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UNDERSTANDING THE BASICS: LASD AND BCS: AUDIENCE QUESTION FOLLOW UP

At the conclusion of the forum Understanding the Basics: LASD and BCS, audience members submitted written questions requesting additional information. Grouped by category (Governance of BCS, Student Population, Curriculum and Proposition 39), below is the additional information we were able to discover. When possible, we have cited the source. There were also comments submitted, those are not included here. The intent of this information is to provide background for community understanding of the basic operations of LASD and BCS.

GOVERNANCE OF BCS:

Audience Questions:

- *How does SCCOE oversee BCS?*
- *Does SB 126 change how BCS operates? To what extent did BCS already follow the required practices?*
- *What is the process for LASD to become the sponsor of BCS?*
- *Why were recent BCS LASD negotiations held in secret?*
- *How much input do BCS parents have in choosing board members for BCS?*
- *Do BCS board members get paid for their services and if so, how much? What about LASD board members?*

Governance of Charter Schools in California is regulated by state statute. Bullis Charter School (BCS) is a non-profit public benefit corporation operating under specific regulations that control non-profits as well as California regulations governing charter schools.

General Board Questions and Compliance with the Brown Act

The BCS Board is responsible for all aspects of the operations and activities of BCS. Unlike the Los Altos School District (LASD) Board of Trustees, the board members are not elected by District voters, but are selected through a nomination process consistent with the practices of non-profit entities.

As a non-profit, BCS is a mission driven organization with a working board selected for the specific skills and diversity needed to fulfill its mission. The BCS Superintendent creates a nomination committee comprised of the Superintendent, two to three current board members, representatives from the Bullis-Purissima Elementary School Foundation (BCSF, similar to Los Altos Educational Foundation or LAEF which serves LASD) and the Bullis Boosters Club (BBC, similar to PTA). BCS parents' interests are represented through these participants.

The BCS Board, unlike the LASD Board of Trustees, does not have the ability to raise money either via a bond or parcel tax measure. Similarly, the University of California Board of Regents is appointed, not elected, as it also does not have the ability to issue bonds. In contrast, the El Camino Hospital Board is elected as that board as it is a special district with the ability to levy a tax. LASD voters have approved parcel taxes over the years totaling \$802 per parcel per year. The district shares about 15% of the revenue generated by the most recent parcel tax--\$223 per parcel per year with BCS. The prior parcel tax is not shared.

The Brown Act specifically requires that charter schools that, like BCS, receive public funding from a government agency observe the same open meetings, public records and conflicts of interest that apply to school districts. They include ensuring board meetings are open to the public, providing records to the public upon request and, to prevent personal gain, banning board members from voting on contracts in which they have a financial interest. According to BCS board members, BCS has from inception followed the requirements of the Brown Act so is already in compliance with the requirements of SB 126 that will be effective January 1, 2020. Like LASD Trustees, BCS board members annually file Form 700, Statement of Economic Interests.

LASD Board members receive \$20 per meeting attended. BCS board members are not compensated.

Establishment of a Charter School

As the chartering authority of BCS, the Santa Clara County Board of Education (SCCBOE) is the primary oversight agency. The SCCBOE is an elected body with board members representing a geographic area rather than being elected at large. California law provides three avenues for establishing a charter in the following order: local school district, County Board Of Education, or the State Department of Education. BCS approached LASD when it was first organized in 2003, and LASD rejected the proposed charter. BCS then requested and SCCBOE granted the charter.

As the chartering authority, the Charter Schools Department of the Santa Clara County Office of Education (SCCOE) has four goals and responsibilities.

- Petition Review and Renewal
- Monitoring and Oversight
- Training and Support
- Identifying and Showcasing Innovative Practices

Charter schools must renew their charter every five years with approval granted after a public hearing.

A charter school petition is a comprehensive document.

A charter petition must contain reasonably comprehensive descriptions of each of the following elements as specified in EC Section [47605.6 \(b\) \(5\) \(A-P\)](#):

1. A description of the educational program of the school.
2. The measurable pupil outcomes identified for use by the school.
3. The method by which pupil progress in meeting those pupil outcomes is to be measured.
4. The location of each charter school facility that the petitioner proposed to operate.
5. The school's governance structure, including parent involvement.
6. The qualifications to be met by individuals employed by the school.
7. The procedures to ensure health and safety of pupils and staff.

