

**REVISED RESOLUTION OF THE
MT. DIABLO UNIFIED SCHOOL DISTRICT GOVERNING BOARD
DENYING PETITION TO FORM THE
CONTRA COSTA SCHOOL OF PERFORMING ARTS**

WHEREAS, by enacting the Charter Schools Act (Ed. Code §§ 47600, *et seq.*), 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; and

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; and

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

WHEREAS, Education Code §47605(b) charges school district and governing boards and county boards of education with the responsibility of reviewing charter petitions to determine whether they meet the legal requirements for a successful charter petition; and

WHEREAS, a successful charter petition must contain reasonably comprehensive descriptions of the criteria set forth in Education Code § 47605(b)(5)(A)-(Q), as well as the affirmations and other requirements set forth in Education Code §47605; and

WHEREAS, a governing board may deny a petition to form a charter school if it makes written findings to support any of the following under Education Code § 47605(b): “(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 [required] number of signatures; (4) The petition does not contain an affirmation of each of the conditions described in subdivision [Education Code §§47605] (d); and (5) The petition does not contain reasonably comprehensive descriptions of all of the [criteria set forth in Education Code §§47605(b)(5)(A)-(Q).]”; and

WHEREAS, on March 26, 2015, the Governing Board of the Mt. Diablo Unified School District received a Petition to form the Contra Costa School of Performing Arts (“Charter School”); and

WHEREAS, in compliance with Education Code §47605(b), the Board held a public hearing on April 10, 2015 to determine the level of support for the petition; and

WHEREAS, the Board of Education, under Education Code §47605(b), is obligated to take action to grant or deny the Petition within 60 days of its submission; and

WHEREAS, District staff, the areas of Instructional Support, Student Services, Human Resources, Fiscal and Budget, Facilities and Legal evaluated the Petition according to their area of expertise; and

WHEREAS, District staff compiled a “Charter Petition Evaluation” Rubric evaluating the Petition with reference to the criteria set forth in the Education Code; and

NOW, THEREFORE, BE IT FURTHER RESOLVED AND ORDERED by the Mt. Diablo Unified School District Governing Board that the Petition to form the Contra Costa School of Performing Arts is hereby DENIED.

NOW, THEREFORE, BE IT FURTHER RESOLVED AND ORDERED by the Mt. Diablo Unified School District Governing Board that the Board hereby adopts the following factual findings in support of its denial:

1. Petitioners are Demonstrably Unlikely to Successfully Implement the Program Set Forth in the Petition (Education Code § 47605(b)(2)).
2. The Petition Contains an Unsound Educational Program and Fails to Contain a Reasonably Comprehensive Description of all 16 Required Elements set forth in Education Code section 47605(b). (Education Code § 47605(b)(5)).

The following constitute the primary findings of District Staff in its evaluation of the Petition. A complete recitation of the findings of District Staff is contained in the “Charter Petition Evaluation” Rubric, which is incorporated by reference into this Resolution.

ELEMENT 1: EDUCATIONAL PROGRAM

Education Code section 47605(b)(5)(i) requires a charter petition to contain a reasonably comprehensive description of “the educational program of the school, designed, among other things, to identify those whom the school is attempting to educate, what it means to be an ‘educated person’ in the 21st century, and how learning best occurs. The goals identified in that program shall include the objective of enabling pupils to become self-motivated, competent, and lifelong learners.”

Staff found that the Petition lacked reasonably comprehensive descriptions of the following required elements:

1. Education Program of the School
 - a. Proposed Curricular Offerings

The Petition contains a description of the various components of the proposed arts curriculum, such as the Theatre, Music and Dance Conservatories (Petition, pp. 29-40). The Petition also claims that the Charter School would offer a comprehensive Science, Technology, Engineering, Arts and Math (STEAM) curriculum, but fails to describe in any manner the proposed curriculum in four of the five core subject areas (Science, Technology, Engineering or Math.)

The description of the proposed educational program is limited to the Arts curriculum. The description of the remainder of the educational program not only fails to meet the reasonably comprehensive requirement, it is virtually non-existent. The Petition to form a countywide charter school, submitted by the same Petitioners, and denied last year by the Contra Costa County Board of Education is virtually identical to this Petition presented to the District, with the exception of passing lip-service to the STEAM curriculum. It appears that the STEAM reference was grafted onto the rejected countywide petition as an underdeveloped afterthought for submission to the District, since it is not developed in any cognizable way in this Petition.

