-Up Costs:* There is no PCSGP or other Implementation Grant identified in the Budget. Thus, the District is left to speculate whether the “donation” and “revolving loan” will serve as the start-up funding for the school. The Budget is silent as to how the Charter School will address start-up costs and whether the funds on hand will be sufficient to get the school open and program off the ground.

- *Textbooks:* The amounts allocated in the Budget for textbooks (ranging from \$3,500 in Year 1 to \$9,000 in Year 5) is woefully inadequate to support the instruction of hundreds of children. Nor do the Petition or the Budget notes clarify how the Charter School will implement the curriculum with nominal textbooks supplies.
- *Facilities Rent:* The Budget does not include any expense amount for rental of facilities. While the Charter School indicates that it will either seek facilities from the District (Petition, p. 132.), or seek housing in an alternate location (4/24 PVUSD Public Hearing), the Budget fails to account for the costs associated with housing WPS. The District Staff Team has indicated that housing WPS will be extremely challenging in light of overwhelming demands on District space. Nor is the District required to use General Funds to pay for facilities to house WPS. Therefore, to the extent the Charter School intends to rent a private space to house its program as indicated during the April 25 public hearing, the Charter School is responsible for payment of rent. The failure of the Budget to include a line item for this significant expense renders the Budget inadequate to meet the needs of the proposed program.<sup>2</sup>
- *Transportation:* PVUSD services 20,400 students and approximately 17% (3500) of regular education students utilize District funded and operated home-to-school transportation each day on 32 routes. The Special Education population is 3003 students and approximately 12% (350 students) of these students utilize home-to-school transportation each day on 25 routes. In addition, transportation services are provided to District students in a variety of programs, including No Child Left Behind, Students in Transition, International Academy, as well as 24 after school program routes. The District's Transportation Department currently employs 61 drivers and conducts approximately 2000 field trips annually for sports, clubs, curricular, after school, and enrichment programs. The Petition fails to acknowledge the PVUSD community's heavy reliance on District-provided transportation services to access schools and related programs. Likewise, the Budget fails to account for any expenses related to busing or transportation services for prospective WPS students.
- *Professional Development:* The Petition contains several references to "coaching" and other professional development and training opportunities for WPS staff and teachers. (Petition, p. 41-43 and 64-67.) Appendix E consists of a Coaching Rubric that would also be utilized for development purposes. The Budget reflects annual expenditures for professional development, ranging from \$24,500 in Year 1 to \$54,000 in Year 5. However, given the lack of information as to how these funds will be expended for "professional development," the Staff Team is unable to determine whether these amounts are sufficient to adequately train, coach and develop teachers and staff in the manner described in the Petition and its accompanying documents.
- *District Oversight Fees:* The amounts identified as "3% oversight fees" for the District appear to exclude, without explanation, certain revenue. For example, in

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<sup>2</sup> Petitioners also state that they will operate within the "Watsonville city limits." (Petition, p. 132.) However, as described more fully below, the Charter School must provide a preference to students who reside within the boundaries of the school district in which it operates. PVUSD operates in areas outside of the city of Watsonville. Therefore, Petitioners' target population of students within the City of Watsonville is inconsistent with the District's attendance boundaries, and serves to exclude students who do not reside within Watsonville.

Year 5, the total revenues of WPS are projected to be \$5,456,893. However, the 3% oversight fee reflected in the Budget for Year 5 is \$135,199, over \$28,000 short of the applicable 3% (\$163,707.) These inaccuracies reflect a lack of careful formulation of budget estimates.

- *CMO Management Fee:* The Budget includes an inordinately high management fee, totaling 14% of WPS's revenues annually. The Budget is silent as to what services the CMO will provide to justify an expenditure of this magnitude. This is particularly concerning given the fact the Budget includes separate line items for many administrative services that a CMO might typically perform, such as payroll services, planning and reproduction, staff and student recruiting, marketing materials, etc. Similarly, there are distinct line item expenses for administrative professional. Therefore, the District is left to speculate as to what the CMO fees cover and whether this is an appropriate expenditure of public funds.
- *Special Education Contract Services:* The Budget also identifies a significant expenditure for Special Education Contract Services. Yet, there is no indication in the notes and assumptions regarding what these services entail. Therefore, the District Staff Team is unable to ascertain whether this figure is sufficient or reasonable for the projected services.
- *Teacher-Student Ratio:* The Budget notes and assumptions suggest that the teacher-to-student ratio is in the range of 21:1 – 22:1. However, this ratio reflects an internal inconsistency in that the chart that sets forth the number of teacher per grade, per year, provides that there will be 2 teacher per grade. This suggests that the true teacher-to-student ratio is 30:1, a ratio that far exceeds the general standard for grades K-3 (24:1). Petitioners likewise conceded at the April 25 public hearing that the actual teacher-to-student ratio is in fact 30:1, again in contrast to what is set forth in the Petition itself. As such, the salaries allocated for teaching staff are inadequate to meet the Charter School's alleged ratio of 22:1 or the generally accepted standard of 24:1.
- *Custodial/Maintenance and Food Service Staff:* The Budget assumptions indicate that WPS is planning to employ 1 FTE in Year 1 for custodial, maintenance and food services. The FTE would expand to 2 by Year 5. The District Staff Team believes this modest FTE is insufficient to meet WPS's custodial, maintenance and food services needs for 180 – 410 students. As such, the Budget again fails to address critical services that support implementation of the proposed program.
- *ADA Percentage:* The Charter School identifies slightly conflicting, yet important, ADA percentage projections. In the Budget assumptions, WPS states that the ADA will be 96% of its enrollment. By contrast, in the Petition, the Charter School indicates that it will achieve 95% ADA. (Petition, at p. 13.) The ADA projections are critical to formulating the projected Budget. A single percent can make a big difference in terms of overall funding entitlement, cash flow and reserves.
- *Middle School Program Funding:* Although Petitioners do not anticipate expanding to grades 7 and 8 until presumably Years 6 and 7, if the Petition is approved and later renewed, the Petition presented here contemplates a full K-8 program. There is no indication in the Budget of how Petitioners would on-board and implement a full middle school program (as discussed more fully below). The Budget and the corresponding notes and assumptions, is silent on this critical element of the proposed educational program. As such, the District Staff Team is unable to assess,

even preliminarily, whether the proposed Budget is suitable to support a program for middle school students that is unique from that of elementary students.

- (ii) The Petitioners past history of operating other charter schools is not analogous to the proposed charter school.

The Petition boasts that Navigator Schools, the CMO that would manage WPS, has a “proven track record of success” because it has developed “an educational model that can be easily replicable and personalized to meet the needs of the community being served.” (Petition, p. 8.) However, this assertion is premised on Navigator Schools located in Gilroy and Hollister, communities that differ from that of Pajaro Valley. The Petition relies heavily on data and information gleaned from this other locations, while failing to specify current and relevant information regarding the student population of PVUSD. The District staff Team does not believe that educational models are “cookie cutter” and can simply be replicated from community to community.

As is set forth elsewhere in these Findings, the Petition fails to take into consideration the needs of students in PVUSD, including English Language Learners, migrant students, and foster youth and transportation demands. These omissions reflect a lack of understanding of the unique population of the PVUSD community. Nor does the program seek to reflect the racial, ethnic and socio-economic diversity that exists within the District. Instead, Petitioners would ask that the Board simply trust that a program that “works” in other communities would work for PVUSD students. However, as noted by Petitioners representatives at the April 25 public hearing, the poster schools – Gilroy Prep and Hollister Prep – have not been without their challenges. Indeed, Petitioners concede that mistakes were made in their growth plans that cause significant issues not only for the schools, but necessarily to the families and students who attended those schools. Based on the District Staff Team’s review, the Petition fails to adequately evaluate how the educational model it proposes will meet the needs and address the challenges of the PVUSD community.

- (b) **The Petition does not contain the required number of signatures. (Ed. Code § 47605, subd. (b)(3).)**

Education Code section 47605(a)(1) requires a charter petition to include the signatures of: (1) parents or guardians of half the number of students that are estimated to enroll in the charter school in the first year (Ed. Code §47605(a)(1)(A), or (2) half the number of teachers that will teach at the school in the first year (Ed. Code §47605 (a)(1)(B). Petitioners, inaccurately citing the requirement of Education Code section 47605(a)(1)(A) [which outlines signature requirements for students], claim that the signatures contained in Appendix A are from “seven meaningfully interested teachers, more than half of the seven teachers needed in year one of the charter.” (Petition, p. 3.) However, Petitioners’ assertion is fundamentally flawed in that six (6) of the seven (7) teachers that signed the Petition are teachers at Navigator’s two other charter schools, including 4 teachers from Gilroy Prep (M. Burton, J. Hill, T. Hill and N. Molchan). Therefore, the Staff Team cannot reconcile how six teachers who work at other Navigator schools are “meaningfully interested” in teaching at WPS, or how their displacement from their existing schools will impact those school communities. Instead, the Staff Team finds that these signatures do not meet the requirements of Education Code section 47605(a)(1)(B).

(c) **The Petition does not contain a reasonably comprehensive description of the required elements of a charter Petition. (Ed. Code, § 47605, subd. (b)(5).)**

(i) The Petition fails to include a reasonably comprehensive description of the Education Program because it fails to adequately describe its plan for specific subgroups of students.

(1) English Language Learners

The Petition does not contain a reasonably comprehensive description of its English Learner ("EL") Program. Charter Petitions are required to "indicate[] how the charter school will meet the needs of ... English learners." (Cal. Code Regs., tit. 5, § 19675.1(f)(1)(G).) While the Petition states the "charter school will meet all applicable legal requirements for English learners," the Staff Team identified the following concerns regarding the plan for EL education outlined in the Petition: which render the description inadequate:

- The "Scope and Sequence Greenlighting" spreadsheets, identified on page 34 of the Petition, are used to support mastery of standards in ELA, Social Studies, Math, and Science. However, there is no mention of scope and sequence for ELD.
- The "Comprehensive standards-based assessment plan" stated on page 40 of the Petition addresses reading fluency, reading comprehension, CCSS based on a year-long instructional map, math facts fluency, and several technology based assessments, including: Lexia, ST Math, STAR Reading and STAR Math." However, again, ELD is not included in the assessment plan.
- It is unclear whether Petitioners understand the appropriate ELPAC window. It is listed as July 31-Oct. 31 on page 50 of the Petition, which is incorrect. Yet, it is listed correctly on page 51 as July 1 – June 30.
- The Home Language Survey, page 50, does not state how it will be determined that the home language is other than English.
- In the discussion of the "Selection Process of Site Council Members," page 83, Petitioners have added a "Chairperson" to the school staff side, which would bring the school staff total to 6, while the parent total remains 5. Each side should have equal representation.
- On page 84 of the Petition, Petitioners state that "Watsonville Prep will strive to have the ELAC and SSC overlap to the extent possible under the law." ELAC can be delegated to SSC. However, this is a specific process that is not outlined in the Petition. There is no mechanism for the ELAC and SSC to "overlap". These are two different groups with two distinct purposes. ELAC can be delegated, separate or adjacent in relation to SSC, but not overlapped.
- On page 98, the Outreach and Recruitment Plan mentions providing promotional materials in English and Spanish. However, there is no mention of sending notices or communications to parents in English and Spanish.
- On page 267 of the Petition, the State-wide assessments list CELDT. However, the appropriate assessment should be ELPAC for 2018-19.

- On page 418, the curriculum overviews are provided for ELA, Math, Science/Social Studies and P.E. There is no curriculum overview for ELD.
- The educational technology listed on page 419 are for Math, Language Arts and Science/Social Studies. Again, there is no educational technology listed for ELD.
- On page 429, the general iPad use policy states that: "Sites not in English, unless required for class" are off limits. This is in direct contrast to assets-oriented and needs-responsive schools that have programs that value and build upon the cultural and linguistic assets students bring to their education in safe and affirming school climates (CA EL Roadmap).