8. The means by which the school will achieve a racial and ethnic balance among its pupils that is reflective of the general population residing within the territorial jurisdiction of the school district to which the charter petition is submitted.
9. The manner in which annual financial audits will be conducted, and in the manner in which audit exceptions and deficiencies will be resolved.
10. The procedures which pupils may be suspended or expelled from the charter school for disciplinary reasons or otherwise involuntarily removed from the charter school for any reason.
11. Provisions for employee coverage under the State Teachers Retirement System, the Public Employees Retire System, or federal social security.
12. A dispute resolution process.
13. Admissions policies and procedures, including enrollment preferences and public random drawing if demand exceeds capacity
14. The public school alternatives for pupils residing within the school district who choose not to attend charter schools.
15. The rights of a school district employee upon leaving employment of the school district to work in the charter schools, and any return rights to the school district after charter employment.
16. Dispute resolution procedure between charter school and authorizing entity
17. The procedures to be used if the charter school closes.

Source: [Education Code section 47605\(b\)\(5\)](#)

Oversight and Accountability

The LASD Board of Trustees (Board) is responsible for governing District schools. The role of the Board is to ensure that the District is responsive to the values, beliefs and priorities of the community. The Board fulfills this role by performing five major responsibilities:

- Setting direction
- Establishing an effective and efficient structure
- Providing support
- Ensuring accountability
- Providing community leadership as advocates for children, the school district and public schools

Source:

<https://www.csba.org/GovernanceAndPolicyResources/EffectiveGovernance/RoleandResponsibilitiesofSBMs.aspx>

Board members are elected by District voters for four-year terms, with no term limits. Board Members are not elected by geographic district (like the SCCBOE) but rather at-large members. Several advisory committees composed of parents, community members, and District staff members assist the Board in meeting its responsibilities.

The Charter Schools Department of the Santa Clara County Office of Education conducts annual reviews of BCS as part of its oversight authority. County staff assesses the following areas during the visit:

- a. Governance/School Operations and Management
- a. Enrollment
- b. Instruction
- c. Student Performance
- d. Financial
- e. Human Resources (visit conducted separately)
- f. Facilities/Operations

SCCOE staff members have attended BCS Board Meetings.

BCS submits a variety of information; links are available on the BCS website at http://www.bullischarterschool.com/accountability_data/

- [Local Control Accountability Plan \(LCAP\) | 18-19](#)
- [School Accountability Report Card \(SARC\) | 17-18](#)
- [English Language Advisory Committee \(ELAC\)](#)
- [Parent/Student Handbook](#)
- [Suspension and Expulsion Procedures](#)
- [Admissions Lottery](#)
- [BCS Board Meeting Agendas & Minutes](#)
- [Board Policy – Uniform Complaint Procedures](#)
- [Board Policy – Student Fees](#)
- [SCCOE Oversight Summary Report \(Dated 1/26/17\)](#)
- [Charter Petition\(s\) & SCCBOE Approval Minutes](#)
- [CDE School Quality Snapshot](#)
- [CDE DataQuest](#)
- [Fiscal Audit](#)
- [EPA Actuals Reporting](#)

STUDENT POPULATION: (including Finances and Special Education Students)

Audience Questions:

- *What is the current % preference that BCS gives to students residing within the Bullis-Purissima boundaries?*
- *What is the yearly residence check (or is there any) done by BCS?*
- *Are there enrollment verifications after initial registration?*
- *Why does the state only reimburse LASD 30% of the \$8K given to BCS for out-of-district revenue restricted students?*
- *What % of the BCS budget goes to ELL, special needs and disabled?*

