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For more information regarding the content of this material, please contact the Charter Schools Division by phone at 916-322-6029 or by e-mail at charters@cde.ca.gov.

MEMORANDUM

October 14, 2019

ACTION

TO: Anthony J. Martinez, Ph.D., Superintendent of Schools

FROM: Kaivan Yuen, Ed.D., Assistant Superintendent, Educational Services

SUBJECT: **Resolution No. 12(2019-2020) Board to Approve or Deny the T.I.M.E. Community School Petition Pursuant to Education Code Section 47605**

The Montebello Unified School District ("District") Board of Education ("Board") received a copy of the charter petition for T.I.M.E. Community School on or about August 26, 2019. In accordance with Education Code section 47605, the Board held a public hearing on September 11, 2019 to consider the level of support for the petition by teachers employed by the school district, other employees of the school district, and parents.

Following review of the petition and the public hearing, and consistent with the timelines set forth by Education Code section 47605, the Board of Education must either grant or deny the charter petition within 60 days of receipt of the petition, provided, however, that the date may be extended by an additional 30 days if both parties agree to the extension.

In determining whether to grant or deny a charter, the Board must carefully review the proposed charter petition, District staff findings, consider public input, and determine whether the charter petition satisfies the criteria established by law. The Board must also review whether the charter petition provides information regarding the proposed operation and potential effects of the school, including the facilities to be utilized by the charter school and the payment thereof, the manner in which fiscal services are to be provided, a school level plan, definition of educational activities, liability insurance, reserve funds, and potential civil and fiscal liability effects on the charter school and school district.

The Board 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.
- (4) The petition does not contain an affirmation of each of the conditions described in subdivision (d).
- (5) The petition does not contain reasonably comprehensive descriptions required by law.

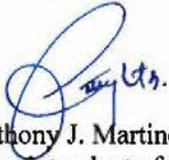
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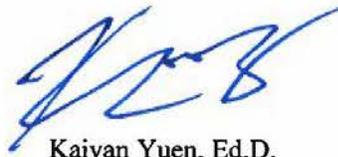
I recommend adoption of the following motion:

That the Montebello Unified School District Board of Education adopts Resolution No.12(2019-2020) and the Written Factual Findings, identified as **Exhibit "A"** and incorporated herein by reference, and deny the charter petition for T.I.M.E. Community School.

Approved for presentation to the
Board of Education: October 23, 2019



Anthony J. Martinez, Ph.D.
Superintendent of Schools
Secretary to the Board of Education



Kaivan Yuen, Ed.D.
Assistant Superintendent
Educational Services

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MONTEBELLO UNIFIED SCHOOL DISTRICT

Resolution No. 12(2019-2020)

**Board to Approve or Deny the T.I.M.E. Community School Petition Pursuant to
Education Code 47605**

October 23, 2019

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

WHEREAS, by enacting the Act, the Legislature has declared its intent to provide opportunities to teachers, parents, pupils, and community members to establish and maintain schools that operate independently from the existing school district structure for the purposes specified therein;

WHEREAS, the Act was designed to improve learning, create learning opportunities especially for those who are academically low-achieving, encourage innovative teaching methods, create new opportunities for teachers, provide parents and students expanded choices in the types of educational opportunities available, and provide vigorous competition within the public school system to stimulate continual improvements in all public schools;

WHEREAS, the Legislature has declared its intent that charter schools are and should become an integral part of the California educational system and the establishment of charter schools should be encouraged; and that charter schools are part of and under the jurisdiction of the public school system and the exclusive control of the officers of the public schools;

WHEREAS, although charter schools are exempt from many of the laws governing school districts in California, in return for that flexibility, they are accountable for complying with the terms of their charters and applicable law;

WHEREAS, no later than 30 days after receiving a petition, the governing board of the school district shall hold a public hearing on the provisions of the charter, at which time the governing board of the school district shall consider the level of support for the petition by teachers employed by the school district, other employees of the school district, and parents;