(2) Migrant students

The Petition does not contain a reasonably comprehensive description of the educational program for migrant students. In fact, upon review of the Petition, there are only 2 references to the term "migrant," one of page 44 and the other on page 258 both in relation to the El Dorado IEP form. The Petition fails to acknowledge that 11 % of the PVUSD student population classifies as Migrant. In particular, the Staff Team identified the following deficiencies in the Petition:

- The Petition is silent as to how WPS will serve the migrant student/family population.
- In the Staff Team's experience, at any given time of the year, parents move out of the district looking for work. As a result, students might be out of school for weeks and months. The Petition is silent as to whether these migrant students will be permitted back at WPS (i.e., Buena Vista Camp Students who are expected to miss 4-5 months of school).
- The Petition also lacks any mention of the social-economic status of the Migrant population. Thus, there is no assurance that the Charter School population will be a true reflection of the PVUSD student population.
- The Petition also states that there were a number of consultations/meetings with a number of stakeholders that included Pre-k Programs and Parent Leadership groups. However, it does not appear on the face of the Petition that any such meetings or consultations were held with Migrant PAC or with Migrant Pre-K programs.
- There is no mention in the Petition regarding English Proficient Parents or Language Minority Parents (two main components under the Evaluation Guidance). Therefore, it was unclear how the Charter School will comply with this requirement under Equal Opportunity in Admissions.

(3) Mathematics

The Petition does not contain a reasonably comprehensive description of a sound mathematics curriculum. In particular, the Staff Team notes the following deficiencies:

- *Standards for Mathematical Practice:* The National Council for Teachers of Mathematics describes the Standards for Mathematical Practice (SMP) as "the heart and soul of the Common Core State Standards for Mathematics" (CCSSM). The SMP

describe student behaviors in mathematics, ensure an understanding of math, focus on developing reasoning and building mathematical communication, and lay the foundation to empower students to develop habits of mind where they use math and think mathematically. Teaching the CCSSM in isolation will not adequately prepare students to graduate college and career ready; the SMP must be taught in tandem with CCSSM. The description of the instructional program in the Petition lacks the integration of the SMP.

- *Teaching Methodologies:*
  - The instructional strategies mentioned in the Petition do not align with the CCSSM and students will not be adequately prepared in developing 21<sup>st</sup> Century skills. The “I do, we do, you do” method (Petition, p. 36) is an obsolete methodology and does not align with the expectations of CCSS and 21<sup>st</sup> Century skills. In order for students to be 21<sup>st</sup> Century problem-solvers, they need to engage in regular inquiry cycles, work collaboratively, communicate effectively and engage in academic conversations, such as Number/Math Talks. In addition, there is no mention of how the math curriculum supports two of the three major shifts of CCSSM, coherence and rigor. With coherence, students must experience mathematics as a coherent body of knowledge made up of interconnected concepts where learning experiences are carefully connected across the grades. The CCSSM rigor shifts calls for students to develop conceptual understanding, procedural skills and fluency, and application with *equal intensity*. The instructional strategies described do not support conceptual understanding as they are heavily focused on procedural skills and fluency *only*.
  - The Whole Brain Teaching (WBT) description (Petition, p. 37) lacks an explanation of how this applies to mathematics instruction. The mirror strategy prevents students from being innovative mathematicians. The SMP 3 calls for students to construct viable arguments and critique the reasoning of others. The mirror strategy hinders students to have this opportunity. Once again, the SMP are not taken into consideration when identifying and describing teaching methodologies.
  - The math manipulatives and visual modeling (Petition, p. 39) description is not specific about which manipulatives are used to support developing the foundation for conceptual understanding of key standards. Visual modeling is described as students creating “pictorial models of mathematics problems on a daily basis,” which is not in alignment with expectations of the CCSSM. The SMP 4 calls for students to model with mathematics, which is more than pictorial representations. Students are to use multiple representations (narrative, graph, table and/or algebraic expressions) to model any given mathematics problem.
- *Mathematics Assessments:* The instructional and assessment program lack a description of the types of mathematics questions that will be included in the assessments. Specifically, the Depth of Knowledge levels are not mentioned (Petition, p. 40). A well-balanced assessment must include questions at the four different Depth of Knowledge levels, and students should understand the grading criteria and receive timely feedback to improve their learning.

- *Re-teaching the Standards:* The instructional program in the Petition describes the use of “re-teaching time” where teachers are expected to provide additional instruction to students who have not mastered standards. With the demands of the CCSSM, re-teaching does not suffice. Analysis of student work is necessary to identify common misconceptions and prepare re-engagement opportunities. Re-engagement is using student work for the purpose of uncovering misconceptions, providing feedback on student thinking, and helping students to go deeper into the mathematics. Students have the opportunity to reflect on their own learning while make connections between mathematical ideas. There is a focus on metacognitive development as student analyze other student work in the search for possible mathematical misconceptions (see [www.svmimac.org](http://www.svmimac.org), or [www.illustrativemathematics.org](http://www.illustrativemathematics.org)) . There is uncertainty as to how well the Petitioners understand the changing pedagogy required with the implementation of the CCSSM and the SMP.
- *Preparation for Integrated Mathematics 1 at High School:* The PVUSD Integrated Mathematics pathways is in second year implementation, and with this, a newly adopted curriculum. Given the above review, students of the proposed Charter School will not be prepared to be successful in the transition to Integrated Mathematics 1.

(4) Special Education

The Petition does not contain a reasonably comprehensive description of the special education program. Petitioners state on page 11 that the Charter School will operate a full inclusion model of education. However, the Staff Team identified the following deficiencies:

- In evaluating the staffing in regards to special education, it does not appear that the Charter School can meet the demands of a special education population similar to that of the District. PVUSD offers the full continuum of services for students, including services for our most severe students. The District has services for all 13 categories of disabilities. A multi-disciplinary team, which is not reflected in the Petition, is needed to provide comprehensive testing of students who may require an IEP. Neither the Budget, nor the Petition, provide sufficient description or information as to how the Charter School will meet these obligations.
- The Petition references the use of MTSS. PVUSD is moving toward a District-wide MTSS model for all its schools. In this model, the District will be adding additional support for students that are non-responders in tier 1 or tier 2. In this way, the District is supporting curriculum, not supplanting it. As outlined in the Petition, the Charter School will be supplanting core curriculum in order to level students, rather than adding to their curriculum. This is a fundamental flaw.
- The Petition does not appear to provide for enough specialized staff to handle certain special education processes, such as a Manifest. This deficiency could lead to lack appropriate educational services for special education students.
- It is unclear how services during suspensions will be addressed. Where will students go for a “change of placement” while they are awaiting a hearing? This lack of clarity renders the description inadequate.

- There is no clear statement in the Petition that Charter School may not move forward with a student expulsion if there is a request for assessment/504, or if the student is in the process of being assessed.

(5) Middle School Students

The Petition fails to provide a comprehensive description of how it will implement its middle school program. As noted above, the Budget, notes and assumptions, do not provide any data regarding the fiscal impact of on-boarding a more comprehensive middle school program. It is unclear what specialized teachers will be required to implement this aspect of the program. Nor does the Petition discuss the unique challenges that face the middle school population. Although the Charter School presumably will not add grades 7 and 8 for several years, the Petition does in fact seek a charter for grades K-8. Therefore, the lack of information and operational plan for these grade spans also renders the program description incomplete.

- (ii) The Petition does not provide a reasonably comprehensive description of the governance structure of the charter school including the process to be followed to ensure parent involvement.

(1) Failure to Adequately Describe its Current Operations

The Petition fails to adequately describe the complex organizational structure of Navigator Charter Schools. The Petition is required to demonstrate that "the organizational and technical designs of the governance structure reflect a seriousness of purpose." (Cal. Code Regs., § 11967.5.1(f)(4)(B).) The Petition states that the Navigator Board will, among other things, "hold the Chief Executive Officer accountable for the academic and fiscal responsibility of Watsonville Prep School." (Petition, Element 4.) However, the Petition does not provide specifics as to what role, if any, the CEO of Navigator will play at Watsonville Prep, especially given the fact that the CEO presumably oversees multiple schools. With such a disconnect between the day-to-day operations of the Charter School and the presence of the CEO, it is unclear how this structure provides for meaningful governance.

Similarly, Petitioners state that "The Board may delegate the management of the corporation's activities to any person(s), management company, or committees provided that the activities and affairs of the corporation shall be managed and all corporate powers shall be exercised under the ultimate direction of the Board." Such broad delegation rights do not ensure consistency and continuity in governance. Nor does it promote true stakeholder engagement if management of Navigator's activities can be delegated at any time.

(2) Conflicts of Interest

The Petition provides, "The Board has adopted a Conflict of Interest Code which complies with the Political Reform Act, and Corporations Code Conflicts of Interest rules." The Staff Team disagrees with this representation. Specifically, there are no assurances in the Petition, Bylaws, or Conflict of Interest Policy that the charter school and its board will comply with the provisions of Government Code section 1090, or common law conflicts of interest. While the charter school's proposed structure may be permissible pursuant to the rules governing non-profit public benefit corporations, charter schools are public entities, part of the public school system, and operate on public funds. Accordingly, the Petition must adhere to Government Code section 1090, and common law principles of conflict of interest. Unlike the Political Reform Act, which allows interested Board members to recuse

themselves, Government Code section 1090 bars a public agency governing board from entering into a contract in which any member has a financial interest that does not meet a recognized exception.

(3) Lack of Parental Involvement in Governance

The Petition is required to "show the process to be followed by the charter school to ensure parental involvement." (Cal. Code Regs., § 11967.5.1(f)(4)(B)(2).) The Petition does not provide a reasonably comprehensive description of how parents will be meaningfully involved in governance of WPS, and where it does describe mechanisms of parental involvement, the Petition is clear that parents will not be significantly involved. Specifically, the Petition states that "The [Navigator] Board shall include representatives and members of the community, including one (1) parent representative from Gilroy Prep School, and one (1) parent representative from Hollister Prep School (Foundational Schools)." (Petition, p. 80.) In addition, "meeting times and locations are planned so it is convenient for parents and community members to attend." (Petition, p. 82.) Yet, the Petition also states that the board will meet "in a convenient location for both charter schools." (Petition, p. 79.) "Both schools" for this purpose presumably refers to Gilroy Prep and Hollister Prep, excluding Watsonville as a potential location.

(iii) The Petition does not provide a reasonably comprehensive description of the health and safety procedures the Charter School will utilize.

The Petition fails to provide a reasonably compressive description of the Charter School's Health and Safety policies and procedures. The Staff Team identified the following deficiencies:

- The Petition, at page 85, states, "All non-certificated and certificated staff shall be mandated child abuse reporters and shall follow all applicable reporting laws." However, charter schools have a responsibility beyond ensuring their employees follow policies and procedures. AB 1432/Education Code section 44691 requires charter schools to "provide annual training ... to their employees and persons working on their behalf who are mandated reporters." The CDE provides an online module for such training or, alternatively, the school could provide the training itself or hire an outside consultant. This law is not addressed in the proposal, and is particularly problematic in light of the alleged target population.
- The Emergency Operations Plan does not meet the standards set by the County Grand Jury. The Charter School must articulate a plan that uses the Standardized Emergency Management Systems (SEMS) as detailed in the California Emergency Services Act Section 8607 and the supporting California Code of Regulations.
- The Comprehensive School Safety Plan is inadequate.
- The Petition's proposed Drill schedules does not include a clear plan for evacuations (i.e., meeting places are not identified in the materials provided).
- The Petition does not include a clear plan in terms of Fire Extinguisher maintenance and safety, i.e., monthly checks and annual recharging.