- *What is the equivalent funding (federal, state or otherwise) to help offset (sic) special ed (sic) cost at BCS?*
- *How is avg (sic) cost per student impacted by the imbalance of low income, special needs and severely disabled between the schools?*
- *What % of each district/BCS are low income ELL?*
- *What is the breakdown of spending on Special Education for LASD and BCS? There are 12 different categories of SPD and they cost different amounts to educate.*
- *Who determines the "special ed" designation? Does BCS self-report which students are special ed, and is (sic) there any benchmarks for determining (sic) a student as special Ed. There is a big spread within special Ed so it would be good to know what designation BCS' special Ed students (sic) have.*
- *Why does BCS have (7%) fewer special ed students if acceptance is based on a lottery (is 10% at LASD)?*
- *Are special needs students (assuming they are LASD residents) put into the BCS lottery the same as everyone else?*
- *Where can we find out who donates fundraising money to BCS? In other words, does BCS disclose who their donors other than parents are, and if so, where do we find this info?*
- *What percentage of the BCS parents donate the \$5000/year? What percentage of LASD parents donate \$1000/year. What is the average donation/student for both funds?*

LASD is legally obligated to accept and educate every child who meets the age and residency tests.

BCS is open to any student in California in grades K-8 who would like to attend; however, if enrollment requests exceed capacity (which it has every year since its inception), enrollment will be determined by a blind, random drawing or lottery. When a random drawing is necessary, the Santa Clara County Office of Education authorized enrollment preferences are to be within each grade level as follows:

- 1) Siblings of current Bullis Charter School students who reside within the boundaries of the Los Altos School District;
- 2) For no more than half the total available openings for each grade level, students who reside within the boundaries of the former Bullis-Purissima Elementary School attendance area, as drawn by Los Altos School District in the 2002-2003 school year (see below for additional information about this provision);
- 3) Children of BCS staff members who reside within the boundaries of the Los Altos School District;
- 4) Children who reside within the boundaries of the Los Altos School District;
- 5) Siblings of current Bullis Charter School students who reside outside the boundaries of the Los Altos School District but within California.
- 6) Children of BCS staff members who reside outside the boundaries of the Los Altos School District but within California.
- 7) All other applicants who reside within California.

In accordance with California State law, in its original charter petition, BCS requested a geographic preference for the former Bullis-Purissima School attendance boundaries. Under California law, charter schools are allowed to give preference to students who reside within the former attendance area of a public school that was closed. Under the now expired 5-year agreement between LASD and BCS, this preference was reduced but has now reverted to the charter approval preference of 50%. However, as BCS has increased enrollment, there are more spots than students who qualify for the geographic preference. For example, in 2019-20 year, BCS has 140 kindergarten spots. Siblings typically fill 20-40 of these spots. The next priority is the 50% from the former Bullis-Purissima area though BCS typically enrolls far fewer as the entire former Bullis-Purissima attendance area typically has less than 60 students per grade.

Once enrolled in BCS, even if a student moves out of the LASD attendance area, under state law, BCS must continue to offer a spot to that student. BCS has approximately 4% out of district students enrolled for 2019-20. LASD does not have a similar requirement; when a student moves out of the district, LASD may choose to not enroll them. LASD has chosen to allow approximately 4% of its enrollment to be out of district students, primarily Palo Altos Unified students living in Los Altos Hills and the children of staff.

Finances of Student Population

Background on School Finance – Proposition 13, “Basic Aid”, and Local Control Funding Formula (LCFF)

A discussion of public school financing would not be complete without a reflection on Prop 13 and its impact on financing of California’s public schools. In 1978 California voters passed Proposition 13. Before Prop 13, schools were funded by local property taxes, levied as a percentage of each property’s assessed market value at rates set by local school boards. The context for financing education was changing, e.g., mandatory collective bargaining, new professional options for educated women. With the passage of Prop 13, property tax revenues dropped nearly 60 % and local control over school financing flipped to the state. Schools were scrambling to balance budgets, programs were cut and teacher and administrative headcounts were reduced.

Prop 13 lowered property taxes to a uniform 1% of assessed value and the taxable "assessed" value of a home is allowed to grow at only 2% per year unless sold.

Local school districts found themselves looking for new revenue sources to cover the costs of running the schools. Many districts in Northern California passed parcel taxes to increase school revenues, parents formed education foundations (501(c)3) to solicit funds from parents of students and local PTA’s stepped up their fundraising to cover some of the basic supplies for the schools.

