

**I cannot pretend to understand the motive behind the staff reports VUSD produced, but I can tell you one thing: the truth is not “somewhere in between.”**

**Ed Code requires 15 elements in a petition and says the petitions have to have “reasonably comprehensive descriptions” of these. Our documents are each approx. 400 pages and address all elements; our petitions exceed the requirements of the law. If VUSD had preferences for more detail, VUSD leadership should have let us know this with adequate time to prepare our documents to their liking.** You did not, despite our efforts to engage, despite our questions regarding how this review process would go. In sit down meetings, VUSD staff did not provide the answer to these questions, instead saying they’d have to get back to us. In emailed questions, we were met with no replies regarding our questions pertaining to review. Instead we received your “factual findings” on October 4—two days ago, just one week before this Board will vote on these. In addition, we are not an unknown quantity. We are in our 5<sup>th</sup> academic year and we have regularly interacted with their staff since SVA was in development, they have held one seat of Board membership on our Board for since July of 2012, we submit reports to them regularly, and beyond the requirements of the charter and our Memorandums of Understanding (contracts between us), we actively reach out to give them a heads up about all we are working on because we have tried to model the transparency we wish to be reciprocated. **To claim not to have enough information about us now forces us to ask the question: why now?** If you had concerns, for example, that without seeing sample lesson plans you weren’t sure we knew how to teach (as the findings indicate), why didn’t you ask for them before now? There have been years of opportunity, and saving your concerns for a report of “findings” at this moment in time raises our concern regarding this process/ does not pass the sniff test for us.

We have many concerns about the “findings of fact” that VUSD has put forth. Some of these were listed in our recent email to our community in order to shed some light on the kinds of misinformation and fallacious reasoning we see in your reports. While we prepare a more robust rebuttal to the findings (before next Tuesday’s meeting) **I’d like to share with you an additional example of each of these concerns to further demonstrate that the issues run deep.**

**First, they contain falsehood.** Bottom of page 7 of the SVA findings reads, “It must be noted that the copies of SVA’s LCAP discussion, both in the hard copy that was lodged with the District on August 12, 2016, and the electronic version on SVA’s website are extremely difficult to read even when zoomed in to 200 percent of the original size... the unreadable format means it is of little assistance to the District.” First, we do not concur that the hard copy was unreadable. Here’s the printed version, it’s readable. Second, we submitted a full size electronic copy of our documents with each charter to aid in the District’s review, but it appears the full size PDF version was not shared with reviewers as it is absent in the report (as if it never existed). Due to the large file size (our documents are 400 pages and contain many images) and the limits of our website’s capacity, a shrunken file was uploaded to our website,

however our documents posted on our website were not intended for a reviewer audience, but rather for interested parties, mainly our parents and potential parents of future BOA students. **Not only is it false to say we did not provide you with a readable, reviewable version of our information, but it further points back to my point from earlier. Why now? If you discovered a hurdle to appropriately being able to review our documents, why didn't you let us know? We have ONLY indicated a willingness, even a desire, to work WITH you.**

**Second, the reports include instances of VUSD going back on their word or being knowingly unfair. On September 8, VUSD Business Services sent us an email indicating that going forward (with the first bill due in October), our special education encroachment rate would be 10x higher than it has ever been. The next day, I was called in to Supt. Oto's office to meet with Nathan Hernandez, Cara Peterson, Dr. Oto, and Melanie Stringer to receive the one and only piece of feedback on our charter petitions. I was excited, thinking this process will look the same as 2011, with the District indicating its questions and allowing us to respond to these in the collaborative nature we experienced in 2011, the example we posted within our email yesterday illustrating what that looked like. However, I was told that day that the District took issue with a single paragraph in both charters: the place where we indicated we planned to keep VUSD our Special Education service provider but recognized the right, afforded to all autonomous charter schools by the State via Ed Code, to pursue our own LEA status for Special Education services in the future and that if we were to do so, such a change would not constitute a material revision to the charter. I was told I'd need to close the loop, commit to only being able to have VUSD as our special education service provider and further, change the language to make it read that if we were to ever pursue our own LEA status such a change would be a material revision and have to come before this Board, putting our charters on the line. In other words, lock into only being able to purchase special education services from VUSD for the next 5 years (or risk our charters to get out of contract) at a time when just one day before the District demonstrated why it might be advantageous for an autonomous charter to have the right the state granted us to determine with whom it will do business. The rate increase of 1000% amounts to a \$110k difference in expenses in our budget and the nature of this being "effective immediately" points to why it was important for us to keep the language in these petitions that allowed us to exit if we so determined we needed to in the future. We replied one week later with our reasoning for why we would not adjust the language as suggested.**

