

CHINO VALLEY
UNIFIED SCHOOL DISTRICT

Student Achievement • Safe Schools • Positive School Climate
Humility • Civility • Service

BOARD OF EDUCATION AGENDA

March 17, 2016

BOARD OF EDUCATION

Andrew Cruz, President
Sylvia Orozco, Vice President
Pamela Feix, Clerk
James Na, Member
Irene Hernandez-Blair, Member

Shweta Shah, Student Representative

SUPERINTENDENT
Wayne M. Joseph

5130 Riverside Drive. Chino. California 91710
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CHINO VALLEY UNIFIED SCHOOL DISTRICT
REGULAR MEETING OF THE BOARD OF EDUCATION
Don Lugo High School – Multi Purpose Room
13400 Pipeline Avenue, Chino, CA 91710
5:30 p.m. – Closed Session • 7:00 p.m. – Regular Meeting
March 17, 2016

AGENDA

- The public is invited to address the Board of Education regarding items listed on the agenda. Comments on an agenda item will be accepted during consideration of that item, or prior to consideration of the item in the case of a closed session item. Persons wishing to address the Board are requested to complete and submit to the Administrative Secretary, Board of Education, a "Request to Speak" form available at the entrance to the Board room.
- In compliance with the Americans with Disabilities Act, please contact the Administrative Secretary, Board of Education, if you require modification or accommodation due to a disability.
- Agenda documents that have been distributed to members of the Board of Education less than 72 hours prior to the meeting are available for inspection at the Chino Valley Unified School District Administration Center, 5130 Riverside Drive, Chino, California, during the regular business hours of 7:30 a.m. to 4:30 p.m., Monday through Friday.

I. OPENING BUSINESS

I.A. CALL TO ORDER – 5:30 P.M.

1. Roll Call
2. Public Comment on Closed Session Items
3. Closed Session

Discussion and possible action:

- a. Conference with Legal Counsel–Existing Litigation (Government Code 54954.4(c) and 54956.9)(d)(1): Federal District Court, Case No. EDCV 14-2336-JGB (DTBx) Freedom from Religion Foundation vs. Chino Valley Unified School District Board of Education (Tyler & Bursch, LLP) (30 minutes)
- b. Student Expulsion Matter (Education Code 35146, 48918 (c) & (j)): Case 15/16-18. (15 minutes)
- c. Conference with Labor Negotiators (Government Code 54957.6): A.C.T. and CSEA negotiations. Agency designated representatives: Dr. Norm Enfield, Sandra Chen, Dr. Grace Park, Lea Fellows, and Richard Rideout. (30 minutes)
- d. Public Employee Discipline/Dismissal/Release (Government Code 54957): (15 minutes)

I.B. RECONVENE TO REGULAR OPEN MEETING – 7:00 P.M.

1. Report Closed Session Action
2. Pledge of Allegiance

I.C. PRESENTATIONS

1. Student Showcase: Eagle Canyon ES

I.D. COMMENTS FROM STUDENT REPRESENTATIVE

I.E. COMMENTS FROM EMPLOYEE REPRESENTATIVES

The proceedings of this meeting are being recorded.

- I.F. COMMENTS FROM COMMUNITY LIAISONS
- I.G. COMMENTS FROM THE AUDIENCE ON ITEMS NOT ON THE AGENDA
- I.H. CHANGES AND DELETIONS

II. ACTION

II.A. ADMINISTRATION

II.A.1. Oxford Preparatory Academy Renewal Charter School Petition
 Page 7
 Recommend the Board of Education adopt Resolution No. 2015/2016-55 Adopting the Findings regarding the Oxford Preparatory Academy Renewal Charter School Petition pursuant to Education Code section 47605(b).

Motion ___ Second ___
 Preferential Vote: ___
 Vote: Yes ___ No ___

II.B. BUSINESS SERVICES

II.B.1. 2015/2016 Second Interim Financial Report
 Page 85
 Recommend the Board of Education approve the 2015/2016 Second Interim Financial Report, and authorize the President of the Board of Education and the Superintendent to sign the positive Certification of Financial Condition for the current and two subsequent fiscal years.

Motion ___ Second ___
 Preferential Vote: ___
 Vote: Yes ___ No ___

III. CONSENT

Motion ___ Second ___
 Preferential Vote: ___
 Vote: Yes ___ No ___

III.A. ADMINISTRATION

III.A.1. Minutes of the Regular Meeting of March 3, 2016, and Special Meeting of March 7, 2016
 Page 86
 Recommend the Board of Education approve the minutes of the regular meeting of March 3, 2016, and special meeting of March 7, 2016.

III.B. BUSINESS SERVICES

III.B.1. Warrant Register
 Page 96
 Recommend the Board of Education approve/ratify the warrant register, provided under separate cover.

III.B.2. Fundraising Activities

Page 97 Recommend the Board of Education approve/ratify the fundraising activities.

III.B.3. Donations

Page 100 Recommend the Board of Education accept the donations.

III.C. CURRICULUM, INSTRUCTION, INNOVATION, AND SUPPORT

III.C.1. Revision of Board Policy 6146.1 Instruction—High School Graduation Requirements

Page 104 Recommend the Board of Education approve the revision of Board Policy 6146.1 Instruction—High School Graduation Requirements.

III.C.2. New Course Integrated Mathematics 3 Honors

Page 114 Recommend the Board of Education approve the new course Integrated Mathematics 3 Honors.

III.C.3. Cal Aero K-8 2016/2017 Intersession Program

Page 126 Recommend the Board of Education approve the Cal Aero K-8 2016/2017 Intersession Program.

III.D. EDUCATIONAL SERVICES

III.D.1. Student Expulsion Case 15/16-18

Page 128 Recommend the Board of Education approve the student expulsion case 15/16-18.