Of the 12,000+ parcels in the LASD catchment, some 25%* are still at pre-Prop 13 assessed value. Districts that are primarily reliant on residence property taxes have had a more difficult time replacing this “60%” drop in property tax revenues compared to those school districts that have a balance of residential and commercial properties.

LASD is a community-funded district (formerly “basic aid”). Community funded districts receive little state funding, because their revenue from local property taxes exceeds what they would receive under the Local Control Funding Formula (LCFF), or before 2014, the revenue limit. Keep in mind that the designation community funded can fluctuate from year to year as property values and enrollment fluctuate.

To simplify, imagine a bucket. Each district has a different-sized bucket, representing its individualized revenue limit, based on LCFF calculations. Revenues raised through local property taxes are dumped into the district's bucket, and if the bucket is not filled all the way, the state tops it off with state tax revenues.

If the bucket is filled completely by local property tax revenues, the state has no need to “top off” the bucket. If the bucket overflows with local property taxes, the district gets to keep the overage. The Districts whose buckets are filled by local property taxes are called community funded or “excess revenue” or “basic aid” districts. (Prior to the LCFF, the state provided a minimal amount of revenue these districts, hence the term “basic aid”).

In Santa Clara County, 52% of property tax revenue is allocated to school districts and community colleges--locally Los Altos School District, Mountain View-Los Altos Union High School District, Cupertino Union School District, and Foothill-DeAnza Community College District. All districts except Cupertino are community funded and share in the “excess” property tax revenue. The formula for allocating property tax revenues among the three districts is complicated and based to some degree on average daily attendance.

LCFF was enacted in 2013–14, and it replaced the previous kindergarten through grade 12 (K–12) finance system which had been in existence for roughly 40 years. For school districts and charter schools, the LCFF establishes base, supplemental, and concentration grants in place of the myriad of previously existing K–12 funding streams, including revenue limits, general purpose block grants, and most of the 50-plus state categorical programs that existed at the time. LCFF provides a uniform base grant for each school district and charter school per unit of average daily attendance (ADA), based on the grade span of the pupils, i.e. kindergarten through grade 3 (K–3), grades 4–6, grades 7–8 and grades 9–12, with supplemental funding for “targeted pupils” or those classified as English learners (EL), meet income requirements to receive a free or reduced-price meal (FRPM), foster youth, or any combination of these factors (unduplicated count). There is additional funding in addition to LCFF for certain other purposes, including special education services.

Source: <https://www.cde.ca.gov/fg/aa/lc/lcffoverview.asp>

Both BCS and LASD are expected to have approximately 96% in-district students in the 2019-2020 school year. As a community funded district (see background section above for a description of “community funded”), LASD currently receives approximately \$4.5 million more in tax dollars than the state’s Local Control Funding Formula (LCFF) of approximately \$8,000 per student. Except for students from Palo Alto Unified (PAUSD), LASD receives no additional money for the out of district students (primarily children of staff members) it chooses to enroll from other community funded districts. LASD has a special agreement with PAUSD reimbursing LASD approximately \$8,000 per pupil. The state of California reimburses LASD for students from revenue limit districts (e.g., Cupertino) at 70% of the LCFF

BCS receives public funding equal to its student population multiplied by the LCFF which currently is approximately \$8,000. Consequently, for the 96% in-district students, BCS receives less public funding per student than LASD receives for LASD students given LASD’s current property tax collection, which exceeds the LCFF. LASD is reimbursed by the state 70% of the per pupil allocation of the approximately \$8,000 for out of district students who come from LCFF (state-funded) districts. For out of district students from community funded districts, there is no state reimbursement. Mountain View-Whisman is a community funded district so LASD receives no reimbursement; Cupertino is a state funded (LCFF) so LASD receives 70% reimbursement for each Cupertino student who attends BCS.