- (iv) The Petition does not provide a reasonably comprehensive description of legally permissible admissions policies.

Petitioners state that admissions preference will be given to those living within the City of Watsonville city limits, despite the fact the PVUSD serves students in other areas such as Monterey County and Aptos. First and foremost, this purported admissions preference is illegal in that Education Code Section 47605(d) specifically states that "Preference shall be extended to pupils currently attending the charter school and pupils who reside in the school district." There a preference limited to the City of Watsonville expressly excludes students that reside within the District, but outside the Watsonville city limits, in violation of the Charter Schools Act.

- (i) The Petition does not provide a reasonably comprehensive description of the suspension and discipline procedures the Charter School will utilize.

The proposed suspension and expulsion policies and procedures lack specificity and other critical elements, including:

- In the description of the Discipline: Non-Discretionary Expellable Offenses: 48915 (C), the Petition address the possession of a firearm (1) and explosives (5), but does not mention the other three (3) mandatory expellable offenses - brandishing a knife (2), selling a controlled substance (3) and sexual battery or assault (4)
- In the description of the suspension process, there is no indication of interventions before the suspension process begins, such as Restorative Justice, PBIS, counseling, and or positive conferencing with parent, student, teacher and/or administration.
- The description of the expulsion process fails to mention a Student Discipline Review (SDR) meeting in which a hearing can be stipulated/waived. Such a process offers students the ability to get back in school sooner, instead of waiting for the 10 days for a hearing and then board approval. Students can be out of school for 4-6 weeks without the option to have a SDR.
- The Rehabilitation Plans for students lack clarity. Although the Petition states that students "may" re-apply after they have completed the requirements for expulsion, the Petition is unclear as to how the application will be reviewed and finally determined.
- The Petition lacked any evidence of or discussion regarding a positive school climate with tiered support systems in place under the discipline section, including enhanced staff development on these issues or alternatives to out of school suspensions.
- The Petition does not contain a comprehensive bullying policy or bullying prevention methods, such as student meetings, monitoring school-sponsored networks, parent education, special programs, and/or reporting systems.

- (d) **The Petition presents an unsound education program. (Ed. Code, § 47605, subd. (b)(1).)**

Based on the totality of the program presented in the Petition, the Staff Team recommends that the Petition be denied on the grounds that the Petition presents an unsound education program, and hereby incorporates all of the findings in this Report as support for this

finding. (See Ed. Code, § 47605, subd. (b)(1); Cal. Code. Regs., tit. 5, § 11967.5.1(b).)  
Staff Adopts the Language of Section 5, Subsection (A) and (D), as part of this finding.

5. **CONCLUSION**

For the reasons stated above, the Petition, as submitted, suggests that the Petitioners are demonstrably unlikely to successfully implement the program, fails to include all of the signatures required by law, fails to provide a reasonably comprehensive description of several essential charter elements, and fails to present a sound educational program. Accordingly, **denial** of the Petition is recommended by the Board adopting this Report as the written factual findings required to support its denial of the Petition, as described.



**Navigator Schools Response to  
Pajaro Valley Unified School District Staff Report and Findings  
Watsonville Prep Charter Petition  
May 23, 2018**

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Navigator Schools, as the petitioning body for Watsonville Prep School (WPS), appreciates the opportunity to address the findings identified by staff members of the Pajaro Valley Unified School District (PVUSD). Please find below rebuttals and/or explanations for each of the findings. Navigator Schools staff is more than willing to provide clarification if needed.

### **Findings & Responses**

1. *The Petitioners are demonstrably unlikely to implement the program described in the Petition. (Ed. Code, § 47605, subd. (b)(2).)*

(1) If the petitioners have a past history of involvement in charter schools or other education agencies (public or private), the history is one that the SBE regards as unsuccessful, e.g., the petitioners have been associated with a charter school of which the charter has been revoked or a private school that has ceased operation for reasons within the petitioners' control.

### **Navigator Response**

Navigator Schools, as the operator of Gilroy Prep School (GPS) and Hollister Prep School (HPS), has never been associated with a charter school which the SBE regards as unsuccessful in any way. No charters granted to Navigator Schools have ever been revoked. In contrast, Navigator actually recently received unanimous support from both current authorizing districts for 5-year renewals. In addition, the past Superintendent of Hollister School District and the current Superintendent of Gilroy Unified School District each wrote letters of strong support for Navigator Schools and its petition to open Watsonville Prep. Both schools have also been honored and recognized by Silicon Schools and Gilroy Prep was recently named a top school by Innovate Public Schools. Finally, Dr. Michael Kirst, current President of the State Board of Education, visited both schools in April, 2017.

2. *Donation Revenue: The Five Year Projection ("Budget"), contained in Appendix X of the Petition, identifies a \$150,000 donation to WPS in Year 0. However, the Budget notes do not indicate whether this "donation" has been made or if WPS simply has a goal to raise this substantial amount.*

### **Navigator Response**

Submitted with the charter petition in Appendix X is a grant award letter from Charter School Growth Fund in the amount of \$2.1M in support of Navigator's expansion. The grant letter specifically states, "The initial disbursement of \$300,000 is scheduled for April to assist with the launch of the proposed Watsonville expansion." These funds have been received which means we are ahead of the budget.

Since the date of the Charter submission, we have also received a grant award from Silicon Schools Fund who have committed to provide \$800,000 to WPS over Years 0-3. This amount was not included in the original budget submitted with the charter petition. A copy of this signed grant agreement is included at the end of this document.

- 3. Revolving Loan: The attachments to the Budget include reference to a \$250,000 revolving loan that would be paid in relatively equal amounts over a five-year period. However, the repayment of this revolving loan is omitted from the Budget. Therefore, the expenses to be incurred by WPS is understated by approximately \$50,000 in Years 1-5.*

### **Navigator Response**

Districts are required to use the modified accrual basis of accounting, which includes loan proceeds and loan payments as part of the fund balance. However, charter schools are required to use the accrual basis of accounting. The 5-year budget projection submitted as part of the petition is therefore on the accrual basis of accounting. In accrual basis accounting loan proceeds are not considered revenue, and loan repayments are not considered expenses for calculating the fund balance. They are instead considered part of the cash flow which we have included in other spreadsheets (Year 1 Cash Flow through Year 5 Cash Flow). The repayments are on the very bottom of these spreadsheets just above the Ending Cash.

- 4. Start-Up Costs: There is no PCSGP or other Implementation Grant identified in the Budget.*

### **Navigator Response**

We did not include the PCSGP grant because it is widely acknowledged as best practice to not include the PCSGP grant in a new school's budget, because although it is very likely we will get the grant, PCSGP is not a guaranteed revenue source like LCFF. The budget is not silent about how the Charter School will address start-up costs but rather shows a positive monthly cash balance for every month as well as a very healthy fund balance at the end of each year.

- 5. Textbooks: The amounts allocated in the Budget for textbooks (ranging from \$3,500 in Year 1 to \$9,000 in Year 5) is woefully inadequate to support the instruction of hundreds of children. Nor do the Petition or the Budget notes clarify how the Charter School will implement the curriculum with nominal textbooks supplies.*

### **Navigator Response**

Navigator Schools, a public charter, is not required by law to purchase textbooks or implement textbook-driven programs.

Rather than wasting valuable public funds on archaic textbook-based materials, Navigator provides students with resources befitting the rapidly-changing technological age in which we live. Textbooks are distinctly out-of-date in contemporary classrooms equipped to harness the power of technology. Digital resources, including high-quality teacher-created materials, unlike antiquated textbooks, can be updated continuously to incorporate new information, are accessible 24/7 via handheld mobile devices, promote student engagement, ensure personalization for diverse groups of students, and prepare learners to work with the digital tools of the modern workplace.

Navigator Schools ensures equitable access to digital-format instructional resources by providing 1:1 student iPads at all grade levels. Print materials supplement digital resources primarily in the form of novels, texts for guided reading, core literature, and primary phonics materials. Empowered by the benefits of accessible, interactive, personalized technology, Navigator teachers and students explore, experiment, and discover beyond the boundaries of static, one-size-fits-all textbooks. They are active producers of knowledge rather than passive consumers. As a result of this forward-thinking philosophy, it is to be expected that textbook expenditures at Navigator Schools are lower than those at schools that choose to employ a more traditional model. Expenses related to technology and software are budgeted in lines 4501 and 5701, totaling \$111,600 in Year 1 and increasing to \$149,856 in Year 2.

6. *Facilities Rent: The Budget does not include any expense amount for rental of facilities.*

### **Navigator Response**

The budget submitted is based on WPS receiving equitable facilities from PVUSD to house charter school students residing in school district boundaries. With stated enrollment preferences for Watsonville and PVUSD residents, WPS anticipates 95-100% of students to be PVUSD residents. We have heard about facility challenges in PVUSD and continue to research non-PVUSD facilities. With our recent award of an \$800,000 grant from the Silicon Fund, we are in a strong financial position to cover any unfunded rent costs and to pursue our own facility if there are no suitable Prop 39 facilities available.

7. *Transportation: The Petition fails to acknowledge the PVUSD community's heavy reliance on District-provided transportation services to access schools and related programs. Likewise, the Budget fails to account for any expenses related to busing or transportation services for prospective WPS students.*

### **Navigator Response**

Navigator Schools acknowledges PVUSD staff concerns about the transportation needs of the PVUSD students. While providing transportation services to the general student population is not a legal requirement, we have begun to research providing transportation support to students.

*8. Professional Development: The Staff Team is unable to determine whether these amounts are sufficient to adequately train, coach and develop teachers and staff in the manner described in the Petition and its accompanying documents.*

### **Navigator Response**

We believe coaching is the most effective form of developing our talent. One of Navigator's five compass points is coaching because it is the most important activity any site leader performs. Our commitment to coaching is clear. In Year 1, we invest in a vice principal who, with the principal, will coach all six teachers and the four Small Group Instructors (SGI) weekly. There will also be a part-time SGI coach supporting the team. The Special Education team will have a full-time RSP teacher who will also coach the SPED paraprofessionals weekly. In the second year, we add a Vice Principal of Academics who will become the primary professional development leader as well as another coach. This is the same successful model as the one that GPS and HPS employ.

WPS has included \$24,500 dollars in Year 1, building to \$54,000 in Year 5 for additional trainings provided by external entities including but not limited to:

- Relay Graduate School of Education
- Innovate Public Schools
- National Academy of Advanced Teacher Education
- California Charter Schools Association
- The Ryan Fellowship

For more information on the coaching emphasis at Navigator Schools, please see page 23 of the charter petition.

Navigator Schools learns from other top-quality schools. By studying academically successful schools, Navigator has and will continue to improve teaching skills, learn new programs, and increase student performance. Navigator's coaching model is strongly influenced by the Relay Graduate School of Education based in New York. All teacher coaches at Navigator Schools receive training provided by Relay.

All new instructional staff begin the school year with a two-week training called Navi 101. Throughout this training staff is introduced to our academic model, technology, instructional strategies, and immersed in our culture of excellence. All returning staff gathers for Navi 201, which is the second week of the summer training, when expectations, new initiatives, and

differentiated professional development activities take place. Navi 101 and 201 are key components of our professional development plan. In total, Navi provides ten consecutive days of training at the start of every school year, five full days distributed over the course of the school year, and regular opportunities for training and planning on Wednesday early-release days.

9. *District Oversight Fees: The amounts identified as "3% oversight fees" for the District appear to exclude, without explanation, certain revenue.*

### **Navigator Response**

As the Ed code 47613(f) states (see below), the 3% oversight fee is only calculated on LCFF revenue and not the total revenue as incorrectly stated in this comment.