III.D.2. School-Sponsored Trips

Page 129 Recommend the Board of Education approve the following school-sponsored trips: Country Springs ES; Briggs K-8; Townsend JHS; Ayala HS; Chino HS; Chino Hills HS; and Don Lugo HS.

III.D.3. New Board Policy 5111.1 Students—District Residency

Page 131 Recommend the Board of Education approve the new Board Policy 5111.1 Students—District Residency.

III.E. FACILITIES, PLANNING, AND OPERATIONS

III.E.1. Purchase Order Register

Page 136 Recommend the Board of Education approve/ratify the purchase order register, provided under separate cover.

III.E.2. Agreements for Contractor/Consultant Services

Page 137 Recommend the Board of Education approve/ratify the Agreements for Contractor/Consultant Services.

III.E.3. Surplus/Obsolete Property

Page 139 Recommend the Board of Education declare the District property surplus/obsolete and authorize staff to sell/dispose of said property.

III.E.4. Notice of Completion for CUPCCAA Projects

Page 142 Recommend the Board of Education approve the Notice of Completion for CUPCCAA Projects.

III.E.5. Change Order for Bid 14-15-06, Replacement of Transportation Department Lifts

Page 144 Recommend the Board of Education approve the change order for Bid 14-15-06, Replacement of Transportation Department Lifts.

III.F. HUMAN RESOURCES

III.F.1. Certificated/Classified Personnel Items

Page 147 Recommend the Board of Education approve/ratify the certificated/classified personnel items.

III.F.2. Revision of Board Policy 4119.11, 4219.11, 4319.11 All Personnel—Sexual Harassment

Page 151 Recommend the Board of Education approve the revision of Board Policy 4119.11, 4219.11, 4319.11 All Personnel—Sexual Harassment.

IV INFORMATION

IV.A. EDUCATIONAL SERVICES

IV.A.1. Revision of Board Policy and new Administrative Regulation 0460 Philosophy, Goals, Objectives, and Comprehensive Plans—Local Control and Accountability Plan

Page 155 Recommend the Board of Education receive for information the revision of Board Policy and new Administrative Regulation 0460 Philosophy, Goals, Objectives, and Comprehensive Plans—Local Control and Accountability Plan.

IV.A.2. Revision of Board Policy and Administrative Regulation 5141.6 Students—School Health Services

Page 167 Recommend the Board of Education receive for information the revision of Board Policy and Administrative Regulation 5141.6 Students—School Health Services.

IV.B. HUMAN RESOURCES

IV.B.1. Revision of Board Policy 4121 Personnel—Temporary/Substitute Personnel
Page 178

Recommend the Board of Education receive for information the revision of Board Policy 4121 Personnel—Temporary/Substitute Personnel.

V. COMMUNICATIONS

BOARD MEMBERS AND SUPERINTENDENT

VI. ADJOURNMENT

Date posted: March 14, 2016

Prepared by: Patricia Kaylor, Administrative Secretary, Board of Education

CHINO VALLEY UNIFIED SCHOOL DISTRICT

Our Motto:

Student Achievement • Safe Schools • Positive School Climate
Humility • Civility • Service

DATE: March 17, 2016
TO: Members, Board of Education
FROM: Wayne M. Joseph, Superintendent
SUBJECT: OXFORD PREPARATORY ACADEMY RENEWAL CHARTER SCHOOL PETITION

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BACKGROUND

California Education Code sections 47605 and 47607 establish the procedures and timelines for charter school petitions and charter renewals. Pursuant to sections 47605 and 47607, Oxford Preparatory Academy-Chino submitted a renewal charter school petition on January 25, 2016.

A public hearing was held on February 4, 2016, in accordance with Education Code section 47605(b).

Education Code section 47605(b) further requires that: *“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....”*

District representatives have carefully reviewed the Oxford Preparatory Academy Renewal Charter School Petition and the Oxford Preparatory Academy Renewal Charter School Petition’s Appendix A Budget.

RECOMMENDATION

It is recommended the Board of Education adopt Resolution No. 2015/2016-55 Adopting Findings regarding the Oxford Preparatory Academy Renewal Charter School Petition pursuant to Education Code section 47605(b).

FISCAL IMPACT

Loss of ADA and categorical funding for the number of District students who enroll in the Oxford Preparatory Academy.

PLEASE NOTE: Although this is a possible fiscal impact, by law, the Board may not base a decision on the potential fiscal impact. Rather, the decision may only be based on the statutory grounds set out in Education Code sections 47605 and 47607.

**CHINO VALLEY UNIFIED SCHOOL DISTRICT
RESOLUTION NO. 2015/2016-55 ADOPTING RECOMMENDED FINDINGS OF FACT
REGARDING THE OXFORD PREPARATORY ACADEMY CHARTER SCHOOL
RENEWAL PETITION**

WHEREAS, pursuant to California Education Code section 47605 et seq., the Board of Education of the Chino Valley Unified School District (“CVUSD”) is required to review charter school petitions submitted to the CVUSD and grant or deny the proposed charter.

WHEREAS, the Oxford Preparatory Academy-Chino Valley (“OPA”) charter petitioners submitted a charter school petition to the Chino Valley Unified School District on or about November 1, 2011, which was granted by the Chino Valley Unified School District’s Governing Board on December 29, 2011 for a five-year term from July 1, 2012 through and including June 30, 2017.

WHEREAS, the OPA-Chino charter petitioners submitted a renewal charter school petition to the CVUSD on January 25, 2016 to renew OPA’s charter for a five-year term from July 1, 2017 through and including June 30, 2022.

WHEREAS, in compliance with California Education Code section 47605 and 47607 and California Code of Regulations, Title 5, section 11966.4, the CVUSD Board of Education is required to approve or deny a request for a charter renewal within sixty (60) days of receipt of the renewal petition, unless that timeline is extended for up to thirty (30) additional days by mutual written agreement of the parties.