WHEREAS, following review of the petition and the public hearing, the governing board of the school district shall either grant or deny the charter within 60 days of receipt of the petition, provided, however, that the date may be extended by an additional 30 days if both parties agree to the extension;

WHEREAS, the Montebello Unified School District ("District") Board of Education ("Board") received a copy of the charter petition ("Petition") for T.I.M.E. Community School on or about August 26, 2019;

WHEREAS, consistent with Education Code section 47605 subdivision (b), a public hearing was held on September 11, 2019, at which time the Board considered the level of support for the Petition by teachers employed by the District, other employees of the District, and parents;

WHEREAS, the Board convened on October 23, 2019, to consider whether to grant or deny the Petition;

WHEREAS, the Board shall grant a charter for the operation of a school under the Act if it is satisfied that granting the charter is consistent with sound educational practice;

WHEREAS, Education Code section 47605 subdivision (b) prohibits the Board from denying the Petition unless it makes written factual findings, specific to the particular charter school, setting forth facts to support one or more findings, if applicable:

1. The petition does not contain the number of signatures required by Education Code section 47605;
2. The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition;
3. The charter school presents an unsound educational program for the students to be enrolled in the charter school;
4. The petition does not contain an affirmation of each of the conditions described in Education Code section 47605; or
5. The petition does not contain reasonably comprehensive descriptions of all elements required in Education Code section 47605.

WHEREAS, the District's administration and staff, with the assistance of legal counsel, have reviewed and analyzed the Petition and supporting documents for legal sufficiency and has identified numerous deficiencies in and concerns related to the Petition, and recommends that the Board adopt the written factual findings, attached hereto as **Exhibit "A"** and incorporated herein by reference, and deny the Petition for T.I.M.E. Community School.

THEREFORE BE IT RESOLVED, that the Board of Education of the Montebello Unified School District hereby adopts the written factual findings, attached hereto as **Exhibit "A"** and denies the Petition to establish the T.I.M.E. Community School.

PASSED AND ADOPTED by the Board on October 23, 2019 at a duly noticed meeting by the following vote:

AYES _____ NOES _____ ABSTAIN _____ ABSENT _____

I, Jennifer Gutierrez, Clerk of the Board of the Montebello Unified School District, HEREBY CERTIFY that the foregoing Resolution was duly introduced, passed and adopted by the Board at a meeting thereof held on October 23, 2019 by a vote of _____ to _____.

IN WITNESS THEREOF, I have hereto set my hand this 23rd day of October, 2019.

Jennifer Gutierrez
Clerk of the Governing Board
Montebello Unified School District

EXHIBIT "A"

WRITTEN FACTUAL FINDINGS

I. No Single Location of the Charter School

The Education Code requires the Charter Petition to "identify a single charter school that will operate within the geographic boundaries of [the District]." (Ed. Code § 47605(a)(1).) Here, the Charter Petition fails to identify a single location where it will operate. The Charter Petition states that "[t]he exact address is still to be determined and [they] are targeting the central/middle area of the [Montebello Unified School] district." (Charter Petition at p. 134.) Petitioners seek to lease private facilities and anticipate that they will identify a viable facility option by January 2020 to allow for enough time for build out, CDE inspection and opening in July 2020. (Charter Petition at p. 134.) The Charter further provides that if it is unable to secure an ideal space in a privately owned facility, it intends to apply to the District for shared facilities space under Proposition 39 by November 1, 2019. Thus, the Charter Petition does not identify a single location for the charter school as required by law.