#### **47613.**

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

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

(c) A local educational agency that is given the responsibility for supervisory oversight of a charter school, pursuant to paragraph (1) of subdivision (k) of Section 47605, may charge for the actual costs of supervisory oversight, and administrative costs necessary to secure charter school funding. A charter school that is charged for costs under this subdivision may not be charged pursuant to subdivision (a) or (b).

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

(e) For purposes of this section, "chartering authority" means a school district, county board of education, or the state board, that granted the charter to the charter school.

(f) *For purposes of this section, "revenue of the charter school" means the amount received in the current fiscal year from the local control funding formula calculated pursuant to Section 42238.02, as implemented by Section 42238.03. (italics added)*

(g) For purposes of this section, "costs of supervisory oversight" include, but are not limited to, costs incurred pursuant to Section 47607.3

10. *CMO Management Fee: The District is left to speculate as to what the CMO fees cover and whether this is an appropriate expenditure of public funds.*

### **Navigator Response**

The CMO fee is absolutely an appropriate, ethical, and necessary expenditure of public funds as prescribed by the highest standards of the law. The Navigator Schools CMO budget is aligned to the broad scope and scale of services it provides to students, staff, and the school

community. The CMO provides an array of essential management, support, and operational services, including compliance reporting, business and financial services, human resources, fundraising and grant-writing, school site supervision, curriculum development, community outreach, and organization-wide professional development, including the training and coaching of principals. The CMO, which Navigator Schools refers to as the Support Office, includes the following staff who are dedicated to supporting the success of all Navigator Schools:

- Chief Executive Officer (CEO)
- Chief Academic Officer
- Director of Curriculum & Instruction
- Director of Human Resources
- Director of Business & Finance
- Director of Internet Technology and Operations
- Director of Community Outreach
- Director of Student Services
- Special Projects Coordinator & Assistant to the CEO
- Payroll & Accounting Clerk
- Community Engagement Facilitator
- Student Information Systems Administrator
- Information Technology Administrator
- Maintenance of Operations and Maintenance
- Data Analyst and Curriculum Specialist
- Innovation Fellow

Although charter petitions do not require a financial model for the CMO, Navigator Schools is committed to transparency and all Navigator Schools budgets and annual audits are available through our board materials posted on our website.

*11. Special Education Contract Services: The District Staff Team is unable to ascertain whether this figure is sufficient or reasonable for the projected services.*

### **Navigator Response**

In the WPS budget item dedicated to special education contractors, the Year 1 allocation of \$57,000 is to address student needs of an undetermined student population at this time. Based on prior experience, we believe this to be a conservative estimate to provide additional support that may be required to meet the needs of the WPS student body. In addition to a staffing model that includes a Resource/Educational Specialist, Licensed Speech Pathologist and paraprofessional support staff in Year 1, the special education specialist contractors, reflected in the budget, include those who are needed to assess the student in the suspected areas of disability and also those who would provide services to the student as per FAPE.

These service providers may include Licensed Bilingual Educational Psychologist, Licensed Occupational Therapist, Vision Impaired Specialist, Deaf and Hard of Hearing Specialist, Board Certified Behavior Analyst, Bilingual Speech Pathologist, Orientation and Mobility Specialist,

Educational Specialist, Registered Nurse, Certified Assistive Technology Specialist and in the past two years, a Braille instructor.

*12. Teacher-Student Ratio: The Budget notes and assumptions suggest that the teacher- to-student ratio is in the range of 21:1 – 22:1. However, this ratio reflects an internal inconsistency in that the chart that sets forth the number of teacher [sic] per grade, per year, provides that there will be 2 teacher [sic] per grade.*

### **Navigator Response**

In its first year of operation, WPS will employ a total of eight certificated teachers including six classroom teachers and two teachers-in-training. That will result in a ratio of 22.5 students per certificated teacher. Additionally, in Year 1, there will be one full-time certificated RSP teacher, four small group instructors and two RSP paraprofessionals resulting in a ratio of thirteen students to one member of the instructional team.

*13. Custodial/Maintenance and Food Service Staff: The District Staff Team believes this modest FTE is insufficient to meet WPS's custodial, maintenance and food services needs for 180-410 students. As such, the Budget again fails to address critical services that support implementation of the proposed program.*

### **Navigator Response**

The projected staffing model for custodial, maintenance and food service needs is sufficient based on Navigator's experience providing these services to existing schools in Gilroy and Hollister. Custodial, maintenance, and food services are supported by a variety of staff members at the Support Office and at school sites. This staff support is not referenced in the FTE described as Custodial, maintenance and food service program. This support includes:

- The Director of Information Technology and Operations (Support Office) provides guidance and oversight to custodial, maintenance and food services;
- The Manager of Operations and Maintenance (Support Office) provides direct supervision and support to custodial, maintenance and food service staff;
- The Office Manager (WPS Staff) assists the food service program as needed, including overseeing the meals reporting processes;
- Yard Duty and Supervision Staff (WPS Staff) provide student supervision and encourage the proper disposal of waste and recyclables. Supervision staff also assists with the clean-up of areas where food is served to students.
- The Manager of Operations and Maintenance (Support Office) serves maintenance needs that extend beyond the capacity of WPS staff. Line 5702 in the budget allocates funds for repair and maintenance to be provided by external support providers. At Gilroy Prep and Hollister Prep, Navigator frequently contracts with the respective school district to provide maintenance services.

- The full-time Site Information Technology Technician, as part of the Information Technology Operations and Maintenance Team, helps the custodial, maintenance, and food service program as needed.
- Food service personnel hours are estimated at 2.5 hours per day in the first year of operation. Food is provided by approved vendors such as Revolution Foods or the School District. Breakfast and lunch are delivered warm and ready to serve, reducing staff time required for food preparation. Custodial services are estimated at .33 hours per day for every classroom = (6 x .33 hr. = 2 hrs./day), .25 hr. for every bathroom (6 x .25 hr. = 1.5hr/day), and 1 hr. a day for other school offices, totaling 7 hrs. a day, providing an additional 1.0 hr. as needed to complete related tasks. Since the position is budgeted as a full-time position with a work calendar of 210 days, deep cleaning will be done on days that school is not in session. The 1.0 FTE in Custodial, maintenance and food services increases by 0.2 FTE each year to meet the needs of the expanding school.

*14. ADA Percentage: The Charter School identifies slightly conflicting, yet important, ADA percentage projections.*

#### **Navigator Response**

The Petition narrative states in the first sentence of the section on average daily attendance (page 13) that we expect our ADA to exceed 96%. We budgeted based on this expectation.

*15. Middle School Program Funding: There is no indication in the Budget of how Petitioners would on-board and implement a full middle school program.*

#### **Navigator Response**

The Budget for Years 1-5 is presented in accordance with Charter School Petition law, which limits a petitioner to the first five years of operating a school.

*16. The Petitioners [sic] past history of operating other charter schools is not analogous to the proposed charter school. The Petition relies heavily on data and information gleaned from this [sic] other locations, while failing to specify current and relevant information regarding the student population of PVUSD. The District staff Team does not believe that educational models are "cookie cutter" and can simply be replicated from community to community.*

#### **Navigator Response**

Navigator provides current and relevant information in the form of evidence relating to the sustained success of its model, in terms of positive climate, culture, district partnerships, regional and national recognition, and — above all — student achievement. In addition, Navigator has provided current, relevant, and compelling evidence for the immediate need for new educational options in PVUSD. This need is substantiated not only by data, but by the

heartfelt requests and commitment of hundreds of WPS supporters, including future WPS parents, who expect, demand, and deserve excellent schools in their community.

While Navigator believes that every community is unique, it shares a belief with the California Department of Education, the governor, the state legislature, diverse community service and social justice groups, and thousands of educational leaders throughout the nation that it is incumbent upon public schools to identify, develop, and adopt research-based strategies to better serve the needs of student subgroups, including English Learners, SED, SWD, and Hispanic/Latino students. Equating research-based practices and high-achieving school models with “cookie-cutter” approaches is a grave error that appears to discount evidence, resist change, and cast doubt upon every teacher who works hard to find new ways to help every child succeed.

State data reports that subgroups succeed at Navigator. These subgroups, including English Learners and Hispanic/Latino students, are in most need of new school options in PVUSD. To deny this evidence is to deny the currency and relevance of results collected and disseminated by the California Department of Education, including SBAC scores and the CA School Dashboard.

Navigator Schools has proven that its model can be replicated to meet the needs of the communities it serves through the opening of Hollister Prep School in 2013 and through the continued success of both GPS and HPS. The chart below illustrates the success of the Navigator model with student populations which are closer to the demographics of Watsonville than any of PVUSD’s highest-performing elementary or middle schools.

<b>Percent EL, FRL, and SBAC Proficiency (2016-17)</b>				
<b>School</b>	<b>% EL</b>	<b>% FRL</b>	<b>% ELA Standard Met or Exceeded</b>	<b>% Math Standard Met or Exceeded</b>
Aptos Junior High	9.5	32.7	57	42.7
Bradley Elementary	20.3	50.2	45.3	37.7
Mar Vista Elementary	6.8	28.6	50	46.2
Rio del Mar Elementary	2.1	11.4	66.4	61.7
Valencia Elementary	14.8	30.8	61.6	54.8
Gilroy Prep	37	49	83	75
Hollister Prep	46	62	91	75

17. *Petitioners’ assertion is fundamentally flawed in that six (6) of the seven (7) teachers that signed the Petition are teachers at Navigator’s two other charter schools, including 4*

*teachers from Gilroy Prep (M. Burton, J. Hill, T. Hill and N. Molchan). Therefore, the Staff Team cannot reconcile how six teachers who work at other Navigator schools are “meaningfully interested” in teaching at WPS, or how their displacement from their existing schools will impact those school communities. Instead, the Staff Team finds that these signatures do not meet the requirements of Education Code section 47605(a)(1)(B).*

### **Navigator Response**

The seven meaningfully interested teachers who signed the petition are credentialed teachers who by their signature express that they are meaningfully interested in teaching at Watsonville Prep. The individuals who expressed meaningful interest made the decision to support the Watsonville Prep petition based on their own experience and professional judgement. Navigator Schools supports their interest. There is no valid reason to question the meaningful interest indicated by these individuals. Navigator Schools is well-positioned to fill any vacancies that may result at Gilroy Prep and Hollister Prep.

*18. The “Scope and Sequence Greenlighting” spreadsheets, identified on page 34 of the Petition, are used to support mastery of standards in ELA, Social Studies, Math, and Science. However, there is no mention of scope and sequence for ELD.*

### **Navigator Response**

We have an [ELD Scope and Sequence](https://goo.gl/UZaqLE) that teachers will follow similar to the ELA, Math and Science scope and sequence. (<https://goo.gl/UZaqLE>)

*19. The “Comprehensive standards-based assessment plan” stated on page 40 of the Petition addresses reading fluency, reading comprehension, CCSS based on a year-long instructional map, math facts fluency, and several technology based [sic] assessments, including: Lexia, ST Math, STAR Reading and STAR Math.” However, again, ELD is not included in the assessment plan.*

### **Navigator Response**

ELD will be assessed at WPS as it is at GPS and HPS. Each week there will be a focus-standard in ELD. The teacher will be taking formative data throughout the designated session in the form of boards-up, oral and written responses and exit tickets. This data will drive future designated lessons as well as integrated scaffolds. In addition to the data teachers collect, they will also utilize ELPAC data to help identify language gaps and inform instructional focus.