WHEREAS, the California State Board of Education has developed criteria to be used for the review and approval of charter school petitions presented to the State Board pursuant to Education Code section 47605(j)(2). (California Code of Regulations, Title 5, section 11960 et. seq.) Education Code section 47605(j)(2) states, “The criteria shall address all elements required for charter approval, as identified in subdivision (b) and shall define ‘reasonably comprehensive’ as used in paragraph (5) of subdivision (b) in a way that is consistent with the intent of this part.” Because the State Board of Education reviews petitions that have been denied by school districts, the District reviews charter school petitions for compliance with the State Board of Education regulations.

WHEREAS, on February 4, 2016, a public hearing on the OPA-Chino charter renewal petition was conducted in accordance with the provisions of Education Code section 47605(b), at which time the CVUSD’s Board of Education considered the level of public support for the OPA-Chino charter renewal petition by teachers employed by the CVUSD, other employees of the CVUSD, and parents as required by Education Code section 47605(b).

WHEREAS, Andrew Crowe (the Chancellor of OPA-Chino Valley), Merrick Wadsworth (an attorney with the Procopio law firm which represents OPA), Carrie Birchler (a lead petitioner and Founding Member of OPA), Jared McLeod (a former OPA teacher and current OPA School Developer), Maggie Buchan (an educational consultant employed by OPA), Amy Mills (an OPA parent), Troy Stevens (an OPA parent), Ramiro Viramontes (the Director of Construction

Services for the Turner Agassi Charter Facilities Fund which has been awarded an approximately \$20 million dollar contract by OPA to construct the new OPA high school), and Peter Patel (a Founding Member of OPA) addressed the CVUSD Board of Education in support of the OPA-Chino charter renewal petition during the February 4, 2016 public hearing.

WHEREAS, there was no discernable public support for the OPA-Chino charter renewal petition from teachers employed by the CVUSD or other employees of the CVUSD. No teachers or other employees of the CVUSD spoke at the public hearing in support of the OPA-Chino charter renewal petition. A majority of the public who spoke in support of the OPA-Chino charter renewal petition were employed by or affiliated with OPA.

WHEREAS, all of the members of the CVUSD Board of Education have read and fully considered the OPA-Chino charter renewal petition, the OPA Budget, the Vavrinek, Trine, Day and Co., LLP (“VTD”) C.P.A.’s Review and Analysis of the OPA Charter School Renewal Petition and Budget, and this Resolution.

WHEREAS, in reviewing the OPA-Chino charter renewal petition, the CVUSD Board of Education has been cognizant of the intent of the Legislature that charter schools are and should become an integral part of the California educational system and that establishment of charter schools should be encouraged.

WHEREAS, in accordance with California Education Code section 47607(a)(3)(A), the CVUSD Board of Education has considered increases in pupil academic achievement for all groups of pupils served by OPA as the most important factor in determining whether to grant OPA-Chino’s charter renewal petition.

WHEREAS, in accordance with California Code of Regulations, Title 5, section 11966.4(b)(1), in considering the OPA-Chino charter renewal petition, the CVUSD Board of Education considered the past performance of OPA’s academics, finances, and operation and future plans for improvement in evaluating the likelihood of future success.

WHEREAS, in reviewing the OPA-Chino charter renewal petition, CVUSD staff, working with Superintendent Wayne M. Joseph, Assistant Superintendent Facilities, Planning and Operations Gregory Stachura, Assistant Superintendent Business Services Sandra Chen, with CVUSD’s legal counsel and with VTD Partner, Caroline Larson, C.P.A., have reviewed and analyzed all of the information presented by the OPA-Chino charter renewal petition and OPA’s Budget and Financial Projections (“OPA Budget”), including materials related to the operation and potential effects of the proposed OPA charter school.

Because the CVUSD’s staff review finds that granting the OPA-Chino charter renewal petition is not consistent with sound educational practice, CVUSD staff have made a recommendation in the form of this Resolution to the CVUSD’s Board of Education that the January 25, 2016 OPA-Chino charter renewal petition be **denied**.

NOW, THEREFORE, BE IT RESOLVED that the CVUSD Board of Education finds that all of the above recitals are true and correct and incorporates them herein by this reference.

BE IT FURTHER RESOLVED that the CVUSD Board of Education, having fully considered and evaluated the January 25, 2016 OPA-Chino charter renewal petition, hereby **denies** the OPA-Chino charter renewal petition pursuant to Education Code section 47605(b) and finds that granting the OPA-Chino charter renewal petition is not consistent with sound educational practice based upon the following factual findings specific to the January 25, 2016 OPA-Chino charter renewal petition:

- I. The OPA-Chino charter renewal petitioners are demonstrably unlikely to successfully implement the program set forth in the OPA-Chino charter renewal petition. [Education Code section 47605(b)(2)];**
- II. The OPA-Chino charter renewal petition fails to contain reasonably comprehensive descriptions of eight of the fifteen required elements of a charter petition. [Education Code section 47605(b)(5)]; and**
- III. The OPA-Chino charter renewal petition fails to provide all of the required affirmations and assurances required to comply with California State law. [Education Code sections 47605(b)(4); 47605(d)(1)]**

BE IT FURTHER RESOLVED that the CVUSD Board of Education hereby finds that all of the foregoing findings are supported by the following specific facts:

- I. THE OPA CHARTER RENEWAL PETITIONERS ARE DEMONSTRABLY UNLIKELY TO SUCCESSFULLY IMPLEMENT THE PROGRAM SET FORTH IN THE OPA CHARTER RENEWAL PETITION. [Education Code section 47605(b)(2)]**

Education Code section 47605(b)(2) provides that a charter petition may be denied if specific facts support a finding that “the petitioners are demonstrably unlikely to successfully implement the program set forth in the petition.”

California Code of Regulations, Title 5, section 11967.5.1(c)(3) states that a factor to be considered in determining whether charter petitioners are “demonstrably unlikely to successfully implement the program” is whether the charter petitioners have presented an unrealistic financial and operational plan for the proposed charter school.