II. The Charter School Presents an Unsound Educational Program for the Pupils to be Enrolled at the Charter School

The Charter Petition presents an unsound educational program based on the design of the instructional program and the nature of the strategies intended to support students of different capabilities and backgrounds.

a. Quality of Instructional Program Design Is Deficient

To achieve the objectives of its instructional model and educational services, the Charter School proposes that students will have an Individualized Learning Plan ("ILP"), the purpose of which is to have students engage in their learning process through discussing interests, reviewing diagnostic assessments, and discussing coursework. The Charter also indicates that students will update the ILP with their school counselor and/or general education teacher at the beginning of each year and/or new quarter. The Charter School further provides that the ILP is a living document that will be revisited many times throughout the year. (Charter Petition, at p. 11.) However, the Charter School fails to address the establishment of an ILP for all enrolled students (i.e., when will the ILP for each student be created and completed for all students, or how long it will take to develop each ILP). The Petition attempts to design its curricula and instruction based on student needs, but the Charter School does not identify an objective method that improves student achievement overall. Moreover, the Petition fails to describe the specific details, including procedure for created each student's ILP. For example, the Charter School does not indicate when the ILP will be established upon enrollment, but only that it will be "updated" and "revisited." Also, the Petition states that it will be "revisited many times throughout the year" and elsewhere that it will be updated "at the beginning of each year and/or new quarter," so it is unclear what standard(s) the Charter School will apply to make changes. (Charter Petition, at p. 11.) The Petition does not provide further information about how it intends to measure each student's needs, develop and modify the ILP for each student, as appropriate.

The Petition also states that, along with STEAM and Career Technical Education ("CTE"), it will engage in project-based learning to support its students. (Charter Petition, at p. 8.) Moreover, as a key learning model for the Charter School, the Petition provides that

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project-based learning will be one of the main methods in which students will be assessed. However, the standard(s) for assessing students according to project-based learning is neither provided nor developed in the Petition. Therefore, the Petition fails to provide any description of how this instructional model would be integrated into the larger framework for instructional design, or with teaching strategies identified and discussed in the Petition. There is neither a general summary of this learning model nor any details as to how the Charter will implement and execute the proposed instructional model. (Charter Petition, at p. 11.) It only includes principles and objectives, which provides the Charter School staff with no clear direction on how to implement the proposed instructional model. (Charter Petition, at p. 12.)

With regard to the proposed coursework, the Petition states the Charter School will “adopt courses from UCCI because all of its A-G approved courses are CTE based.” (Charter Petition, at p. 10.) While the Charter School plans to exclusively use Pearson instructional materials for English Language Arts and Literacy, Mathematics, Science, Social Science, and English Language Development courses, the Pearson curriculum is rated as not meeting expectations. (Charter Petition, at p. 22.) Problematically, the Charter School proposes to use Hampton Brown Edge for its core curriculum, but elsewhere states Pearson. However, at any rate, Hampton Brown Edge has not been adopted for English Language Development in the State of California. (Charter Petition, p. 22.) Also concerning is that there is no description of CTE classes.

The Charter School proposes to offer a limited selection of University of California Curriculum Integration (“UCCI”) courses that fall into a mishmash of CTE critical pathways. (Charter Petition, pp. 22-40.). At best, the educational program represents a wish list of courses selected based on incomplete and inadequate information. Additionally, students are expected to be assigned “demonstrations of mastery” (assignments) at the beginning of each week, not in connection to any instructional time. Without tying assignments to specific lessons, it may be difficult for students to connect knowledge and application. Accordingly, the educational program lacks organization and cohesiveness, in direct contrast to the Charter Petition’s stated goals. (Charter Petition at pp. 9-10.)

b. Program for High-Achieving Students Is Flawed

The instructional program and course descriptions fail to present clear pathways for students to take Advanced Placement (“AP”) Classes. There are no honors courses in English Language Development offered in grades 9 and 12. Overall, there are only 2 honors courses in the entire school and very limited AP courses. Although 8 of the classes proposed are described as “AP,” only 3 of them will be College Board-approved. (Charter Petition at pp. 22-39.)