*20. It is unclear whether Petitioners understand the appropriate ELPAC window. It is listed as July 31-Oct. 31 on page 50 of the Petition, which is incorrect. Yet, it is listed correctly on page 51 as July 1 – June 30.*

### **Navigator Response**

The petitioners understand that the page 51 description is the correct ELPAC window. ELPAC is administered to Initial ELL students within first 30 days of instruction, as determined by the Home Language Survey. Summative ELPAC is administered between February 1st - May 31st and is determined through collaboration with the teachers and the Data Analyst and Curriculum Specialist. These ELPAC testing weeks are called out in the ELA and History/Social Studies Scope and Sequence, and the Academic Calendar.

*21. The Home Language Survey, page 50, does not state how it will be determined that the home language is other than English.*

### **Navigator Response**

As stated in the charter, "All students who indicate their home language is other than English will be tested with the ELPAC." WPS will distribute a home language survey to all new incoming students upon enrollment. A sample of the survey Navigator Schools currently uses is provided below. It is sent home in English and Spanish.



**STUDENT REGISTRATION FORM**

School Year \_\_\_\_\_

**Student Information**

Last Name \_\_\_\_\_ First Name \_\_\_\_\_ Middle Initial \_\_\_\_\_ Gender \_\_\_\_\_ Grade Level (Registering for) \_\_\_\_\_

Residence Address \_\_\_\_\_ City \_\_\_\_\_ Zip Code \_\_\_\_\_ Birthdate \_\_\_\_\_ Birth Place (State or County) \_\_\_\_\_

Mailing Address \_\_\_\_\_ City \_\_\_\_\_ Zip Code \_\_\_\_\_ Home Phone \_\_\_\_\_ Month/Year moved to current address \_\_\_\_\_

Emergency Contact Information - If responsible adult (Parent/Guardian) is not available \_\_\_\_\_ Medical Problem(s)?  Yes  No

Name \_\_\_\_\_ Address \_\_\_\_\_ Phone Number \_\_\_\_\_ If Yes, describe problem (Attach any additional information) \_\_\_\_\_

Has this student attended Hollister/Gilroy Unified Schools in the past?  Yes  No \_\_\_\_\_

List any siblings living in the home attending Gilroy/Hollister Schools: \_\_\_\_\_

Name of Sibling _____	School Attended _____	Name of Sibling _____	School Attended _____
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Has this student ever received any of the following services in this or any other district? GATE:  Yes  No ESL / ELD:  Yes  No

Special Education:  Yes  No If yes, identify services (Resource, Speech, Special Day, 504 Plan) \_\_\_\_\_

Previous School (s) (List Pre-school if applicable): \_\_\_\_\_

Grades Attended \_\_\_\_\_ Dates Enrolled (From/To) \_\_\_\_\_ School \_\_\_\_\_ Public?  Yes  No State, City and County \_\_\_\_\_

**Home Language Survey** If you answer any language other than English for any questions below, your child will be required to take an ESL or ELD Test

1. What language did this student learn when first beginning to talk? \_\_\_\_\_
2. What language do you use **most frequently** to speak to this student? \_\_\_\_\_
3. What language does this student **most frequently** use at home? \_\_\_\_\_
4. What language is **most often spoken** by the adults at home? \_\_\_\_\_

**Parents/Guardians Information**

**Mother/Guardian**  Ms.  Mrs.  Other \_\_\_\_\_  Mother  Foster Parent  Legal Guardian  Other \_\_\_\_\_

Name \_\_\_\_\_ Address (If different from student) \_\_\_\_\_

Business Phone and Extension \_\_\_\_\_ Cel Phone \_\_\_\_\_ Divorced/Legally Separated:  Yes  No If yes, joint custody?  Yes  No Emergency Contact?  Yes  No

Education Level - College, degree obtained:  Not high school graduate  High School Graduate  Some College  College Graduate  Graduate School

**Father/Guardian**  Mr.  Other \_\_\_\_\_  Father  Foster Parent  Legal Guardian  Other \_\_\_\_\_

Name \_\_\_\_\_ Address (If different from student) \_\_\_\_\_

Business Phone and Extension \_\_\_\_\_ Cel Phone \_\_\_\_\_ Divorced/Legally Separated:  Yes  No If yes, joint custody?  Yes  No Emergency Contact?  Yes  No

Education Level - College, degree obtained:  Not high school graduate  High School Graduate  Some College  College Graduate  Graduate School

**I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FORGOING IS TRUE AND THAT MY SUPPORTING DOCUMENTS ARE CORRECT.**

Parent/Guardian Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Office Use Only!**

ID: \_\_\_\_\_ SCH: \_\_\_\_\_ REG-DATE: \_\_\_\_\_ ENROLLED BY: \_\_\_\_\_ ETH: \_\_\_\_\_ IMMUN: \_\_\_\_\_ SPECIAL ED: \_\_\_\_\_ HOME SCH: \_\_\_\_\_ Next School Code: \_\_\_\_\_

Verification of Residence:  Deed  Tax Card  Lease  Insurance  Escrow Letter  Other: \_\_\_\_\_

Documentation of Birthdate:  Baptismal Record  Birth Certificate  Passport  Other: \_\_\_\_\_

Referred to ELD: \_\_\_\_\_ ELD Status: \_\_\_\_\_ Test Date: \_\_\_\_\_ Primary Language: \_\_\_\_\_

22. *In the discussion of the "Selection Process of Site Council Members," page 83, Petitioners have added a "Chairperson" to the school staff side, which would bring the school staff total to 6, while the parent total remains 5. Each side should have equal representation.*

### **Navigator Response**

When listing the Site Council Members, the Chairperson listed is not an additional individual, but a person who is designated from the other listed members. The list was missing a clarification and should have been written as follows:

- The principal
- Three certificated representatives (to be elected by certificated staff)
- One classified representative (to be elected by classified staff)
- 5 WPS parent members (to be elected by parents of WPS students)
- Chairperson (to be one of the above-mentioned members of the SSC, elected by the SSC)

23. *On page 84 of the Petition, Petitioners state that "Watsonville Prep will strive to have the ELAC and SSC overlap to the extent possible under the law." ELAC can be delegated to SSC. However, this is a specific process that is not outlined in the Petition. There is no mechanism for the ELAC and SSC to "overlap". These are two different groups with two distinct purposes. ELAC can be delegated, separate or adjacent in relation to SSC, but not overlapped.*

### **Navigator Response**

The petition states, "Watsonville Prep will strive to have the ELAC and SSC overlap to the extent possible under the law. The two committees will convene to ensure alignment on the SPSA and LCAP Plan, as they both play development and monitoring roles."

Watsonville Prep aims to make parent involvement as inviting as possible. Scheduling the SSC and the ELAC meetings back to back can help working parents who may have interest in attending both meetings. Should there be an agenda item that relates to both sets of stakeholders, such as LCAP, we may place that item in between both meetings or in a joint meeting (in other words "an overlap") for parent convenience. We appreciate the opportunity to clarify the intended meaning of word "overlap" as referenced in the charter petition.

24. *On page 98, the Outreach and Recruitment Plan mentions providing promotional materials in English and Spanish. However, there is no mention of sending notices or communications to parents in English and Spanish.*

### **Navigator Response**

At both GPS and HPS all notifications are sent home in both English and Spanish. This practice will continue at WPS.

25. *On page 267 of the Petition, the State-wide assessments list CELDT. However, the appropriate assessment should be ELPAC for 2018-19.*

**Navigator Response**

The reference to the CELDT was in an appendix containing the El Dorado SELPA IEP form which has subsequently been updated.

26. *On page 418, the curriculum overviews are provided for ELA, Math, Science/Social Studies and P.E. There is no curriculum overview for ELD. The educational technology listed on page 419 are for Math, Language Arts and Science/Social Studies. Again, there is no educational technology listed for ELD.*

**Navigator Response**

The section referenced is in the parent handbook. It provides a sampling of curriculum and strategies used by Navigator Schools. WPS will develop differentiated ELD lessons for language learners to cover all ELD standards and gaps identified through data which will indicate the ELD standards. Our ELD program overview can be found on pages 48-54.

27. *On page 429, the general iPad use policy states that: "Sites not in English, unless required for class" are off limits.*

**Navigator Response**

Our students are only permitted to visit sites required for class. They are not allowed to randomly browse websites. Viewing sites in English, unless required for class, is not permitted either.

28. *Migrant students: The Petition is silent as to how WPS will serve the migrant student/family population. There is no mention in the Petition regarding English Proficient Parents or Language Minority Parents*

**Navigator Response**

WPS is committed to providing a right to return for migrant students that move out of the area. At both current sites, Navigator sends home all correspondence in both English and Spanish. Translation services are provided at all meetings. These practices will continue at WPS.

The WPS model will serve all student populations, including the migrant population. Educators at WPS will rely on a MTSS framework to ensure curriculum, technology, teaching strategies and behavioral interventions support academic achievement and positive behavioral and social emotional skills for all students. The tiers of support embedded in the instructional design

ensures that the school culture is one where equity and access, regardless of ability, socio-economic status, gender or ethnicity is pervasive and transparent.

It is important to note that this finding exceeds applicable legal requirements. Neither the Education Code nor the Regulations applicable to charter petitions reviewed on appeal to the State Board of Education contain any requirement that charter petitions must address migrant education. For that reason alone, this is an impermissible basis for denial of the WPS charter petition. As above, WPS greatly desires to serve a migrant student population, and has creative ideas to do so. However, describing this in the charter is not a legal requirement.

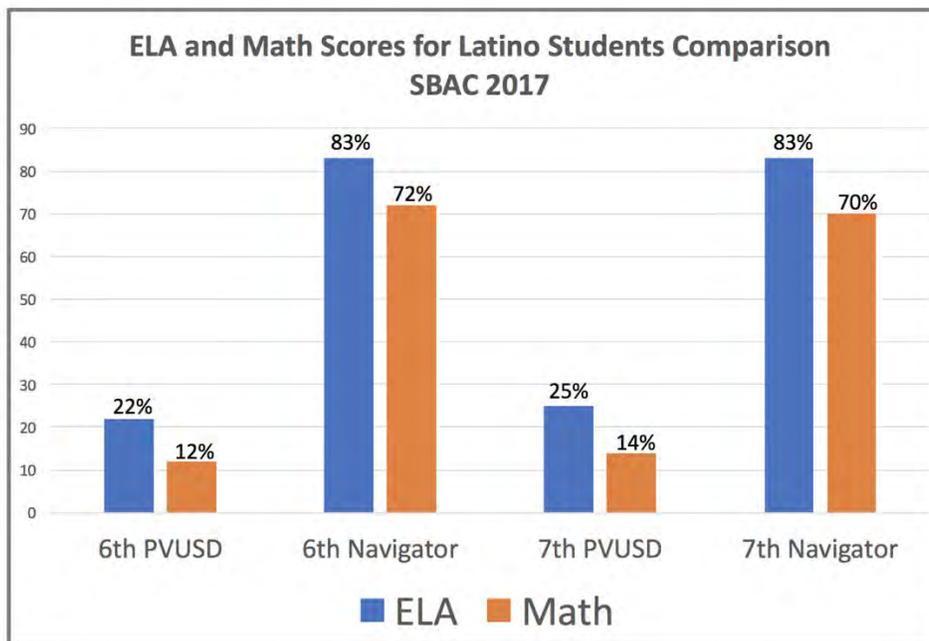
*29. Mathematics: The Petition does not contain a reasonably comprehensive description of a sound mathematics curriculum.*

### **Navigator Response**

The WPS petition provides a reasonably comprehensive description of a sound mathematics curriculum. Additionally, results from existing Navigator Schools proves that the curriculum is highly effective. The program is described in several sections in the petition:

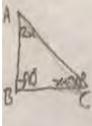
- A link to the entire math curriculum map for each grade including scope and sequence, assessments, teacher exemplars and links to instructional materials to be used (p. 35)
- K-5 STEM Overview (p. 26-31)
- 6-8 STEM Overview (p. 32-33)
- Assessment plan (p. 75)
- The math blended software programs and print materials used (p.35-36)

Navigator's math curriculum is producing extraordinary results:



These results are the due to the fact that, daily, Navi students from Kinder through 8th grade demonstrate high levels of mathematical understanding beyond simple computation. Below is a typical work sample of a student in seventh grade, illustrating the in-depth level of expectation and understanding of the math standards. Note the combination of visual representations demonstrating true comprehension of the content and the extensive written descriptions supporting the claims.