A. The OPA-Chino Charter Renewal Petition Budget Presents An Unrealistic Financial and Operational Plan for the Proposed OPA Charter School

Due to discrepancies identified during the CVUSD staff’s review of the OPA-Chino charter renewal petition, the CVUSD retained the Certified Public Accountant firm Vavrinek, Trine, Day & Co., LLP (“VTD”) and VTD Partner, Ms. Caroline Larson, a Certified Public Accountant, to prepare a Review and Analysis of the Oxford Preparatory Academy Charter

School Renewal Petition and Budget. Ms. Larson’s Review and Analysis is attached as Exhibit A hereto and incorporated herein by this reference.

The Vavrinek, Trine, Day and Co., LLP’s Review and Analysis of the Oxford Preparatory Academy Charter School Petition and Budget concludes that the OPA Budget presents an unrealistic financial and operational plan for the proposed OPA charter school.

The Vavrinek, Trine, Day and Co., LLP’s Review and Analysis of the Oxford Preparatory Academy Charter School Petition and Budget also states at page 2, “Executive Summary”:

“Vavrinek, Trine, Day, and Co., LLP’s professional assessment determines that the OPA charter school renewal petition fails to comply with Title 5 California Code of Regulations § 11967.5.1 (c) (3) for the following reasons:

- Failure to include budget notes that clearly describe assumptions on revenue estimates, including, but not limited to, the basis for average daily attendance estimates.
- Failure to present a budget that in its totality appears viable and over a period of no less than two years of operations provides for the amassing of a reserve equivalent to that required by law for a school district of similar size to the proposed charter school.
- Failure to demonstrate an understanding of the timing of the receipt of various revenues and their relative relationship to timing of expenditures that are within reasonable parameters, based, when possible, on historical data from schools or school districts of similar type, size, and location.”

The CVUSD Board of Education hereby specifically adopts the findings of the Vavrinek, Trine, Day and Co., LLP’s Review and Analysis of the OPA Renewal Petition and Budget and finds that the OPA-Chino charter petitioners are demonstrably unlikely to successfully implement the program set forth in the OPA-Chino charter renewal petition because the OPA-Chino charter renewal petition and Budget presents an unrealistic financial and operational plan for the proposed OPA charter school.

B. The OPA-Chino Charter Renewal Petition’s Shared Governance Structure Prevents The CVUSD From Carrying Out Its Statutory Oversight Duty To Monitor OPA’s Fiscal Condition

California Education Code section 47604.32(d) requires the CVUSD to “monitor the fiscal condition of each charter school under its authority.”

The OPA-Chino charter renewal petition states at page 8,

“Sue Roche... opened Oxford Preparatory Academy-Chino Valley (OPA-Chino Valley) in 2010... In 2011, OPA-Chino Valley was... renewed for five (5) years. Furthermore, in 2011, Oxford Preparatory Academy-South Orange County (OPA-SOC) received... approval to open in the 2011-2012 school year. In 2014, OPA-SOC was... renewed for an additional five (5) years by the Capistrano Unified School District Board of Trustees. Additionally, this year the Oxford Preparatory Academy Team was approved by the Orange County Board of Education to open an OPA K-8 Charter School in Saddleback Valley (OPA-Saddleback Valley) in the 2016-2017 school year.”

Therefore, according to the OPA-Chino charter renewal petition’s own language and the OPA Organizational Chart at page 146 of the OPA-Chino charter renewal petition, OPA currently operates three charters under one OPA Board of Directors, with three separate educational agencies – the Chino Valley Unified School District, the Capistrano Unified School District and the Orange County Board of Education – being responsible for statutory oversight of OPA under Education Code section 47604.32(d).

The OPA-Chino charter renewal petition and OPA Appendix A Budget fail to explain if and how the finances of the three separate OPA charter schools – OPA-Chino Valley, OPA-South Orange County, and OPA-Saddleback, are to be managed in relation to each other, and how any costs, resources, services, staff are shared among the three charter schools or whether any such sharing of costs, resources, services and staff is identified in the Appendix A Budget as submitted with the OPA-Chino charter renewal petition.

The OPA-Chino charter renewal petition at page 154 states:

“The following positions that support all schools within the organization include: one (1) part-time Executive Director; one (1) part-time Managing Director; one (1) part-time Chief Financial Officer; one (1) part-time Coordinator of Educational Programs; one (1) part-time Coordinator of Business Services; one (1) part-time Human Resources Manager; one (1) part-time Coordinator of Attendance; one (1) part-time Coordinator of IT & Assessment; one (1) part-time Coordinator of Public Relations & Communications; one (1) part-time World Language Coordinator; and one (1) part-time Counselor.”

The OPA-Chino charter renewal petition and Budget fail to describe any methodology used to ensure a fair and appropriate distribution of costs of such OPA employee *“positions that support all schools within the organization”* and a plan for assuring that all funds generated by and attributable to OPA-Chino are maintained and expended for the educational benefit of OPA-Chino students.

The OPA-Chino charter renewal petition states at page 197 that “*the Board of Directors shall set the charter school’s administrative and fiscal policy.*” The OPA-Chino charter renewal petition at page 146 and the Sixth Amended Bylaws of Oxford Preparatory Academy submitted with the OPA-Chino charter renewal petition state at page 10 that the Treasurer of OPA’s Board of Directors shall “*oversee all deposits and disbursements of money and valuables.*”

Because OPA’s Board of Directors therefore has authority over all OPA funds, the governance structure of OPA does not prevent financial mismanagement or commingling of public funds between the three OPA charter schools. There are no prohibitions in the OPA Bylaws provided with the OPA-Chino charter renewal petition against commingling of funds among the three OPA charter schools.

The Oxford Preparatory Academy Organizational Chart at page 146 of the OPA-Chino charter renewal petition indicates that the Chancellors of the OPA-Chino Valley, OPA-South Orange County, and OPA-Saddleback Valley charter schools report to OPA’s Executive Director, Barbara Black.