The Petition also fails to contain a proposed instructional schedule that would demonstrate how every element of the proposed STEAM curriculum would be incorporated into the instructional day. Appendix S contains a proposed bell schedule, but contains no reference to subject matter instruction.

The Petition states that the Charter School’s high school curriculum will meet all UC/CSU “a-g” course requirements. (Petition, p. 51) However, the Petition only identifies two science courses, and none beyond the tenth grade. Moreover, the high school physical education curriculum is limited to dance and does not meet California State Standards.

The other components of the educational program lack a reasonably comprehensive description. The description of the professional development program, which is only one paragraph (Petition, p. 49, along with Appendix R), lacks necessary detail, such as a professional development schedule and calendar that integrates into the instructional year, and integration with a well-defined framework for instructional design.

The Petition also lacks a reasonably comprehensive description of a student assessment data system, as well as a description of how such assessment data would be used to support student learning. The “Education Support Programs” contained on pp. 40-48 identifies a number of online support programs, accompanied by screenshots and brief descriptions. However, the brief descriptions read more like promotional materials for each program, and the Petition fails to go into any detail as to how each program would support student learning with specific reference to each component of the proposed educational program, and how such programs would be used to improve pupil outcomes.

b. Proposed Performing Arts Curriculum

The District offers elective Visual and Performing Arts (“VAPA”) courses at the middle and high school levels. High school students are required to take 1 year of Art to fulfill graduation requirements. All District VAPA courses are aligned with the California Visual and Performing Arts Standards, and many are written with an arts-integrated approach, meaning that as students are learning the specific content of the arts, they are also learning about other subject areas, and having to apply skills and concepts learned in other coursework. For example, 3D Modeling is a UC “a-g” approved arts course that is integrated with Career and Technical Education. Students learn about visual arts, must understand and apply technology, and learn about visual arts within the context of History/Social Sciences. Also, Media I, II, and III are UC “a-g” approved courses that integrate Common Core State Standards (CCSS) for English Language Arts, along with

State VAPA Standards. Students learn about visual arts, must be able to express their ideas in written and visual form, and use technology to produce works of art.

All recent UC/CSU “a-g”-approved VAPA courses are written as integrated courses and incorporate State VAPA standards along with CCSS for technical subjects. While many of the VAPA elective courses taught at the middle and high school levels focus on a specific discipline (e.g., photography), many Arts teachers instruct students in using Studio Habits of the Mind (SHoM), which closely mirrors the CCSS 8 Standards for Mathematical Practices.

VAPA teachers employed in public schools must hold the correct single-subject credential for the subject area they are teaching, meaning that District VAPA teachers have deep content knowledge based on their teacher preparation program and credentialing to instruct students in VAPA. It is not clear from the Petition whether the Charter School’s credentialing requirements would require the same depth of content-area knowledge, as this issue is not explicitly addressed. It is also not clear from the Petition how the various components of the Arts curriculum (Theatre Music, Dance, and Production and Design Conservatories) will integrate into the college preparatory core curriculum. While the Petition identifies integration as a program feature (Petition, p. 32), it does not provide a reasonably comprehensive description of how such integration would take place, mostly because, as was noted above, the STEM component of the educational program is also severely underdeveloped. Appendix K, the “Day in the Life” feature, is more anecdotal in nature, rather than providing a reasonably comprehensive description of how the Arts curriculum would integrate into the other elements of the STEAM program.

2. Actions to Achieve Annual Goals

Charter petitions must include “[a] description, for the charter school, of annual goals, for all pupils and for each subgroup of pupils identified pursuant to Section 52052, to be achieved in the state priorities, as described in subdivision (d) of Section 52060, that apply for the grade levels served, or the nature of the program operated, by the charter school, and specific annual actions to achieve those goals. A charter petition may identify additional school priorities, the goals for the school priorities, and the specific annual actions to achieve those goals.” Education Code section 47065(b)(5)(A)(ii).