**1** K#: Degrees, triangle Op: Find  $\angle CAB$   
 K#:  $2x, x, 30, 90$  **BASE**



$$2x + x + 30 = 90$$

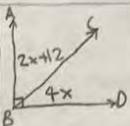
$$3x + 30 = 90$$

$$\begin{array}{r} -30 \quad -30 \\ \hline 3x = 60 \\ \frac{3x}{3} = \frac{60}{3} \\ x = 20 \end{array}$$

$$\angle CAB = 2x = 2(20) = 40$$

$\angle CAB$  equals  $40^\circ$  because  $x = 20^\circ$  and  $\angle CAB$  equals  $2x$ . I know this because  $2x + x + 30 = 90$ . First you add like terms so you get  $3x + 30 = 90$ . Then you subtract  $30$  to get  $x$  alone and what you do to one side you do to the other and you get  $3x = 60$  and you divide  $3x$  by  $3$  and what you do to one side you do to the other so you get  $x = 20$  and since  $\angle CAB = 2x$ , you multiply and get  $40$ .

**2** K#: right angle, degrees Op: Find  $\angle ABC$   
 K#:  $2x, 12, 4x$  **BASE**



$$4x + 2x + 12 = 90$$

$$6x + 12 = 90$$

$$\begin{array}{r} -12 \quad -12 \\ \hline 6x = 78 \\ \frac{6x}{6} = \frac{78}{6} \\ x = 13 \end{array}$$

$$2(13) + 12 = \angle ABC$$

$$\begin{array}{r} 26 + 12 \\ \hline 38 \end{array}$$

$$x = 13$$

$\angle ABC$  equals  $38^\circ$  because first you find  $x$  and to do that, the equation is  $4x + 2x + 12 = 90$ . First you add like terms and get  $6x + 12 = 90$ . Then you subtract  $12$  from both sides and get  $6x = 78$ . Next you divide  $6x$  by  $6$  and what you do to one side you do to the other and get  $x = 13$ . Now to find  $\angle ABC$  in degrees you multiply  $2x + 12$  but you replace the  $x$  by  $13$  and get  $2(13) + 12$ . You multiply first and get  $26 + 12$  and then you add and get  $38$ .

**3** K#: degrees Op: Find  $\angle CBD$   
 K#:  $4x, x, x, 180$  **BASE**



$$4x + x + x = 180$$

$$6x = 180$$

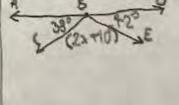
$$\frac{6x}{6} = \frac{180}{6}$$

$$x = 30$$

$$\angle CBD = 4(30) = 120$$

To find  $\angle CBD$ , you have to find  $x$  so you make the equation which is  $4x + x + x = 180$ . First, you add like terms and get  $6x = 180$ . Then you divide  $6x$  by  $6$  and what you do to one side, you do to the other so you get  $x = 30$ . Now to find  $\angle CBD$ , you multiply  $4x$ , but you replace the  $x$  by  $30$  and get  $4(30)$ . Now you can multiply and you get  $\angle CBD = 120$ .

**4** K#: Find  $x$  and  $\angle CBE$  Op: solve for  $x$  and find  $\angle CBE$   
 K#:  $30, 42, 2x, 10$  **BASE**



$$2x + 42 + 30 + 10 = 180$$

$$2x + 90 = 180$$

$$\begin{array}{r} -90 \quad -90 \\ \hline 2x = 90 \\ \frac{2x}{2} = \frac{90}{2} \\ x = 45 \end{array}$$

$$\angle CBE = (2 \cdot 45 + 10)$$

$$\begin{array}{r} 90 + 10 \\ \hline 100 \end{array}$$

To find  $\angle CBD$ , you have to find  $x$  first, and to find  $x$ , the equation is  $2x + 42 + 30 + 10 = 180$ . First you add like terms and get  $2x + 90 = 180$ . Then you subtract  $90$  from both sides and get  $2x = 90$ . Next you divide both sides by  $2$  and get  $x = 45$ . Now you can find  $\angle CBE$  by using the equation  $(2x + 10)$  but now we know  $x = 45$  so you get  $(2 \cdot 45 + 10)$ . Now you solve and get  $100$ .

Common Core is central to all Navigator mathematics and we follow all best practices as defined by the initiative. The Core endeavors to follow the design envisioned by William Schmidt and Richard Houang (2002), by not only stressing conceptual understanding of key ideas, but also by continually returning to organizing principles such as place value and the laws of arithmetic to structure those ideas. Using these principals has led to incredible success.

*30. Teaching Methodologies: The instructional strategies mentioned in the Petition do not align with the CCSSM and students will not be adequately prepared in developing 21st Century skills.*

### **Navigator Response**

The instructional strategies mentioned completely align with the CCSSM. Students work in small ratios discussing, writing about and visual representing mathematical understanding. They build models and even their own videos demonstrating the comprehensive mastery of the CCSSM.

Navigator shared this [video](https://bit.ly/2xdjbQC) (https://bit.ly/2xdjbQC) with board members and the Superintendent demonstrating how and why Navigator students have such high mathematical outcomes; it is because of the strategies that are used in existing classrooms and described in the petition.

*31. The Whole Brain Teaching (WBT) description (Petition, p. 37) lacks an explanation of how this applies to mathematics instruction.*

### **Navigator Response**

Page 37 of the petition explains, “Many of the common strategies and/or methodologies, all of which are designed to accelerate English language development” only one of which is applying gestures to common terms or ideas. For example, when using the word “combine” we might interlace our fingers to represent putting things together, or we may use our fingers to draw a quadrilateral in the air. “Mirrors” are only one of many engagement strategies we use to keep students connected through oral, written, and kinesthetic activities.

Students are encouraged to create arguments through daily mathematical discussions.

As stated in the petition, “Instructional presentations are rigorous and offer multiple models to support student understanding of both the how and why behind math” and we have a “student discussion/facilitation model [used by] elementary school students which allows them to grapple with the concepts in productive struggle in preparation for deeper conversations in middle school. The teacher is there to ensure that the collaborative discussions are leading to deep understanding of the concepts.”

Teachers ensure there is time daily for students to lead discussions about the Common Core math standards and to defend their ideas and strategies.

*32. The math manipulatives and visual modeling (Petition, p. 39) description is not specific about which manipulatives are used to support developing the foundation for conceptual understanding of key standards.*

### **Navigator Response**

Each classroom will be outfitted with the same concrete manipulatives that are provided to all of our Navigator Schools. Depending on grade, these include Base 10 Blocks, fraction tiles, clocks, protractors, counters, foam dice, playing cards, and dominoes.

The petition states, "Comprehensive instructional presentations are rigorous and offer multiple models to support student understanding of both the how and why behind math ... Effective instruction includes the use of various manipulatives which have been proven to support the deeper understanding of mathematics for students of all subgroups."

Here is an image of Navigator students using manipulatives to master the concepts of vertices and edges.

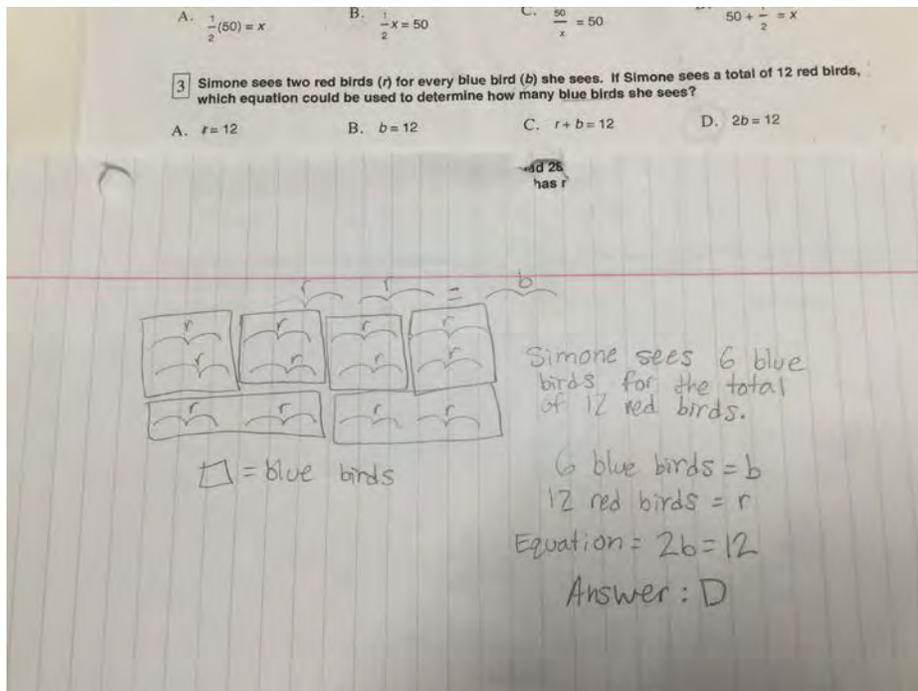
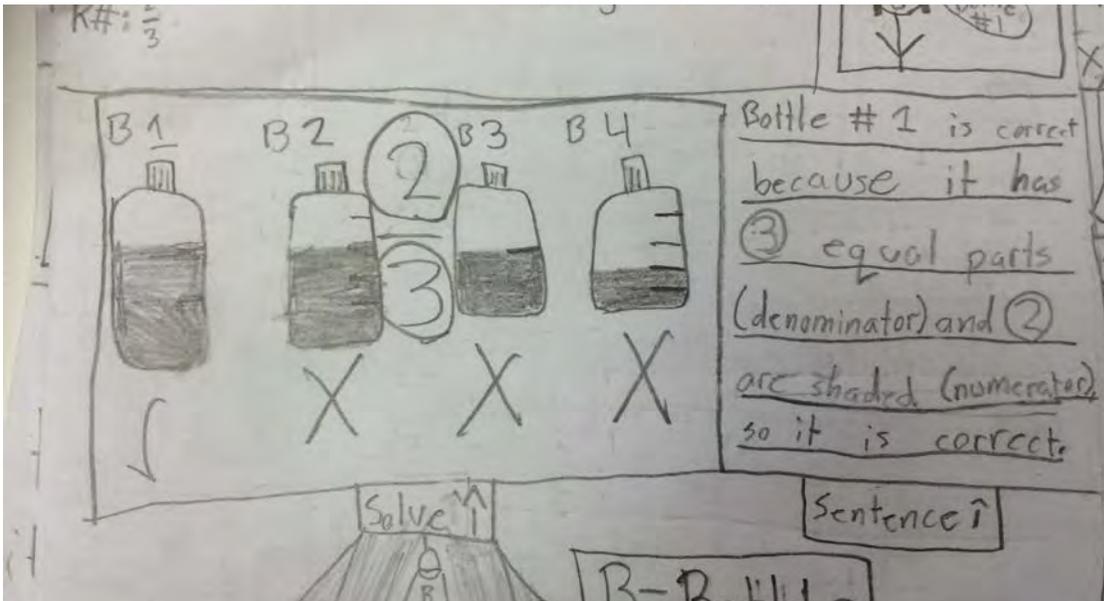


In addition the charter also states, "WPS students will create pictorial models of mathematics problems on a daily basis."