LASD and BCS do not raise money from donations directly. The Los Altos Educational Foundation (LAEF) and the Bullis Purissima School Foundation (BPSF) are separate, independent non-profit foundations that raise money in support of LASD and BCS, respectively. No family is ever required to donate to either. Both foundations assist in funding the “gap” between the cost of education a student and the revenues received either from property taxes as a community funded district for LASD or the LCFF amount for BCS. LAEF suggests an annual donation of \$1,200 and BCS of \$5,000 which reflects the difference in public funding sources for each. Both LASD and BCS spend approximately the same dollar amount on a per pupil basis.

LAEF publishes an annual donor list; BPSF does not stating that it does not want the school staff to have knowledge of which families have donated.

Special Education Students

In California, Special Education Services are provided via Special Education Local Plan Areas (SELPA). All school districts and county school offices are required to create SELPA’s of sufficient size and scope to provide special education services for children living in their boundaries.

We do not have the breakdown by disability code for LASD and BCS. The disability categories and enrollment breakdown in California for 774,665 individuals (newborn through twenty-two years of age) who received special education services in 2017–18 are as follows:

Disability Category	# of Students	% of Total
Autism	112,318	.14
Deafness/Blindness	115	.0001
Deafness	3,242	.004
Emotional Disturbance	24,936	.032
Hard of Hearing	10,633	.014
Intellectual Disabilities	43,855	.057
Multiple Disabilities	7,161	.009

Orthopedic Impairment	10,453	.014
Other Health Impairment	97,426	.13
Specific Learning Disability	297,468	.38
Speech or Language Impairment	161,485	.21
Traumatic Brain Injury	1,618	.002
Visual Impairment	3,487	.005

Sources: <https://www.cde.ca.gov/sp/se/as/caselpas.asp>;
<https://lao.ca.gov/Publications/Report/3764>; <https://www.cde.ca.gov/sp/se/sr/cefspeced.asp>

Services for BCS and LASD are administered by the SCCOE's SELPA Administrative Unit. Both provide services on site on their respective campuses. Even though they are offered on site at the BCS campuses, the actual special education services are the responsibility of the SCCOE's SELPA, and so the cost doesn't appear in the BCS budget; BCS supplements the services provided with its own staff though it does not break down the cost in its budget. LASD administrators say that about 17% of all expenditures in 2017-2018 supported special education services.

It is estimated that approximately 10% of LASD's students are receiving special education services compared to 7% of BCS students. Both are below the statewide average of 12%.

English Language Learners/Free and Reduced Lunch/Foster Youth

Approximately 15% of LASD's students and 10.5% of BCS students are considered English Language Learners, receive free or reduced lunches or are Foster Youth.

CURRICULUM:

Audience Questions:

- *Does BCS share its innovative techniques?*
- *How many more minutes of instruction time does BCS have compared to LASD and the state minimum*
- *What is the measured educational impact/value of K-8 at a single site?*
- *The 1996 federal legislation enabling-establishing charter schools envisioned that charters would be established in under-performing school districts and would serve as lab schools introducing educational innovation improving*

*student success, that this innovation would be shared with the public schools.
To what extent is this happening with BCS & LASD?*

BCS has curriculum flexibility that allows BCS teachers to collaborate across content areas/grade levels/specialties in designing new curriculum that they believe will best improve student learning. BCS has shared its approach with many local schools as well as at national and global education conferences.

BCS also has flexibility with the length, pacing and structure of the school day unlike LASD which is governed by its collective bargaining agreement and state mandated regulations. As a result, BCS exceeds the State required hours as show in the table below.

BCS Instruction Hours

(Not including Extra-curricular classes before/after school; office hours and after school sports)

Grade	BCS	State Requirement	Difference
Kindergarten	687 hours	582 hours	+105 hours
1 – 3	1,020 hours	840 hours	+ 180 hours
4-5	1014 hours	874 hours	+ 140 hours
6-8	1205 hours	874 hours	+ 331 hours

One other notable difference is that LASD teachers become “permanent employees” (tenure) after two years per the state education code. Once considered a permanent employee, employment cannot be terminated except as part of a layoff or for just cause. BCS teachers are non-tenured and are hired on one-year, performance-based contracts. BCS teachers could choose to unionize.

PROPOSITION 39/FACILITES

(Note: The description of Prop 39 is not meant as a comprehensive analysis of the law, but rather as highlights of the provisions relating to charter school facilities.)