While the Petition contains a matrix identifying actions to achieve the Charter School’s annual goals (Petition, pp. 52-59), it fails to identify “annual goals ... for each subgroup of pupils” as is required under Education Code section Education Code section 47065(b)(5)(A)(ii). Rather, it expresses such goals for “[a]ll students, including all student subgroups,” (Petition, pp. 55, 58-59) without differentiation among subgroups, as is required by law.

3. Target Student Population

The Petition does not contain a reasonably comprehensive description of the Charter School’s target student population. The Petition generally describes the target population as students seeking a college and career preparatory curriculum with the integration of performing arts (Petition, p. 11), but fails to provide any more specific information regarding anticipated student

achievement levels, targeted geographic area, or other demographic information particular to the Charter School. The Petition does not describe the “specific educational interests, backgrounds or challenges” of its target student population. (5 C.C.R. § 11967.5.1(f)(1)(A).) While the Petition cites the demographic profile of the District, the Charter School’s proposed location at the Concord Pavilion would not be within walking distance to most of the students in the District, and the Petition mentions no plan to provide transportation. Therefore, the Petition lacks a reasonably comprehensive description of how the Charter School would achieve the demographic profile of the District.

The Petition also lacks a reasonably comprehensive description of the Charter School’s recruiting plan. No reference is made to how the Charter School’s outreach plan would reach English Language Learners, students receiving special education services, or at-risk students. The plan to recruit at performing arts studios (Appendix X) would focus recruiting on students with prior performing arts experience, and would exclude those with no experience.

4. What it Means to be an “Educated Person” in the 21st Century

The Petition literally contains a series of bullet points listed “knowledge, skills and expertise students should master to succeed in work and life in the 21st century” (Petition, pp. 22-29; 37-40), but fails to articulate a coherent or overarching instructional philosophy or pedagogy, other than the emphasis on performing arts. The Petition lacks a reasonably comprehensive description of a framework for instructional design that integrates with the mission of the school or its proposed curriculum, and instead recites a laundry list of pedagogical approaches, none of which are developed in sufficient detail.

5. Education of Specialized Student Populations

a. English Language Learners

The Petition’s English Language Learner description fails to contain a reasonably comprehensive description of how English Language Development (ELD) instruction would be incorporated into instruction in core academic areas. The Petition states that the Charter School “will make support for English Learners a primary focus of the school culture,” (Petition, p. 65), but only states that “ELD *may* be incorporated within the language arts curriculum and is taught daily for a minimum of 30 minutes in grades K-12.” (Petition, p. 67). Since the Charter School would only serve grades 6-12, this statement makes no sense. Moreover, the description of how ELD instruction would be used to allow students to access core subject matter instruction lacks detail, including specific program placement and services to be offered to students receiving ELD instruction. Moreover, the Petition references no separate class periods allocated to ELD, which is what the District allocates for beginning EL students. Without sufficient detail, it is not possible to determine whether the Petition’s proposed ELD instructional program meets legal requirements or is sound. Also, since the proposed Charter School focuses on the performing arts, the ELD section should have, but did not, describe how this portion of the school’s curriculum would be accessed by English Language Learners.

The Petition makes a passing reference to Read 180, which is the only language support program identified (Petition, p. 43), as well as 1-on-1 teacher support, small group work, and SDAIE (Specially Designed Academic Instruction in English) (Petition, p. 56, State Priority #4), but those references are merely cursory, and not discussed in a manner that allows the District to determine how these strategies would be used to help English Learners access the proposed academic program (which, as separate issue, is also not sufficiently described to start with.) The Petition also fails to mention any specific instructional materials that would be used to teach English Language Learners, and fails to address professional development for instructional personnel in the area of ELD.

b. Special Education

The Petition states that the Charter School would join a Special Education Local Plan Area (SELPA) as a Local Educational Agency (LEA), and join either the El Dorado County, Sonoma County or Contra Costa County SELPA. (Petition, p. 70) However, the Petition lacks the “verifiable, written assurances that the charter school will participate as a local educational agency in a special education plan” as required by Education Code section 47641(a). Moreover, the statement that the “Charter School agrees ... to comply with reasonable SELPA directives” (Petition, p. 72) is troubling as it implies that the Charter School will attempt to retain the discretion to refuse to comply with SELPA policies or procedures that, in its own estimation, it deems “unreasonable,” even if legally required.