However, the Appendix A Budget provided with the OPA-Chino charter renewal petition provides budget and financial projections for only the OPA-Chino charter school. Budgets and financial projections for OPA-South Orange County and OPA-Saddleback Valley OPA charter schools were not provided.

Additionally, the March 9, 2016 Agenda for the Oxford Preparatory Academy Regular Meeting of the Board of Directors states:

“Conference with Real Property Negotiators

Property: 22882 Loumont Drive, Lake Forest, CA 92630

Agency negotiator: Barbara Black, Executive Director

Negotiating party: Saddleback Valley Unified School District

Under negotiation: Price and Terms of Payment”; and

Approve Note Securing Loan of up to \$100,000 from Edlighten Learning Solutions to Oxford Preparatory Academy-Saddleback Valley Charter School

Securing a loan of up to \$100,000 from Edlighten Learning Solutions (a charter support organization) to Oxford Preparatory Academy-Saddleback Valley Charter School will provide startup and initial operating funds to assist the school in establishing a high quality, high performing charter school operation.”

Items I.G.4: Recommend the Board of Directors approve the note securing a loan of up to \$100,000 from Edlighten Learning Solutions to Oxford Preparatory Academy-Saddleback Valley Charter School.	Motion: _____ Second: _____ Action: _____ Roll Call: _____ Vote: _____
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First, Barbara Black signed the OPA-Chino charter renewal petition at page 5 as “Executive Director” and “Lead Petitioner.” Therefore, her role as “Agency negotiator” with the Saddleback Unified School District evidences that the CVUSD Board of Education cannot carry out its statutory oversight duty without full disclosure of OPA’s financial dealings with the Saddleback Unified School District. Additionally, any “Price and Terms of Payment” she negotiates with the Saddleback Unified School District for 22882 Loumont Drive, Lake Forest, CA 92630 are clearly not included in OPA renewal charter petition and Appendix A Budget as submitted on January 25, 2016.

Second, OPA’s March 9, 2016 Board of Directors’ Agenda item regarding “*securing a loan of up to \$100,000*” causes serious concerns because Edlighten Learning Solutions is identified as the sole statutory member of Oxford Preparatory Academy, OPA’s non-profit corporation, at page 2 of Appendix G “Bylaws” as submitted with the OPA-Chino charter renewal petition.

It is unexplained in the OPA-Chino renewal charter petition and unclear why OPA-Saddleback Valley should be borrowing “*up to \$100,000*” from OPA’s nonprofit corporation’s sole statutory member, and how this transaction as well as any interest charges or other costs related to the “*up to \$100,000*” loan will be reported in OPA’s accounting so that the CVUSD Board can fulfill its statutory duty under Education Code section 47604.32(d) to “monitor the fiscal condition of each charter school under its authority.”

Both of these March 9, 2016 OPA Board of Directors’ Agenda items evidence that OPA is continuing to incur additional expenses and liabilities that are not included in the Appendix A Budget as submitted with the OPA-Chino charter renewal petition.

From an accounting and audit perspective, the CVUSD therefore cannot carry out its statutory fiscal oversight responsibility without the ability to review and audit all of OPA’s finances.

Further, with only OPA-Chino Valley’s budget and financial projections being provided with the OPA-Chino renewal charter petition as submitted, the CVUSD cannot evaluate whether the OPA-Chino renewal charter petition Appendix A Budget contains the “reasonable estimates of all anticipated revenues and expenditures necessary to operate the school,” that OPA is required to provide under California Code of Regulations, Title 5, section 11967.5.1(c)(B)(2).

The CVUSD Board of Education therefore finds that the OPA charter petitioners are demonstrably unlikely to successfully implement the program set forth in the OPA-Chino charter renewal petition because the OPA Budget presents an unrealistic financial and operational plan for the proposed OPA-Chino charter school.

C. The OPA-Chino Charter Renewal Petitioners Are Demonstrably Unlikely To Successfully Implement The Program Set Forth In The Petition Because The OPA-Chino Charter Renewal Petition Fails To Adequately Describe The Facilities Needed To Operate The Educational Program Proposed In The OPA-Chino Charter Renewal Petition [Education Code section 47605(g)]

Education Code section 47605(g) requires:

“The governing board of a school district shall require that the petitioner or petitioners provide information regarding the proposed operation and potential effects of the charter school, including, but not limited to, the facilities to be used by the school, the manner in which administrative services of the school are to be provided, and potential civil liability effects, if any, upon the school and upon the school district. The description of the facilities to be used by the charter school shall specify where the school intends to locate. The petitioner or petitioners shall also be required to provide financial statements that include a proposed first-year operational budget, including start-up costs, and cashflow and financial projections for the first three years of operation.”

California Code of Regulations, Title 5, section 11976.5.1(c)(3)(D) requires charter petitions or supporting documents to adequately:

- “1. Describe the types and potential location of facilities needed to operate the size and scope of educational program proposed in the charter.
2. In the event a specific facility has not been secured, provide evidence of the type and projected costs of the facilities that may be available in the location of the proposed charter school.
3. Reflect reasonable costs for the acquisition or leasing of facilities to house the charter school, taking into account the facilities the charter school may be allocated under the provisions of Education Code section 47614.”

The OPA-Chino charter renewal petition states on page 198 that:

“OPA has been collaborating with Turner-Agassi Charter School Facility Fund, L.C. and Turner Impact Capital, LLC (“Turner Impact”) in obtaining a private facility in compliance with the California State Building Code. Turner Impact is currently in escrow to purchase a 217,800 square foot property located at 4477 Phillips Blvd., Chino, California, in order to house the number of students anticipated to enroll. Turner Impact is in the process of building a state-of-the-art new facility, with the goal of it being completed June 2017. OPA will lease the facility from Turner Impact.”