Additionally, the identified high-achieving students will be offered opportunities and benefits not available to other students at the Charter School. The Charter Petition provides no set criteria or timeline for identifying and evaluating students as academically high-achieving, nor does it identify how they will be challenged with respect to academic content. There is also no mention of GATE testing or the GATE identification process, which plays a significant role in the identification of high achieving students. Without objective policies and standards, there is high potential for abuse and bias during the identification process. Because there is no

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discernible program for high-achieving students, academic records may not reflect that certain students were identified as high-achieving and given more advanced coursework. The Charter School's design will disadvantage high-achieving students as those students proceed into their post-secondary educational careers.

c. Lack of Foreign Language Courses and Art Electives

Spanish is the only foreign language that the Charter School plans to make available to students. It is extremely difficult to see how Spanish 3 can cater to both new learners (whose only Spanish capabilities are from taking Spanish 1 and 2) and native speakers (who have no other choice but to take the class in order to meet their graduation requirements). By offering only one track of Spanish foreign language classes, the program effectively discourages students from pursuing foreign language as part of the curriculum.

While the Charter School describes itself as a STEAM school that will focus heavily on the arts, the proposed art curriculum does not make students competitive for a career in the arts and lacks a variety of art courses for students. Additionally, the Charter Petition makes no mention of physical education classes (two (2) years required in California) or student athletics. Though the Charter Petition allocates a budget to employ a physical education teacher, it is unclear how such course will fit into the proposed schedule. The Petition fails to specify what visual and performing arts, music, media books/program will be used and does not specify the qualifications for visual and performing arts teachers, which must include media arts. (Charter Petition, at p. 36.) Also, regarding the school facility design, there is nothing designed for physical education and related activities. (Charter Petition, at p. 17.)

d. A-G Requirements for UC/CSU Admission and Graduation Requirements

Surprisingly, the Petition states that prior to the start of academic school year, the Charter School will submit all courses to the UC and CSU offices for approval as meeting the A-G requirements for admission to any California state college or university. It further states that parents will be informed of the A-G approval of courses and graduation requirements in the parent handbook and upon admission to the Charter School. (Charter Petition, at p. 42). This set up appears problematic because students could register and enrolled to only find out after the fact that the Charter School does not offer classes that meet UC/CSU admissions approval.

Additionally, because the Charter School is not accredited by Western Association of Schools and Colleges ("WASC,") in years one, two, and three, Charter School diplomas will not be recognized by WASC. Therefore, any student wishing to transfer out of the Charter School will have no credits in the first few years. Also, there is no guarantee the Charter School will earn accreditation from WASC. (Charter Petition, at p. 42). Also concerning is the fact that University of California requires schools to have WASC candidacy prior to opening a course list. Since UC approval will not be available until after the Charter School receives the WASC candidacy letter, and the UC course submission deadline is September 15, 2020, the Charter School courses will not be UC approved in the 2020-2021 academic school year.

Last, the Charter Petition makes no mention of foster students and exemptions from graduation requirements under certain conditions specified by law. (AB 167, AB 216, and

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Education Code § 5125.1.) With respect to the response to intervention process, no alternative services are offered to Charter School students and there is no mention of independent studies as an offered educational program and/or delivery model. (Charter Petition, at p. 57.)

e. Inconsistencies with the Instructional Calendar and Daily Schedule

The Charter Petition states that there will be 185 school days (Charter Petition, at p. 43), however, the Charter Petition also provides that the calendar will comprise of two (2) semesters of 18 weeks each, which totals 180 days.

The Petition also fails to explain how assignments are tiered, how gifted students go “deeper” into the content, and how the Charter School will provide GATE support staff or specialized training for such staff. (Charter Petition, at p. 45.)

f. Excessive Reliance on Applications Used on Mobile Devices

The Charter Petition depends heavily on the use of online applications such as Schoology and Illuminate to measure pupil progress and in the delivery of educational content. This would exacerbate the challenges faced by socio-economically disadvantaged students. The Charter Petition simply addresses this by stating “all students will have equal Internet access through providing mobile hot spots, and providing Internet access on the campus for students and parents until 5pm each day.” However, the Charter School’s proposed internet usage fails to consider that internet is necessary after 5:00 p.m., and how it will ensure that internet is provided on the weekends outside of school hours. (Charter Petition, at p. 13.)