Students are encouraged to explore and collaborate with the concrete and the pictorial as clearly seen in this video of [6th Grade Math Collaboration](#), in which Navigator students are creating a net using a cardboard box, as well as a pictorial representation of their physical

measurements. (<https://bit.ly/2GLFkVN>)

Our weekly formative math assessments are created from a robust question bank provided by our assessment tool provider, Illuminate, and are designed to maximize rigor. Below are student work samples from weekly assessments demonstrating yet again high level of math visualization combined with strong written explanations.

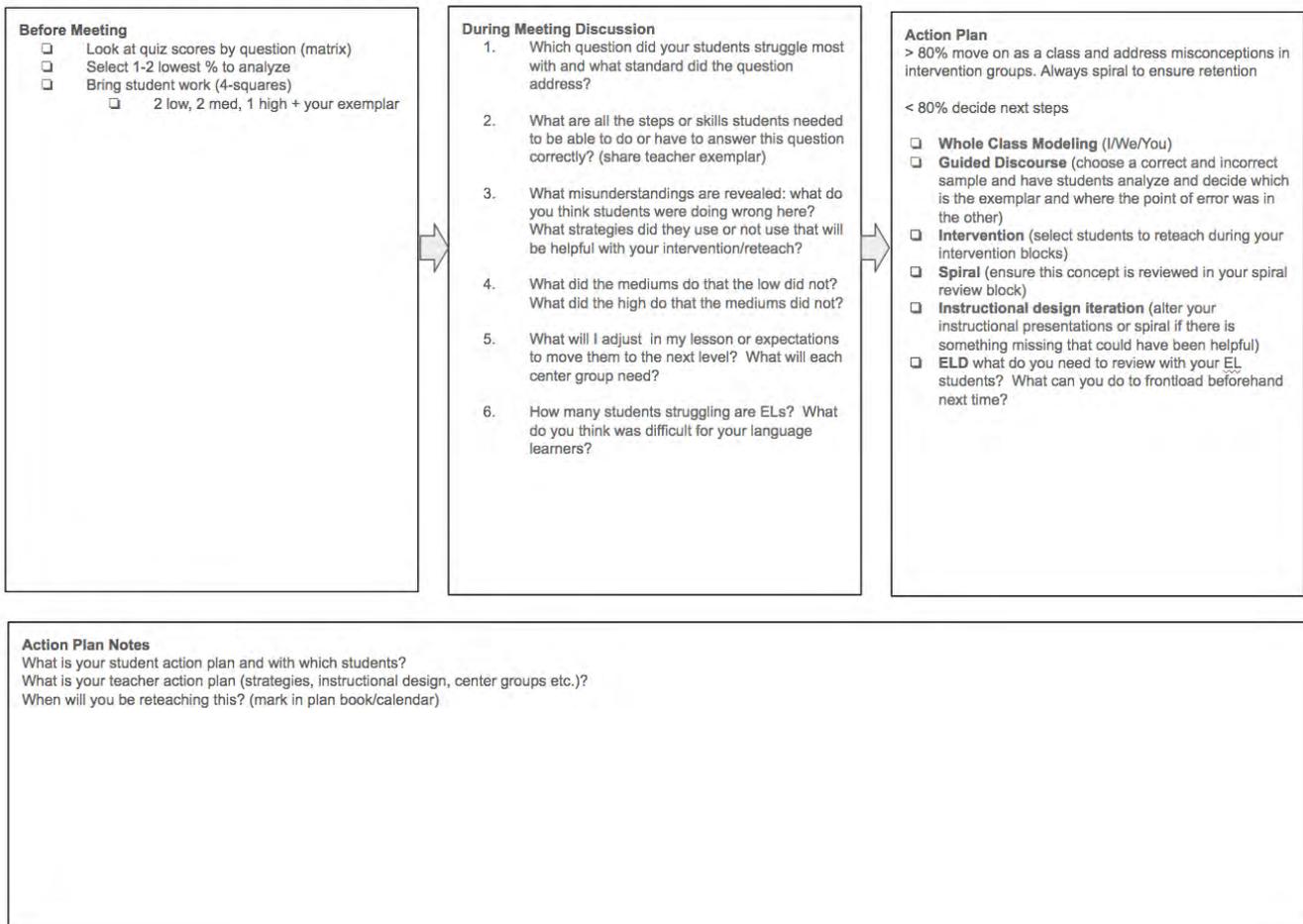


33. *Re-teaching the Standards: The instructional program in the Petition describes the use of “re-teaching time” where teachers are expected to provide additional instruction to students who have not mastered standards. With the demands of the CCSSM, re-teaching does not suffice.*

**Navigator Response**

In addition to re-teaching time, WPS educators participate in data meetings (p. 42-43) three times per month. Teachers work collaboratively to analyze student work and identify misconceptions. After teachers analyze student work, adjustments are made to instruction for reteaching through guided discourse, spiral review, intervention, or whole-class re-teach. Below are supporting documents used in other Navigator schools.

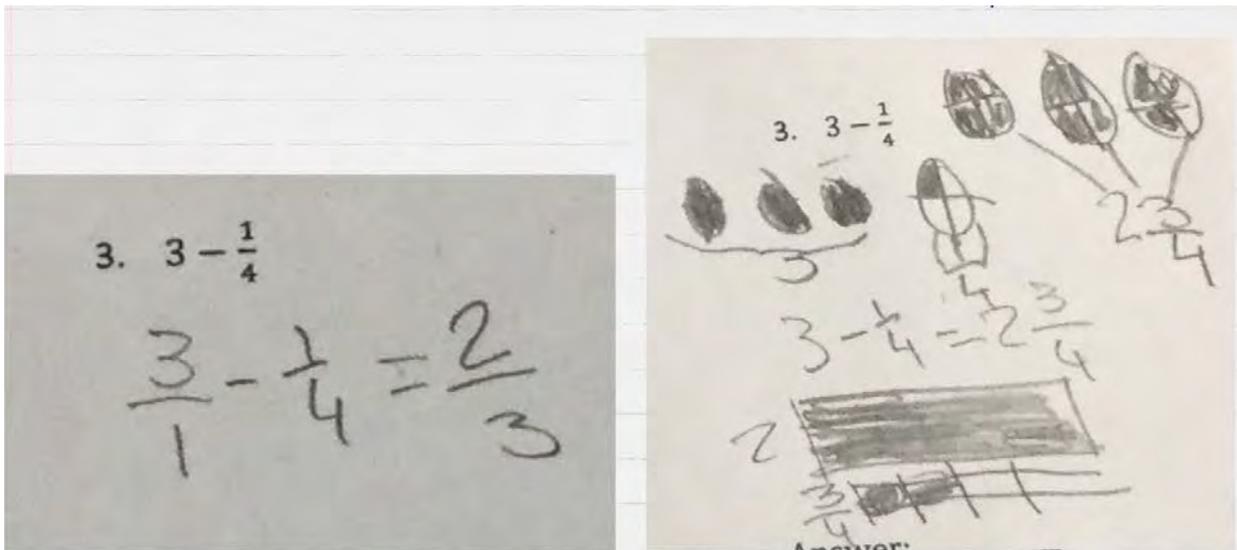
**Navigator Post-Assessment Analysis**



Navigator Reteach Plan

Gap / Misconception	Students	Reteach plan
		<ul style="list-style-type: none"> <li><input type="checkbox"/> <b>Whole Class Modeling</b> (I/We/You)</li> <li><input type="checkbox"/> <b>Guided Discourse</b> (chose a correct and incorrect sample and have students analyze and decide which is the exemplar and where the point of error was in the other)</li> <li><input type="checkbox"/> <b>Intervention</b> (select students to reteach during your intervention blocks)</li> <li><input type="checkbox"/> <b>Spiral</b> (ensure this concept is reviewed in your spiral review block)</li> <li><input type="checkbox"/> <b>Instructional design iteration</b> (alter your instructional presentations or spiral if there is something missing that could have been helpful)</li> </ul>
<p>Reteach Action Plan:</p> <p>Questions to guide students to the misconception:</p> <ol style="list-style-type: none"> <li>1.</li> <li>2.</li> <li>3.</li> <li>4.</li> </ol>		

Below is an example of how the Navigator data cycle impacts student learning. In the first picture we see the student's initial output after one day of instruction. After the teacher's analysis of the initial misconception, the student progressed to a greater depth of knowledge by the formal assessment (second photo).



Students frequently identify their misconceptions in Navigator classrooms. At WPS, teachers will be coached to the develop a strong “culture of error” where students will develop and understand the value in finding their own misconception. Students are given probing questions

to allow them to carry the heavy cognitive load. The [Culture of Error with Navigator Students](#) video documents students at HPS identifying their errors and learnings. (<https://bit.ly/2IZvEw1>)

*34. Special Education: In evaluating the staffing in regard to special education, it does not appear that the Charter School can meet the demands of a special education population similar to that of the District. PVUSD offers the full continuum of services for students, including services for our most severe students. The District has services for all 13 categories of disabilities. A multi-disciplinary team, which is not reflected in the Petition, is needed to provide comprehensive testing of students who may require an IEP. Neither the Budget, nor the Petition, provide sufficient description or information as to how the Charter School will meet these obligations.*

### **Navigator Response**

In response to the concerns that WPS will be able to meet the demands of the special education population in the District, Navigator Schools students with disabilities ELA SBAC scores showed that 46% of the students were proficient or advanced in contrast with 9% of PVUSD's students with disabilities scoring proficient or advanced on the ELA SBAC. These scores demonstrate that students with IEPs at Navigator Schools are being successful, though there is still an achievement gap that the Schools will always be working to close.

Navigator Schools currently serves students in many categories of disabilities and will provide services for all 13 categories of students as per our LEA status. We currently serve a diverse group of students including those who qualify under the following categories of disabilities: Autism Spectrum Disorder, Intellectual Disability, Orthopedic Impairment, Hearing Impairment, Blindness, Specific Learning Disabilities, Speech and Language Impaired and Other Health Impairment.

Multidisciplinary Team Members that Navigator Schools has used for one or more assessments to gather and interpret data as stated in the El Dorado Charter SELPA Procedural Guide for Special Education, page 15, has included the following: Licensed Bilingual Educational Psychologist, Licensed Occupational Therapist, Vision Impaired Specialist, Deaf and Hard of Hearing Specialist, Board Certified Behavior Analyst, Bilingual Speech Pathologist, Orientation and Mobility Specialist, Educational Specialist, Registered Nurse, Certified Assistive Technology Specialist and in the past two years, a Braille instructor.

As indicated above regarding the special education contractors budget question, these services are addressed in the WPS budget.

*35. PVUSD is moving toward a District-wide MTSS model for all its schools. As outlined in the Petition, the Charter School will be supplanting core curriculum in order to level students, rather than adding to their curriculum.*

### **Navigator Response**

To address the concerns that WPS's implementation of MTSS is supplanting the core curriculum by "leveling students", please note that the Charter states that, "RTI is a way to provide students with the supports they need," and that Tier 1 supports are provided to all students and at Navigator, Tier 2 supports are provided as the Charter states, "when there is data to demonstrate that Tier 1 supports are not enough" during intervention blocks or academic rotations during independent center time and during the extended day. Tier 3 supports are more intensive, can occur during the dedicated intervention time or academic rotations during independent center time, and include extended day support.

*36. The Petition does not appear to provide for enough specialized staff to handle certain special education processes, such as a Manifest. This deficiency could lead to lack [sic] appropriate educational services for special education students.*

### **Navigator Response**

The El Dorado Charter SELPA Procedural Guide for Special Education, page 121, states that the members of a Manifest determination meeting include the following: parent/guardians, LEA/district, and all relevant members of the IEP team as determined by the parent and the LEA/district. Watsonville Prep School will have those members available.