The OPA-Chino charter renewal petition states at page 198 that “*OPA will lease the facility from Turner Impact.*”

However, Action Item B1 from the OPA Special Board Meeting Agenda held on December 30, 2015 states:

“The Lease Agreement (by and among TA Chino 4477 PB LLC, Landlord and Oxford Preparatory Academy, Tenant) sets forth to delineate the responsibilities of both parties regarding the facility, **including the option to purchase**, and financial obligations for the operation of the Oxford Preparatory Academy high school site for Chino Valley.” (Emphasis added.)

The March 9, 2016 OPA Regular Meeting of the Board of Directors Agenda states at page 3:

“Ratify Development Plans Under Lease Agreement Dated As of January 8, 2016 (“Lease”), by and between, TA Chino 4774 BP LP (“Landlord”) and Oxford Preparatory Academy (“Tenant”)

TA Chino 4774 BP LP (“Landlord”) and Oxford Preparatory Academy (“Tenant”) have reviewed and approved the listed plans as the Development Plans under the Lease, and that Tenant approves Landlord’s proceeding with construction, as well as its commencing and causing to be completed the improvements described in the Development Plans, as those plans may be modified by the parties from time to time according to the terms of the Lease.”

Items I.G.3: Recommend the Board of Directors ratify the Development Plans under the Lease Agreement dated as of January 8, 2016 (“Lease”), by and between, TA Chino 4774 BP LP (“Landlord”) and Oxford Preparatory Academy (“Tenant”).	Motion: ____ Second: ____ Action: ____ Roll Call: ____ Vote: ____
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The OPA-Chino charter renewal petition fails to provide the OPA charter renewal petitioners’ lease purchase agreement with the Turner-Agassi Charter School Facility Fund, OPA-Chino’s total financial commitment or any other information that explains the material terms or length in years of OPA’s lease purchase agreement for the Turner-Agassi OPA high school planned to be located at 4477 Phillips Boulevard in Chino.

The OPA-Chino charter renewal petition fails to describe any efforts of the charter renewal petitioners to explore other potential locations and types of facilities for the proposed 9th through 12th grade OPA charter school.

The District cannot assess whether the projected rent expenditures listed in the OPA Budget “reflect reasonable costs for the acquisition or leasing of facilities” as is required by section 11967.5.1(c)(3)(D) without additional information about the cost and availability of alternative locations and types of facilities.

The OPA-Chino charter renewal petition fails to state what it will cost OPA to lease the new high school building to house OPA’s 9th through 12th grade students.

However, the OPA Renewal Petition Appendix A Budget itemizes an amount for “Rents/Leases- Facility (9-12)” with large lease cost increases during the first three years:

OPA – Turner-Agassi HS Lease Costs					
	Year 1	Year 2	Year 3	Year 4	Year 5
Projected Costs	\$900,000	\$1,300,000	\$2,320,390	\$1,710,000	\$1,710,000

Although the OPA-Chino charter renewal petition budget sets out projected “Rents/Leases – Facility (9-12)” for the fourth and fifth year of OPA’s occupancy of the Turner-Agassi high school facility of \$1,710,000 for 2020-2021 and \$1,710,000 for 2021-2022, OPA-Chino Chancellor Andrew Crowe stated in a March 5, 2016 Chino Champion article that *“the school has signed a three-year lease on the lot at Ramona Avenue and Phillips Boulevard.”*

Crowe’s statement creates serious issues about whether the cost of the *“three-year lease on the lot at Ramona Avenue and Phillips Boulevard.”* is included in the OPA-Chino charter renewal petition Budget and whether OPA’s Turner-Agassi lease costs “reflect reasonable costs for the acquisition of facilities to house the charter school” if OPA’s lease costs of up to **\$193,365.83 a month** in 2019-2020 do not include the cost of leasing or purchasing the Phillips Boulevard land.

The OPA-Chino charter renewal petitioners therefore fail to provide any proof that OPA’s projected facility rent expenditures “reflect reasonable costs for the acquisition or leasing of facilities,” as is required by California Code of Regulations, Title 5, section 1196.5.1(c)(3)(D). Additionally, there is an unexplained increase in rent of more than one million dollars - **\$1,320,390** - between OPA’s second and third years of leasing the Turner-Agassi facility.

The OPA-Chino charter renewal petition states at page 198 that *“for the private facility acquired, OPA will have the landlord (Turner Impact) pay for all up-front improvements necessary,”* but the OPA-Chino charter renewal petition fails to explain how much the tenant improvements will cost, why any *“up-front improvements”* should be necessary in a new \$20 million dollar high school building, or how having Turner Impact pay *“for all up-front*

improvements” affects whether the OPA Turner-Agassi lease “reflects reasonable costs for the acquisition or leasing of facilities to house the charter school.”

The District is aware of similar financial arrangements between charter schools and private financiers such as the Turner-Agassi Charter School Facility Fund that have been the subject of recent public scrutiny and litigation, due to the fact that the charter school is using public funds provided to the charter school by the California Department of Education to build and lease costly facilities when the charter school’s lease costs can far exceed the cost of leasing or purchasing comparable facilities.

Additionally, the OPA-Chino charter renewal petitioners have not explained their plan for the acquisition of facilities to house OPA’s 9th grade students in the event construction of the proposed Turner-Agassi/OPA high school is incomplete at the start of the 2017-2018 school year. OPA fails to identify any types, locations or costs of alternative facilities if unforeseen circumstances delay the Turner-Agassi/OPA high school project’s completion.

Further, it does not appear that the proposed OPA high school site will be large enough to accommodate OPA’s projected enrollment.

The OPA-Chino charter renewal petition projects enrollment of 800 9th through 12th grade students by 2021-2022. Although the OPA-Chino charter renewal petition does not specify the number of usable acres for the proposed high school site, documentation the District received from the San Bernardino County Land Use Services Department concerning OPA’s plans for the development of the proposed OPA high school at 4477 Phillips Boulevard in Chino states the proposed OPA high school will be located on a 5.08 acre lot.