g. Credit Recovery

With regard to credit recovery, the Charter Petition states that students will be able to recover credits and “catch up” through access to APEX, a digital learning platform for independent learning outside of the school day. (Charter Petition at p. 41.) However, the Petition does not consider that students would benefit from direct instruction compared to an individual online approach. This is also a flawed plan because there is insufficient access to credit recovery using APEX courses, as they are only offered during quarter and semester breaks and at the end of the year. APEX courses are not offered during the year or after school, which is crucial for a large group of the student population.

h. Proposed Special Education Program is Inadequate

The Charter Petition requires that low-achieving students exhaust the proposed 3-tier intervention program before being recommended for special education assessments, which potentially violates the Individuals with Disabilities Education Act (“IDEA”) and related California law. The Petition also fails to address the transition requirements for special education students.

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III. The Charter Petition Does Not Contain a Reasonably Comprehensive Description of All Sixteen Required Elements of a Charter Petition

The Charter Petition does not contain reasonable comprehensive descriptions in compliance with the law.

a. Educational Program

The Petition fails to explain how the Charter School will provide special education and related services to its students, specifically if the SELPA does not accept the Charter School as a member of its joint powers authority, and if LACOE does not provide support in much needed areas such as the medically fragile population. The Charter Petition does not reference extended school year (ESY) and whether such programming will be made available to students, which is required by law. (Charter Petition at p. 59-60.) The Petition also misstates the “child-find” legal requirements related to special education; it appears to require students to undergo the Student Success Team within the framework of the Response to Intervention process prior to requiring the Charter School to assess them, which is not legally defensible. (Charter Petition at p. 60.) There is no mention of any transition assessment, planning, and services in the Charter Petition required for special education students. (Charter Petition at p. 60.)

The Charter Petition’s description of the educational program also fails to provide adequate supports for homeless, foster, and LGBTQ students. There are no specific supports to address the unique challenges of each subgroup.

b. Measurable Pupil Outcomes

The Charter Petition does not contain measurable pupil outcomes. Of the three goals listed in the Petition, two of them are not measurable and one of them is completely contrary to the other educational pupil outcomes.

The first goal is that “[a]ll students school wide, and within each subgroup, will graduate from [T.I.M.E. Charter School] fully prepared through a standard aligned education program, to complete college, excel in careers, and be contributing members of their community.” (Charter Petition at p. 72.) Whether or not a student is prepared to *complete* college and *excel* in his or her career is not measurable at the time the student graduates from the Charter School.

The second goal is that: “[a]ll English Learners will make annual progress to language fluency and reclassification as fluent within 5 years.” (Charter Petition at p. 72.) This goal goes against the basic educational goal of having students graduate on time to have a goal that spans 5 years.

The third goal is that: “[T.I.M.E. Charter School] culture and physical environment will be inclusive, responsive, and supportive of student academic achievement.” (Charter Petition at p. 72.) School culture and environments are not measurable, and they are not student outcomes.

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c. Method for Measuring Pupil Outcomes

The Charter Petition states that while it tends to use a variety of methods to measure pupil outcomes it fails to describe specifically what data these methods will use or how the data will be analyzed. (Charter Petition at pp. 73-77.)

d. Governance Structure

The Charter Petition does not adequately describe the processes to be followed to ensure parental involvement. It states that “the Parent Advisory Council will be the primary vehicle by which parents are involved in governance decisions.” (Charter Petition at p. 84.) However, in describing the role of the Parent Advisory Council, the Charter Petition only states that it “will make recommendations to the principal regarding activities (e.g., parent workshops, fundraising, teacher recognition, Read-A-Thons, etc.). Charter Petition at p. 84.) These activities are only tangentially related to the actual governance of the Charter School.