**Now, however, your report uses the just-increased encroachment rate as evidence that we do not have a sound budget. Page 24 of SVA's findings says, "While this information was not available to be included in the petition, it is worth noting that the actual costs will be greater than the planned budget and could potentially create operational budget shortfalls for the Charter School." Petition budgets are there to demonstrate our likelihood of successfully implementing the program via our *ability to* budget. To imply we may have a budget shortfall based upon information that arrived *after* petitions were submitted, a shortfall *caused by* the District, and to then include this within "fact findings" justifying the**

conclusion that we are “demonstrably unlikely to successfully implement our program” appears to be the District acting in a manner they know is not fair.

Third, the findings contain hypotheticals and conjecture not appropriate to apply to the review of charter petitions. An example of this occurs in both reports, when they say that we indicate only a desire (as opposed to a requirement) to hire teachers with 2 years or more experience, and that “the level of integrated classroom instruction may prove challenging for novice teachers.” This is part of the justification, again, that we’re demonstrably unlikely to successfully implement our program. But it is entirely beyond the scope of authorizers’ role to suggest the charter have additional requirements for its teachers beyond state requirements and what we have defined for ourselves will work for our program. Further, what the District suggests here would be *beyond the District’s own requirements* for the teachers they hire, who provide the same kind of integrated classroom instruction (regular ed and special education) they are claiming causes their concern for us. Further, the implication we should require 2 years of experience for every new hire at a time of teacher shortage, when we are seeing unprecedented rates of Interns and permits across the sector, would hamstring our school’s ability to operate.

Fourth, the findings indicate intentional ignorance. An additional example of this is when, on p. 20-21 of SVA’s findings, the report describes some of the strategies, tactics, and metrics we have identified for tracking our progress toward demographic goals in our Strategic Plan, and then says because the plan isn’t detailed enough. By what criteria? Strategic Plans are not required elements. We provided that in the spirit of transparency, and then **your reviewers** applied it to this element (we did not), and then determined it’s not good enough? On page 21 it goes on to conclude, “SVA’s lack of commitment to diversity supports a finding that the Charter School is demonstrably unlikely to succeed.” The petition documents are far more robust than is required for this element. But again, we are a known quantity. Aside from the charter content, we also have 3 years of budgets in which we’ve spend roughly \$75k annually to affect demographics (transportation + targeted marketing), we have an active Outreach & Diversity committee that enacts annual campaigns to affect our pool of applicants, spending ALL marketing money on Spanish-language media, planning its next campaign based on the effectiveness of the last, and reporting out to our Board (including the VUSD rep) on its activities and campaigns. The SVA charter reports out on these activities in detail and our diversity has only increased over time, for example we have doubled our FRL proportion since year 1. Additionally, our work to found Blue Oak and our work to locate it where the need is greatest reflects our continued and deep commitment to reach low-income pupils. It further points to our recognition that SVA’s location (Packwood) is a significant hurdle to our efforts to achieve parity. To claim we are not committed to serving our diverse community is not only false, but *intentionally ignorant* of our work.

Overall, I am deeply disappointed in Visalia Unified’s lack of transparency in this process. If they had asked, we would have answered. We reached out multiple times to affirm that, to

be sure they knew that. We were met with silence. We've had only 48 hours to digest the tangled web of sophistry these reports include, but *even if* VUSD's reports contained a single question or concern worth asking, the time to do that was over the last several years of our work together—not in this way, not at this time. I'm glad to see the District has a stated goal of transparency—that's appropriate for public agencies. But I'm disappointed as a tax payer today to not see the District live up to its goals.