The California Department of Education’s 2000 Edition, “School Site Analysis and Development,” states that a school site for grades nine through twelve with 601-800 students enrolled requires a total of 28.1 acres with class size reduction and 27.1 acres without class size reduction pursuant to California Code of Regulations, Title 5, section 14010.

Based on this information, the proposed OPA high school site is very small in comparison of the acreage requirement for school district high schools with enrollment identical to OPA’s. In fact, the proposed OPA high school site will have less than 1/5 the total usable acres required for school district high school sites with 601-800 9th through 12th grade students enrolled. Placing an 800 student high school on such a small site will not allow for adequate athletic facilities and will have significant adverse environmental and traffic effects on surrounding Chino residents’ homes that the OPA charter renewal petition fails to consider.

The CVUSD Board of Education therefore finds that the OPA-Chino charter renewal petitioners are demonstrably unlikely to successfully implement the program set forth in the OPA-Chino charter renewal petition because the OPA-Chino charter renewal petition fails to reflect reasonable costs for the acquisition or leasing of facilities to house the proposed OPA-Chino charter school.

D. The OPA-Chino Charter Renewal Petition Fails To Comply With All Of The Requirements Of Education Code Section 47607

Education Code section 47607(a)(2) requires that “[r]enewals and material revisions of charters ... shall include, but not be limited to, a reasonably comprehensive description of any new requirement of charter schools enacted into law after the charter was originally granted or renewed.”

California Code of Regulations, Title 5, section 11966.4 also requires that:

“(a) A petition for renewal submitted pursuant to Education Code section 47607 shall be considered by the district governing board upon receipt of the petition with all of the requirements set forth in this subdivision.”

“(2) A copy of the renewal charter petition including a reasonably comprehensive description of *how* the charter school *has met all new charter school requirements enacted into law after the charter was originally granted or last reviewed.*”

Therefore, a charter renewal petition must demonstrate awareness of all new laws, applicable to charter schools *and* provide a description of how the charter renewal petitioners have met these new, applicable laws.

The OPA-Chino charter renewal petition fails to contain a reasonably comprehensive description of any new requirement of charter schools enacted into law after the OPA charter was originally granted or renewed.

The OPA-Chino charter renewal petition also fails to contain a reasonably comprehensive description of how the charter has met all new charter school requirements enacted into law after the charter was originally granted or last renewed.

The OPA-Chino Charter Renewal Petitioners Are Unfamiliar With The Requirements Of Law That Will Apply To OPA

California Code of Regulations, Title 5, section 11967.5.1(c)(2) states that a factor to be considered as to whether charter petitioners are demonstrably unlikely to successfully implement the charter school program is whether “the petitioners are unfamiliar...with the... requirements of law that would apply to the proposed charter school.”

Despite the mandates of Education Code section 47607(a)(2) and California Code of Regulations, Title 5, section 11966.4(a)(2), the OPA-Chino charter renewal petition fails to include a reasonably comprehensive description of any new requirement of charter schools enacted after OPA-Chino’s charter was originally granted or renewed, and even though the OPA-Chino charter renewal petition would extend OPA-Chino’s grade levels from TK-8 to TK-12, the

OPA-Chino charter renewal petition fails to include the “written publications code” required by Education Code section 48907(b) since January 1, 2011.

The CVUSD Board of Education therefore finds that the OPA-Chino charter renewal petitioners are demonstrably unlikely to successfully implement the program set forth in the OPA-Chino charter renewal petition because the OPA-Chino charter renewal petition fails to comply with Education Code section 47607(a)(2) and the OPA-Chino charter renewal petitioners are unfamiliar with the requirements of law that will apply to the proposed OPA charter school.

II. THE OPA CHARTER RENEWAL PETITION FAILS TO CONTAIN REASONABLY COMPREHENSIVE DESCRIPTIONS OF EIGHT OF THE FIFTEEN REQUIRED ELEMENTS OF A CHARTER PETITION. [Education Code section 47605(b)(5)]

Education Code section 47605(b)(5) requires that the OPA-Chino charter renewal petitioners set out in their charter petition reasonably comprehensive descriptions of *all* fifteen of the required elements of a charter petition listed at Education Code sections 47605(b)(5)(A) through 47605(b)(5)(O).

Charter petitioners’ failure to provide a reasonably comprehensive description of even *one statutorily required element* is a legal basis for denial of the charter petition.

The CVUSD Board of Education finds that the OPA-Chino charter renewal petition fails to provide reasonably comprehensive descriptions of at least **eight of the fifteen** required elements as shown by the following specific facts:

Education Code section 47605(b)(5)(A) requires that the OPA-Chino charter renewal petition contain a reasonably comprehensive description of the proposed OPA charter school’s educational program, including:

“(i) A 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.

“(ii) 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.”

California Code of Regulations, Title 5, section 11967.5.1(f) indicates that:

“(f) For the purposes of Education Code section 47605(b)(5), the following factors should be considered in determining whether a charter petition does not contain a ‘reasonably comprehensive’ description of each of the specified elements.

(1) The description of the educational program of the school, as required by Education Code section 47605(b)(5)(A), at a minimum:

(A) Indicates the proposed charter school’s target student population, including, at a minimum, grade levels, approximate numbers of pupils, and specific educational interests, backgrounds, or challenges.

(B) Specifies a clear, concise school mission statement with which all elements and programs of the school are in alignment and which conveys the petitioners’ definition of an ‘educated person’ in the 21st century, belief of how learning best occurs, and goals consistent with enabling pupils to become or remain self-motivated, competent, and lifelong learners.

(C) Includes a framework for instructional design that is aligned with the needs of the pupils that the charter school has identified as its target student population.

(D) Indicates the basic learning environment or environments (e.g., site-based matriculation, independent study, community-based education, or technology based education).