As an LEA member of a SELPA for special education purposes, the Charter School would generate and receive its special education funding, and would take full responsibility for providing its own special education services, subject to the legal oversight of its authorizer. However, the special education section of the Petition is very general, and only provides a brief recitation of the rudimentary legal requirements that would apply to the Charter School as an LEA for special education purposes. The Petition fails to contain a reasonably comprehensive description of how the Charter School’s students would receive specialized educational services as required under students’ Individualized Education Plans (IEP’s). It fails to identify any specific services that would be provided to students upon the entire spectrum of disabilities that would allow student to access the Charter School’s curriculum in an academic setting, or meet grade level standards, and that the Charter School would be obligated to provide.

The Petition states that the “Charter School shall be solely responsible for selecting, contracting with, and overseeing all non-public schools and public agencies used to serve special education students.” (Petition, p. 75) As an LEA, the Charter School would assume all financial responsibility for providing special education services to its students. The Petitioners grossly underestimate the potential special education encroachment. As a reference point, the per-pupil special education encroachment of the District into the general fund is approximately 10 times greater than that projected by Petitioners.

The Petition also states that the “Charter School may request assistance from the SELPA in obtaining contract services (e.g. Speech, Occupational Therapy, Adapted P.E., Nursing and Transportation), subject to SELPA approval and availability. The Charter School may also provide related services by hiring credentialed or licensed providers through private agencies or

independent contractors.” (Petition, p. 71.) Since the IDEA requires the IEP team to approve services, the statement that the Charter School would obtain services from the SELPA “subject to SELPA approval and availability” violates applicable law.

The Petition’s section on how the Charter School would meet its obligations under Section 504 of the Rehabilitation Act, a general education function, is not reasonably comprehensive. The recitation of basic legal obligations is quite general, and fails to address how the Charter School would address students with medical needs under Section 504.

Conclusion – Educational Program: Based on the above analysis, the District’s Board finds that the Petition contains an unsound educational program that is unlikely to be of educational benefit to the Charter School’s students, fails to contain a reasonably comprehensive description of the school’s educational program, and, consequently, that the Petitioners are demonstrably unlikely to successfully implement the program set forth in the Petition due to the failure to provide a sound educational program and reasonably comprehensive description of the program elements set forth above.

ELEMENT 2: MEASURABLE PUPIL OUTCOMES

ELEMENT 3: METHOD OF MEASURING PUPIL OUTCOMES

Education Code section 47607(b)(5)(B) requires that a charter petition contain measurable pupil outcomes “that address increases in pupil academic achievement both schoolwide and for all groups of pupils served by the charter school, as that term is defined in subparagraph (B) of paragraph (3) of subdivision (a) of section 47607. The pupil outcomes shall align with state priorities, as described in subdivision (d) of Section 52060, that apply for the grade levels served, or the nature of the program operated, by the charter school.”

The Petition fails to “address increases in pupil academic achievement both schoolwide and for all groups of pupils served by the charter school.” The pupil outcomes contained on pp. 81-82 are stated for “all student subgroups,” without differentiation among subgroups, as is required by law.

The Petition does contain the Charter School’s proposed Local Control Accountability Plan (LCAP), aligned with the eight state priorities. However, it lacks a reasonably comprehensive description of the formative assessments and individual student goals.

While the Petition identifies the UC/CSU “a-g” course grade requirements, performance levels, and graduation requirements that are consistent with basic standardized benchmarks, the curriculum in the areas of Science, Math, and Engineering are severely underdeveloped, making the Petitioners demonstrably unlikely to successfully meet the requirements necessary for its curriculum to meet UC/CSU “a-g” requirements.

On the identification of assessments, the Petition identifies the primary State-level assessments. However, the description of other school-specific assessments, including portfolios, and how Charter School staff would use such informal assessments to measure pupil progress, is not reasonably comprehensive. (Petition, pp. 91-92) Due the transition from API to SBAC testing, the need for robust local and non-State assessment measures is crucial for a Charter School

Program in the inception stages. The Petition’s description of its non-State assessment measures on pp. 91-92 makes passing reference to those assessment measures, as well as the means by which such data will be reported (CAASPP, School Accountability Report Card, Parent-Teacher Conferences and the LCAP), but fails to provide a comprehensive system, methodology and standards by which pupil progress will be measure and by which teaching strategies will be modified.