e. Employee Qualifications

The Charter Petition does not contain descriptions of important employee positions such as: School Psychologist, STEM Coordinator, Art Coordinator, School Nurse. The Charter Petition also fails to describe the qualifications for any support and classified staff positions including: Student Support Staff, Supervision, and Tutor. (Charter Petition at pp. 86-97.) Also, there is no clear process outlined as to how Charter School staff is recruited, interviewed and selected.

f. Health and Safety Procedures

The Charter Petition contains only boilerplate language that the Charter School shall maintain a policy on various statutorily required health and safety policies without describing such policies. (Charter Petition at pp. 98-102.) For instance, the Charter Petition has no description in the complaint procedures under its anti-discrimination and harassment policies. (Charter Petition at pp. 101-102.) There is no specific budget or timeline for providing this training to its staff members, which is problematic.

g. Admission Requirements

The Petition improperly provides for admission preference to students in a certain order, upon authorizer approval. The third in priority is “up to 10 percent of children of TCS board and staff...” (Charter Petition at p. 105.) This admission priority suggests nepotism and favoritism, and the Petition fails to present a rationale or justification for such preference.

h. Suspension and Expulsion Procedures

The suspension and expulsion procedures listed in the Charter Petition replicates applicable sections of the Education Code and fail to discuss alternative methods of correction or pre-suspension discipline and procedures. (Charter Petition at pp. 109-125.)

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i. Employee Retirement System

The Petition fails to state the specific manner by which staff members of the Charter School will be covered by the State Teachers' Retirement System, the Public Employees' Retirement System, or federal social security. The Petition does not illustrate a salary schedule, step and column graphs, nor which insurance carrier would cover prospective employees of the Charter School. (Charter Petition at p. 126.)

j. Dispute Resolution Procedures

The Charter Petition fails to describe or discuss the procedure(s) for resolving disputes that may revoke the petition of the Charter School. (Charter Petition at pp. 129-130.) The Charter Petition also fails to lay out the process for handling internal disputes, for use by parents, students, volunteers, and/or staff. (Charter Petition at p. 130.) It only references that such disputes will be resolved in accordance with the Charter School's policies and law but does not state what those processes consist of.

IV. The Petitioners are Demonstrably Unlikely to Successfully Implement the Program Set Forth in the Petition

Petitioners are unlikely to successfully implement the program set forth in the Charter Petition.

a. Inadequate Assurances and Affirmations

Pursuant to Education Code section 47605.6(b)(7), a county board may deny a petition to form a countywide charter school upon "[a]ny other basis that the county board of education finds justifies the denial of the petition." In particular, the Education Code requires that charter school petitions contain a statement of affirmations and assurances that they will comply with all relevant laws.

Here, the Charter Petition contains generic catch-all statements to that effect, but it fails to identify certain applicable laws. For example, the Charter Petition fails to affirmatively set forth that it shall adhere to the Unruh Civil Rights Act and other applicable law governed by the California Constitution and/or California statute. (Charter Petition at pp. 1-2.) The Charter Petition is also silent with respect to any specific laws governing the placement of foster children or homeless youth. In fact, the Charter School plans to assign teachers "lead responsibility for the coordination of foster youth and homes [sic] youth services," a practice that potentially violates Education Code section 48853.5 (requiring local educational agencies to designate one staff person as the educational liaison for foster children). (Charter Petition at p. 55; Ed. Code § 48853.5(c).) Missing the required affirmations constitutes grounds to justify denial of the Charter Petition.

b. Impact of AB 1505 to Charter School Petition Review Process

On October 3, 2019, Governor Gavin Newsom signed Assembly Bill 1505 ("AB 1505") that makes extensive changes to the Charter Schools Act and addresses longstanding challenges

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for both traditional public schools and charter schools. The Governor's Office negotiated the proposed amendments to the law during weeks of discussions with organizations that have been grappling over the growth of charter schools in California. As Governor Newsom stated:

“AB 1505 is the result of leaders from all sides of this issue coming together to enact a law that is meaningful, purposeful and, most importantly, prioritizes students and families from both traditional and charter schools across California. We now have the framework for charter and traditional schools to work together collaboratively in service of their communities and neighborhoods.”