Audience Question:

Why did BCS name a specific site (Egan) instead of a general location in their 2018 Prop 39 request?

Proposition 39 is the law passed by California voters in 2000 that addresses the provision of school facilities for all public school students, including charter schools.

The California regulations that govern this process include:

California Education Code section 47614: Proposition 39 amended California Education Code (EC) Section 47614, with the intent that public school facilities should be shared fairly among all public school pupils, including those in charter schools.

Title 5 of the California Code of Regulations (5 CCR) sections 11969.1 through 11969.10: Specific requirements related to the location of the facilities can be found in 5 CCR section 11969.9(c)(1).

EC Section 47614 requires that school districts make available, to all charter schools operating in their school district with projections of at least 80 units of average daily attendance (ADA), facilities that will sufficiently accommodate all of the charter's in-district students, and that facilities be "reasonably equivalent" to other classrooms, buildings, or facilities in the district.

California Code of Regulations Section 11969.3 defines what is meant by "reasonably equivalent" in terms of comparison group, capacity, and condition.

With regard to specifying a specific site or location, Title 5 CCR Section 11969.9(c)(1)(E) requires the facilities request to provide information regarding the district school site and/or geographic area where a charter school wishes to be located, and Education Code Section 47614(b) requires the District to "make reasonable efforts" to accommodate the charter school's location preferences.

Source:http://www.bullischarterschool.com/wp-content/uploads/2018/11/BCS_Prop39_Facilities_Req_2019-Final-withReceipt.pdf

EC Section 47614(b)(1) states that school districts may charge a charter school a pro-rata share of the facilities costs the school district pays for with unrestricted general fund revenues. The pro-rata share is based on the ratio of space allocated by the school district to the charter school divided by the total space of the district. Charter schools shall not be otherwise charged for use of the facilities.

For details on the definition of "reasonably equivalent" see CA Code of Regulations 11969.3: [https://govt.westlaw.com/calregs/Document/I38CAF0E0D48011DEBC02831C6D6C108E?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=\(sc.Default\)](https://govt.westlaw.com/calregs/Document/I38CAF0E0D48011DEBC02831C6D6C108E?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default))

For details on standards for school facilities, see [https://govt.westlaw.com/calregs/Document/I830BE1F0D48011DEBC02831C6D6C108E?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=\(sc.Default\)](https://govt.westlaw.com/calregs/Document/I830BE1F0D48011DEBC02831C6D6C108E?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default))

In 2014-15, BCS paid \$1.17/sq. ft; see <https://www.cde.ca.gov/sp/ch/proposition39.asp>

The State Board of Education (SBE) adopted regulations (*California Code of Regulations*, Title 5 [5CCR] sections 11969.1, 11969.2, 11969.3, 11969.4, 11969.6, 11969.7, 11969.8, 11969.9, 11969.10, 11969.11) to define key provisions such as the opportunity for districts and charter schools to develop mutually agreed upon alternatives to specific compliance with EC Section 47614 (such as funding for leases), calculation of the pro-rata share charge, reimbursement

rates for over-allocated space, location, procedures for timelines, and the following reporting requirements:

- Each charter school that received facilities under *EC* Section 47614, must report the per-square-foot charge paid in the current fiscal year, to the California Department of Education (CDE). The CDE shall post the per-square foot charge on its publicly accessible web site.
- The CDE must provide school districts the opportunity to provide additional information regarding the per-square-foot charge calculation.

See

[https://govt.westlaw.com/calregs/Browse/Home/California/CaliforniaCodeofRegulations?guid=I37D74210D48011DEBC02831C6D6C108E&originationContext=documenttoc&transitionType=Default&contextData=\(sc.Default\)](https://govt.westlaw.com/calregs/Browse/Home/California/CaliforniaCodeofRegulations?guid=I37D74210D48011DEBC02831C6D6C108E&originationContext=documenttoc&transitionType=Default&contextData=(sc.Default))

More information is available on the California Department of Education website:
<https://www.cde.ca.gov/sp/ch/proposition39.asp>

For additional background: Court of Appeals, 6th District Ruling: *Bullis Charter School vs. Los Altos School District*.