The Petitioners state that they will develop a plan for staff discussion and use of data to drive instruction, but provide no detail with respect to professional development on how to utilize data, or how to gather and incorporate stakeholder input on how to utilize student performance data.

ELEMENT 4: GOVERNANCE STRUCTURE

The Petition lacks a reasonably comprehensive description of “evidence that parental involvement is encouraged in a variety of ways” as is required under 5 C.C.R. § 11967.5.1(f)(4)(c). The Petition contains a single paragraph on parental involvement that essentially states that “[p]arents may hold positions on the Board of Directors or in various school committees,” and engage in volunteer opportunities. (Petition, p. 97) However, the Petition lacks a reasonably comprehensive description of meaningful ways that parents will be involved in a representational manner within the governance structure of the Charter School. The Petition makes no mention of maintaining a School Site Counsel or an advisory board to ensure that parents have meaningful input into their student’s education. Parents are encouraged to participate as volunteers, etc., but are not allocated seats on the school’s Board of Directors which lessens the possibility of impactful influence on policies, procedures, and school oversight.

The Petition does not demonstrate that the organizers possess a depth of knowledge and experience in science, technology, engineering, and mathematics in order to support the school’s stated mission of offering an educational program with an emphasis on STEAM. It appears that the science, technology and engineering aspect of the education program is an add-on.

The fact that the Board may be comprised of as few as three (3) individuals (Petition, p. 95; Bylaws, Appendix W, Section VII(3)) raises the concern whether three individuals can represent diversity of thought and experience. The fact that the board will be appointed rather than elected is also of concern in that parents and community members with opposing views from the leadership may be precluded from meaningful participation.

ELEMENT 5: QUALIFICATIONS TO BE MET BY INDIVIDUALS EMPLOYED AT THE SCHOOL

Education Code section 47605(l) states that “[t]eachers in charter schools shall be required to hold a Commission on Teacher Credentialing certificate, permit, or other document equivalent to that which a teacher in other public schools would be required to hold It is the intent of the Legislature that charter schools be given flexibility with regard to noncore, noncollege preparatory courses.” The Petition states that the Charter School will require a valid credential to be hired as a teacher, but does not explicitly state that the credential be issued by the State of California, and also fails to provide a reasonably comprehensive description of the qualifications required for teachers of noncore, noncollege preparatory courses. Credentials issued in other

States would not necessarily contain the required CLAD and/or BCLAD authorization required to deliver the education program contemplated by the Petitioners. The Petition only states that “[e]xceptions to the above qualifications may be made by the Executive Director for hiring staff in special areas as long as Education Code section 47605(l) is followed.” However, the Petition fails to describe the criteria upon which exceptions shall be made, and how “special areas” would be defined.

5 C.C.R. § 11967.5.1(f)(5)(c) requires petitioners to “identify those positions that the charter school regards as key in each category and specify the additional qualifications expected of individuals assigned to those positions.” The Petition only contains qualifications for positions such as the administrative team, teachers, and non-teaching personnel, but fails to provide qualification for other positions identified in the “School Assumptions Worksheet” attached to the Petition’s budget (Appendix Z), including Office Administrators and Office/Clerical personnel.

It is unrealistic that the Charter’s stated salary will attract the caliber of teaching and counseling staff as stated. For instance, a teacher’s salary is \$55,000 and yet, the workday is longer, duties are extensive and the teachers slated to be hired have a significant amount of experience. The Petition identifies a 180-day work year, including a 20-day summer session (Appendix T). The Charter School’s instructional day also goes to 4:15 p.m. for grades 9-12. (Appendix X) Therefore, on a per-diem basis, Charter School teachers would be earning lower salaries than their public school counterparts.

ELEMENT 6: PROCEDURES FOR ENSURING HEALTH & SAFETY OF STUDENTS

The Petition lacks a reasonably comprehensive description of the procedures for ensuring health and safety. The Petition identifies a number of areas in which it intends to maintain policies, including background checks; child abuse reporting; Tuberculosis testing; immunizations; administration of medication; vision, hearing, and scoliosis; Diabetes; emergency preparedness; blood borne pathogens; drug/alcohol/smoke-free environment; facility safety; and anti-discrimination and harassment. (Petition, pp. 102-103.) However, each area only contains a 1-2 sentence description, essentially stating that the Charter School will comply with applicable law. The Petition attaches no actual policies, and also fails to include provisions on bullying and cyberbullying. The Petition also lacks a comprehensive discussion of specific health and safety practices for natural disasters, emergencies, and seismic safety, and also lacks a detailed safety plan.