As part of the compromise, among other things, AB 1505 revises and recasts numerous provisions relating to the submission of petitions to establish charter schools, the appeal to county boards of education and to the state board regarding decisions to deny the charter petitions, the revocation of charters by chartering authorities and teacher certification requirements.¹ Specifically, AB 1505 amends Education Code sections 47604.5, 47605, 47605.6, 47607, 47607.3, 47607.5, and 47632; adds Education Code sections 47605.9 and 47607.8; adds and repeals Education Code sections 47605.4, 47607.2, and 47612.7; and repeals Education Code section 47605.8 relating to charter schools.

Significantly, AB 1505 also empowers communities to consider the fiscal impact of new charter schools and provides an additional factor on which school boards may base their decision on whether to approve the petition. Analysis of this finding must include consideration of the fiscal impact of the proposed charter school, such as the extent to which the proposed charter school would substantially undermine existing services, academic offerings, or programmatic offerings; and whether the proposed charter school would duplicate a program currently offered within the school district; and the existing program has sufficient capacity for the pupils proposed to be served within reasonable proximity to where the charter school intends to locate.

Further, under AB 1505, if the school district is not positioned to absorb the fiscal impact of the proposed charter school, the school district must certify that approving the charter school would result in the school district having a negative interim certification or is under state receivership. Satisfying one of these conditions shall be subject to a rebuttable presumption of denial.

In this case, while AB 1505 does not bind the District at this time, the approval of the Charter School would substantially undermine existing District services, academic offerings, and/or programmatic offerings given that the District is currently/has been experiencing

¹ AB 1505 now requires teachers in charter schools to hold the Commission on Teacher Credentialing certificate, permit, or other document required for the teacher's certificated assignment, except that a person employed as a teacher in a charter school during the 2019–2020 school year would have until July 1, 2025, to obtain that certificate, permit, or other document. As such, all teachers in charter schools must satisfy specified requirements for professional fitness by July 1, 2020. By June 30, 2022, the commission must conduct a comprehensive study to examine whether existing certificates, permits, or other documents adequately address the needs for noncore, noncollege preparatory courses in all schools

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significant declining enrollment (i.e., 800 less District students), and such Charter School program would only exacerbate the District's fiscal condition and undermine any future viability.

c. Miscellaneous Reasons

The Charter Petition contains a budget to lease the space and make vendor repairs, but the Charter School has not budgeted to build the layout described in the Charter Petition. The Petition fails to recognize that the District bears no responsibility for Charter violations including compliance issues arising under the IDEA, Section 504, ADA and other applicable law.

On or about October 7, 2019, the District received a complaint that a random Charter School staff member approached a District student after-school to offer the student a car ride home. As alleged, the Charter School staff member advised the District student that the Charter School was recruiting students to attend its program. To the extent the allegations are true, the District is concerned that such recruitment practices are inappropriate.

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October 23, 2019

Dear Board President Cisneros and members of the Montebello Unified School District Board of Education:

I am writing in response to the Montebello Unified School District ("MUSD") staff's findings recommending that the Board of Education deny the charter petition to establish T.I.M.E. Community School ("TCS"). We received these findings from MUSD staff on Monday afternoon, October 21, 2019, which provided us less than 48 hours to respond. Clearly, we are disappointed with this recommendation because we believe these findings are inaccurate and misrepresent our ability to successfully operate a school.