*37. It is unclear how services during suspensions will be addressed.*

### **Navigator Response**

Services for students with IEPs during suspensions, as long as the removal does not constitute a change of placement as described in the Procedural Guide, page 121, are provided in the same manner as for those in general education. If the suspension is for more than 10 consecutive days or represents a series of removals totaling more than 10 days, showing a pattern of similar behaviors, it is considered a change of placement and a Manifest determination meeting needs to be held. The IEP team will determine where the services will be accessed.

*38. There is no clear statement in the Petition that Charter School may not move forward with a student expulsion if there is a request for assessment/504, or if the student is in the process of being assessed.*

### **Navigator Response**

On page 123 of the petition the Manifestation Determination Meeting Procedure is described. It reads as follows:

#### **7. Procedures for Students Not Yet Eligible for Special Education Services**

A student who has not been identified to be eligible for special education and related services and who has violated a code of student conduct may assert the procedural safeguards if the Charter School had knowledge that the student was disabled before the behavior occurred.

Knowledge on the part of the Charter School includes:

- The parent/guardian has expressed concern in writing, or orally, to supervisory or administrative personnel of the Charter School that the child is in need of special education and related services.
- The parent/guardian has requested a special education evaluation of the child.
- The student is in the process of being assessed for special education.
- The student has a section 504 plan.
- The teacher of the student, or other personnel of the LEA, expressed specific concerns about a pattern of behavior demonstrated by the child to the director of special education of the Charter School or to other supervisory personnel of the Charter School.

*39. Middle School Students: The Petition fails to provide a comprehensive description of how it will implement its middle school program.*

### **Navigator Response**

As mentioned before, the Budget for Years 1-5 is presented in accordance with Charter School Petition law, which limits a petitioner to the first five years of operating a school. Navigator Schools has experience adding and operating grades 7 and 8 successfully.

*40. Failure to Adequately Describe its Current Operations: The Petition fails to adequately describe the complex organizational structure of Navigator Charter Schools.*

### **Navigator Response**

The Organizational Structure of Navigator Schools is adequately addressed in Element 5. The roles and responsibilities of the Chief Executive Officer and Chief Academic Officer are described, along with detailed along with copies of the job descriptions for these positions. Additional detail on the organizational structure is referenced in Appendix C.

41. *Similarly, Petitioners state that “The Board may delegate the management of the corporation’s activities to any person(s), management company, or committees provided that the activities and affairs of the corporation shall be managed and all corporate powers shall be exercised under the ultimate direction of the Board.” Such broad delegation rights do not ensure consistency and continuity in governance. Nor does it promote true stakeholder engagement if management of Navigator’s activities can be delegated at any time.*

### **Navigator Response**

The Navigator Schools Board of Directors is responsible for ensuring that Watsonville Prep School adheres to all laws and regulations, is fiscally viable, and is meeting or exceeding high standards for school climate and academic performance. The Board is committed to stakeholder engagement and maintains broad powers to effectively carry out the duties of the Board.

42. *Conflicts of Interest: The Petition provides, “The Board has adopted a Conflict of Interest Code which complies with the Political Reform Act, and Corporations Code Conflicts of Interest rules.” The Staff Team disagrees with this representation.*

### **Navigator Response**

Navigator Schools operates with the highest regard for its position as a steward of public dollars and public education. Navigator operates ethically and avoids financial conflicts of interest in all decisions. Navigator Schools’ Conflict of Interest Code complies with both the Political Reform Act and the Corporations Code. The District has not provided any evidence to the contrary.

The PVUSD team appears to suggest that Navigator Schools must comply with Government Code Section 1090. However, Government Code Section 1090 does not apply to charter schools. It applies to school districts through a provision in the Education Code. Charter schools are exempt from this provision due to Education Code Section 47610, sometimes known as the “mega-waiver.” Additionally, several legislative attempts to have Section 1090 apply to charter schools have either not been voted through or have been vetoed by Governors of both parties.

43. *Lack of Parental Involvement in Governance: The Petition does not provide a reasonably comprehensive description of how parents will be meaningfully involved in governance of WPS, and where it does describe mechanisms of parental involvement, the Petition is clear that parents will not be significantly involved.*

### **Navigator Response**

Navigator Schools is committed to providing opportunities for parental voice and community involvement. In addition to the School Site Council and ELAC (petition p. 83-84), parents are invited to serve on Board committees and apply for available seats on the board. The current board also reflects community voice through the service of the current chair of the Pajaro Valley Chamber of Commerce and Agriculture. Meetings will also be held at locations convenient for all schools, with teleconference locations at all schools.

*44. The Petition does not provide a reasonably comprehensive description of the health and safety procedures the Charter School will utilize. The CDE provides an online module for such training or, alternatively, the school could provide the training itself or hire an outside consultant. This law is not addressed in the proposal and is particularly problematic in light of the alleged target population.*

### **Navigator Response**

All Navigator Schools employees participate in yearly trainings to ensure a safe environment for students and staff. The trainings include, but are not limited to:

- Mandated Reporter, Child Abuse and Neglect
- Drug Free Workplace
- First Aid
- Sexual Harassment: Policy and Prevention (all management)
- Other trainings pertaining to specific positions

*45. The Emergency Operations Plan does not meet the standards set by the County Grand Jury. The Charter School must articulate a plan that uses the Standardized Emergency Management Systems (SEMS) as detailed in the California Emergency Services Act Section 8607 and the supporting California Code of Regulations.*

*The Comprehensive School Safety Plan is inadequate. The Petition's proposed Drill schedules does not include a clear plan for evacuations (i.e., meeting places are not identified in the materials provided).*

*The Petition does not include a clear plan in terms of Fire Extinguisher maintenance and safety, i.e., monthly checks and annual recharging.*

### **Navigator Response**

Once the Watsonville Prep School charter is approved by the Pajaro Unified School District, details will be formalized fulfilling the required components of a Comprehensive School Safety Plan as defined by California Education Code (EC) Sections 32280-32289 together with all other pertinent laws.

Prior to charter approval and Watsonville Prep School site location is determined, a comprehensive school safety plan written and developed by the School Site Council (SSC) or a Safety Planning Committee made up of principal/ designee, teacher, parent of child who attends the school, classified employee, others is not possible.

The Watsonville Prep School Comprehensive School Safety Plan will include but is not limited to those defined in the following California Department of Education checklist:

<https://www.cde.ca.gov/ls/ss/vp/documents/schoolsafetyplanchklist.pdf>

Additionally, the Watsonville Prep School Comprehensive School Safety Plan will include the school's emergency crisis response plan in alignment with the Standardized Emergency Management Systems (SEMS) (as required by the Petris Bill, California Government Code Section 8607) as well as the National Incident Management System (NIMS), established in the wake of 9/11 as part of the Homeland Security Act of 2002 and subsequent Homeland Security Presidential Directive (HSPD 5). The Watsonville Prep Comprehensive School Safety Plan will be developed with the Santa Cruz County Office of Education, the Santa Cruz County Safe Schools Consortia, and the Pajaro Valley Unified School District to ensure uniform and coordinated response plans.

Moreover, the Watsonville Prep School Comprehensive School Safety Plan will be aligned and integrated with the County Emergency Management Plan, which incorporates Homeland Security Priorities, National incident Management System and California's Standardized Emergency Management System use of Incident Command Systems under a Uniform Command protocol.

The Watsonville Prep School Comprehensive School Safety Plan will include ongoing health safety facilities reviews, required monthly and annual fire and life safety systems maintenance and reviews, fire and earthquake drill schedules, fire and earthquake drill procedures, and detailed evacuation plans to safe areas based upon the final determination of the Watsonville Prep School site location.

The Watsonville Prep School Comprehensive School Safety Plan will be updated annually to meet emerging needs and legislative requirements.

*46. The Petition does not provide a reasonably comprehensive description of legally permissible admissions policies. Petitioners state that admissions preference will be given to those living*

*within the City of Watsonville city limits, despite the fact the PVUSD serves students in other areas such as Monterey County and Aptos.*

### **Navigator Response**

The District's finding inexplicably appears to overlook the fact that the WPS charter petition does give an admission preference to residents of the District, per the requirement of Education Code Section 47605(d). The finding neglects to mention that Section 47065(d) does not specify how much preference District residents must receive. By including this admission preference, WPS has met the applicable legal requirement.

The District's assertion that an admission preference for residents of Watsonville is baseless, as evidenced by the lack of legal citation. Place of residence is not a protected class, and no law prohibits this preference. WPS seeks to provide an admission preference for students who reside in Watsonville to provide an equitable educational program of the highest quality to the most underserved students in PVUSD.

*47. In the description of the Discipline: Non-Discretionary Expellable Offenses: 48915 (C), the Petition address the possession of a firearm (1) and explosives (5), but does not mention the other three (3) mandatory expellable offenses - brandishing a knife (2), selling a controlled substance (3) and sexual battery or assault (4).*

### **Navigator Response**

Education Code Section 48915 does not apply to charter schools, but the federal Gun-Free Schools Act does, which WPS has complied with.

*48. In the description of the suspension process, there is no indication of interventions before the suspension process begins, such as Restorative Justice, PBIS, counseling, and or positive conferencing with parent, student, teacher and/or administration.*

### **Navigator Response**

Navigator Schools adopted PBIS three years ago as an essential element of an MTSS framework adopted by GPS and HPS. The purpose of PBIS is to provide students with clear behavioral expectations in all settings related to school values. Students receive positive behavior points as part of the PBIS Rewards system. Within the PBIS model, a tiered discipline matrix provides students and staff with guidance toward positive discipline actions that are designed to be restorative. Each campus has counseling services, parent education modules, and strong student study teams that understand the importance of PBIS and MTSS.

49. *The description of the expulsion process fails to mention a Student Discipline Review (SDR) meeting in which a hearing can be stipulated/waived. Such a process offers students the ability to get back in school sooner, instead of waiting for the 10 days for a hearing and then board approval. Students can be out of school for 4-6 weeks without the option to have a [sic] SDR.*

### **Navigator Response**

In addition to describing the many components of academic and behavioral supports for students, the WPS MTSS Procedural Guide will include language describing a Student Discipline Review (SDR) meeting in which a hearing can be stipulated or waived. WPS is committed to having students back in school and learning as soon as possible.

50. *The Rehabilitation Plans for students lack clarity. Although the Petition states that students “may” re-apply after they have completed the requirements for expulsion, the Petition is unclear as to how the application will be reviewed and finally determined.*

### **Navigator Response**

A rehabilitation plan for students, as part of a procedural guide within the MTSS Procedural Guide documents, will contain details on how students can re-apply after completing the requirements for an expulsion.

51. *The Petition lacked any evidence of or discussion regarding a positive school climate with tiered support systems in place under the discipline section, including enhanced staff development on these issues or alternatives to out of school suspensions.*

### **Navigator Response**

The Petition addresses the School's commitment to an MTSS framework which includes tiered support systems in both academics and behavior. We were recently awarded a grant, Scaling Up Multi-Tiered Systems of Support (SUMS), to help us continue to ensure our tiered systems of support are robust and address all aspects of academics, behavior, and social emotional skills.

52. *The Petition does not contain a comprehensive bullying policy or bullying prevention methods, such as student meetings, monitoring school-sponsored networks, parent education, special programs, and/or reporting systems.*

### **Navigator Response**

A draft comprehensive anti-bullying policy is under review for submission to the Navigator Schools Board in June 2018. In addition to the policy, specific work on improving our MTSS framework includes the provision of more tiered supports and wrap-around services for families with the intention of increasing positive behaviors and reducing bullying incidents. The PATHS Curriculum, an SEL program implemented during dedicated community meeting times, includes anti-bullying strategies. Bullying incidents are documented and reported in Illuminate, our online student information system.

END OF DOCUMENT