ELEMENT 7: RACIAL AND ETHNIC BALANCE

The Petition implies that the Charter School will approximate the demographic profile of the District. (Petition, p. 12) However, its proposed location, the Concord Pavilion at 2000 Kirker Pass Road, Concord, CA, is not equally accessible to all geographic regions of the District. Since the Petition states that “[t]he Charter School will not provide transportation to and from school, except as required by law” (Petition, p. 139), the school will not be equally accessible to all students within the District’s demographic or geographic profile. The District therefore finds that the Petition fails to contain a reasonably comprehensive description of the Charter School’s means to achieve racial and ethnic balance, and is unlikely to successfully achieve the racial and ethnic balance of the District.

ELEMENT 8: ADMISSION REQUIREMENTS, IF APPLICABLE

Page 4 of the Petition, under “Affirmations and Assurances,” states that “[t]he Charter School shall admit all students who wish to attend the Charter School, and who submit a timely application, unless the Charter School receives a greater number of applications than there are spaces for students, in which case each application will be given equal chance of admission ...” However, this statement is false, since the Charter School’s admission lottery gives preference to siblings of enrolled students and children and dependents of Charter School employees. Therefore, all applicants are not given an equal chance of admission, and the Board finds that the Petitioners are demonstrably unlikely to successfully implement the admissions procedure set forth in the Petition.

FISCAL/BUDGET

Revenues

The Petition’s budget presents cash flow concerns with second and third years of operations. August of the second year shows an ending balance of \$113. This includes the total amount of donations of \$51,000 to be received in July. If anticipated amount is not received there will be a negative cash balance. Also, the third year of operations is dependent on \$70,000 of donations to be received in July that also would cause a cash flow issue if total anticipated donations do not materialize in the first month of the fiscal year. The budget also fails to contain a fundraising plan or current status report. This information is crucial since the Charter School’s ability to maintain a positive end balance depends on private donations.

FACILITIES

As noted above, the Charter School identifies its likely facility as the Concord Pavilion, 2000 Kirker Pass Road, Concord, CA. The Petition fails to contain the following required information with respect to the proposed facility:

- Its suitability as a school site for minors, including the availability of classroom space, specialized classroom space, science laboratories, physical education facilities, gymnasium, lockers, office space and quad/yard space for students to congregate;
- The suitability of the Concord Pavilion as a school site for minors, given the preponderance of large public events that take place at that facility on a daily basis;
- Whether locating a charter school that could enroll 300-700 students would have a traffic impact on an already heavily-used public facility, as well as other environmental impacts that would trigger requirements under the California Environmental Quality Act;
- Whether the proposed site is properly zoned for public school use;
- Whether the proposed facility meets applicable building code requirements, as well as fire safety requirements;
- Whether the Petitioners have conducted an analysis of whether the proposed facility meets the California Department of Education’s requirements for a suitable and appropriate school site.

Even though the Petitioners also state that they reserve the right to seek a facility from the District under Proposition 39, they have failed to provide a reasonably comprehensive description of its first proposed facility choice, or to acknowledge the various legal requirements applicable to its proposed site, and the Board finds that the Petitioners are demonstrably unlikely to successfully locate the Charter School at the proposed location.

NOW, THEREFORE, BE IT FURTHER RESOLVED AND ORDERED by Mt. Diablo Unified School District Governing Board the Board hereby denies the Petition to form the Contra Costa School of Performing Arts under Education Code § 47605(b) on the following grounds:

- (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 reasonably comprehensive descriptions of all of the required criteria set forth in Education Code §§47605(b)(5)(A)-(Q);

PASSED AND ADOPTED on May 18, 2015, by Mt. Diablo Unified School District Governing Board by the following vote:

AYES:
NOES:
ABSTENTIONS:
ABSENCES:

I declare under penalty of perjury that the foregoing resolution was duly passed and adopted on the date and by the vote stated.

Secretary of the
MT. DIABLO UNIFIED SCHOOL DISTRICT
GOVERNING BOARD