In its findings, MUSD staff fundamentally misinterprets and misapplies charter school law. For example, staff concedes that Assembly Bill 1505 does not apply to this petition, but then proceeds to apply it anyway. When the new law takes effect on and after July 1, 2020, it would require a district to provide a charter petitioner like TCS at least 15 days to respond to staff findings, which MUSD did not do in this instance. Staff's reliance on Assembly Bill 1505 as a basis to deny our petition, even though staff does not itself comply with the bill, appears to be an attempt to subvert the current requirements of the Charter Schools Act, as operative when the charter petition was submitted. TCS wishes to address the following "findings" that demonstrate MUSD staff's misinterpretation and misapplication of charter school law, which is not exhaustive list:

1. MUSD appears to clumsily copy-and-paste from findings for a different petition and school. MUSD staff relies on Education Code Section 47605.6(b)(7) to deny our petition, but this section of the code applies to countywide charters that are reviewed by a county office of education. Our petition is not for a countywide charter school, and MUSD is not the county office of education. Similarly, the findings state that we did not describe all "sixteen" required elements of a charter petition. There are only fifteen elements. (See, Ed. Code § 47605(b)(5)(A)-(O).)
2. MUSD staff claims that our petition is somehow deficient because we did not identify a specific address for our school. It is usually not feasible to lease a school facility prior to being authorized to open the school. Furthermore, our facilities plan includes requesting facilities from MUSD pursuant to Education Code Section 47614 ("Proposition 39"). We cannot predict which school site MUSD will allocate us under Proposition 39. MUSD has until February 1, 2020 to propose a site. (See, 5 C.C.R. § 11969.9(f).)
3. MUSD staff erroneously claims that charter schools must offer two years of physical education classes. This is incorrect. Charter schools provide a physical education program that is consistent with their individual charters.

4. MUSD staff incorrectly claims that charter schools must utilize state-adopted curriculum. This is incorrect. Charter schools must meet statewide standards, but are not required to select certain state-adopted instructional materials. In fact, even schools districts are not required to utilize state-adopted instructional materials. (See, Ed. Code § 60210.)
5. MUSD staff misinterprets charter school admission policies, claiming that an enrollment preference for children of board members and staff somehow suggests “nepotism” or “favoritism”. In fact, the Charter Schools Act specifically provides for this enrollment preference. (See, Ed. Code § 47605(d)(2)(B).)
6. MUSD staff misstates that a critical measure of school performance - the California Dashboard - does not measure school culture. To the contrary, the California Dashboard captures school culture through multiple indicators, including the school's chronic absenteeism rate, stakeholder engagement, and the school's suspension rate. It is striking that the District is unaware of these crucial metrics of accountability.
7. MUSD staff faults the petition for “failing” to describe the procedure to resolve any disputes that may result in revocation of our charter. This is incorrect. Our petition specifically refers to the charter revocation procedures in Education Code Section 47607 “[i]n the event that the authorizer believes that the dispute relates to an issue that could lead to revocation of the charter in accordance with Education Code Section 47607.” (See, Element 14, Pgs. 1-2.)
8. MUSD staff would require our petition to explicitly cite every single law that TCS will follow. This is not feasible in a petition and would become obsolete during our five-year charter term, which is why our petition states that TCS will adhere to all applicable laws.
9. MUSD staff alludes to a potentially concerning encounter between a "random Charter School staff member" and a District student without providing any evidence whatsoever to support its claim or any proof that MUSD investigated this incident. We do not believe this “random” staff member is affiliated with TCS because we do not have a staff, and we do not engage in such recruitment practices. We are concerned, however, that MUSD allows its students to be picked up from school by strangers and has not further investigated this matter. Or, this could be another example of a clumsy copy-and-paste from findings for a different petition and school.

Finally, and especially offensive given Montebello's demographics - which lean heavily Latino and Spanish speaking – MUSD staff takes issue with our foreign language offering being Spanish despite substantial research that English/Spanish biliteracy is an asset to individuals and communities.

In sum, MUSD staff’s response to our charter school petition demonstrates a severe misinterpretation and misapplication of the law, which would deny the families within

our community of school choice where it is especially needed. We remind you, as members of the MUSD Board of Education, that you do not have to adopt staff's erroneous findings or deny our petition. We respectfully request that the Board of Education approve our charter petition to establish the T.I.M.E. Community School. Thank you very much for your time.

Sincerely,

Dr. Gabriel Ramirez
Lead Petitioner
T.I.M.E Community Schools