(E) Indicates the instructional approach or approaches the charter school will utilize, including, but not limited to, the curriculum and teaching methods (or a process for developing the curriculum and teaching methods) that will enable the school's pupils to master the content standards for the four core curriculum areas adopted by the SBE pursuant to Education Code section 60605 and to achieve the objectives specified in the charter.

(F) Indicates how the charter school will identify and respond to the needs of pupils who are not achieving at or above expected levels.

(G) Indicates how the charter school will meet the needs of students with disabilities, English learners, students achieving

substantially above or below grade level expectations, and other special student populations.

(H) Specifies the charter school’s special education plan, including, but not limited to, the means by which the charter school will comply with the provisions of Education Code section 47641, the process to be used to identify students who qualify for special education programs and services, how the school will provide or access special education programs and services, the school’s understanding of its responsibilities under law for special education pupils, and how the school intends to meet those responsibilities.”

The OPA-Chino Charter Renewal Petition Fails To Contain A Reasonably Comprehensive Description Of The Educational Program Of The Proposed OPA Charter School [Education Code section 47605(b)(5)(A)(i)]

The OPA-Chino charter renewal petition fails to contain a reasonably comprehensive description of the educational program of the proposed OPA charter school because:

A. The OPA-Chino Charter Renewal Petition Fails To Provide A Reasonably Comprehensive Description Of The Target Student Population

California Code of Regulations, Title 5, section 11967.5.1(f)(1)(A) states that a factor to be considered in determining whether a charter petition does not contain a “reasonably comprehensive description” of each of the specified elements is whether the charter petition’s description of the educational program, as required by Education Code section 47605(b)(5)(A) at a minimum:

“(A) Indicates the proposed charter school’s target student population, including, at a minimum, grade levels, approximate numbers of pupils, and specific educational interests, backgrounds, or challenges.”

...

“(C) Includes a framework for instructional design that is aligned with the needs of the pupils that the charter school has identified as its target student population.”

Although the OPA-Chino charter renewal petition asks at page 45, “*Whom Does OPA Serve*” and includes a chart of “*predominant ethnic groups*” at page 46, the OPA-Chino charter renewal petition fails to contain a reasonably comprehensive description of the proposed OPA-Chino charter school’s target student population and fails to identify OPA-Chino’s students specific educational interests, backgrounds, or challenges.

California Code of Regulations, Title 5, section 11967.5.1(f)(1)(C) requires charter petitions to include “a framework for instructional design that is aligned with the *needs of the pupils* that the charter school has identified as its target student population.” (Emphasis added.)

Because the OPA-Chino charter renewal petition fails to identify its target student population, the OPA-Chino charter renewal petition cannot specify a framework for instructional design that is aligned with the needs of the pupils identified as the target population.

The CVUSD Board of Education therefore finds the OPA-Chino charter renewal petition fails to meet the minimum requirements for providing a reasonably comprehensive description of the educational program of the proposed OPA charter school.

B. The OPA-Chino Charter Renewal Petition Fails to Contain A Reasonably Comprehensive Description Of How The Charter School Will Identify And Respond To The Needs Of Pupils Who Are Not Achieving At Or Above Expected Levels

The OPA-Chino charter renewal petition states at page 13 that “[i]ncreases in academic achievement shall be the most important factor when a district evaluates a renewal petition,” citing California Education Code section 47607(a)(1).

The page 13 OPA-Chino charter renewal petition language incorrectly quotes Education Code section 47607(a)(3)(A).

Education Code section 47607(a)(3)(A) actually states, “[t]he authority that granted the charter shall consider increases in pupil academic achievement for *all* groups of pupils served by the charter school as the most important factor in determining whether to grant a charter renewal.” (Emphasis added.)

Education Code section 47607(a)(3)(A) does *not* state that increases in pupil achievement is the *only* factor to be considered.

California Code of Regulations, Title 5, section 11967.5.1(f)(1)(G) states that a factor to be considered in determining whether a charter petition does not contain a “reasonably comprehensive” description of the educational program of the school, at a minimum, is whether the charter petition “indicates how the charter school will meet the needs of students with disabilities, English Language Learners, students achieving above or below grade level expectations, and other special student populations.”

The OPA-Chino charter renewal petition fails to provide a reasonably comprehensive description of the proposed OPA-Chino charter school’s educational program because the data presented by the OPA-Chino charter renewal petitioners fails to accurately report API scores for all numerically significant subgroups and therefore fails to provide a reasonably comprehensive description of how the proposed OPA-Chino charter will meet the needs of students achieving above or below grade levels.

California Education Code section 52052(a)(3)(A) defines a numerically significant pupil subgroup as “one that consists of at least 30 pupils, each of who has a valid test score.”

Because the most recent scores on the 2014-2015 California Assessment of Student Performance and Progress (“CAASPP”) Smarter Balanced Assessment Consortium (“SBAC”) are baseline data that cannot be used to gauge increases in academic achievement, the OPA-Chino charter renewal petitioners have included 2011-2013 API data to document whether OPA’s students met API targets.

The OPA-Chino charter renewal petitioners list at page 13 of the OPA-Chino charter renewal petition only four numerically significant subgroups: Asian, Hispanic/Latino, White, and Socioeconomically Disadvantaged, the four groups for which OPA has provided API data.

In fact, the OPA-Chino charter renewal petition omits the English Language Learner, African American, and Students with Disabilities subgroups, which were numerically significant subgroups at OPA-Chino in some or all of the years in question.

According to data from the San Bernardino County Superintendent of School’s Office of Education’s Organization Management System for API Accountability (Attached as Exhibit D) and at (Table 1 below: <http://data.k12oms.org/school/api.php?cds=36676780121590>), there were 27 OPA English Language Learners pupils with valid test scores in 2011. Enrollment of English Language Learners with valid test scores increased to 34 in 2012 and to 46 in 2013. The data in Table 1 below also shows there were 31 OPA African American pupils with valid test scores in 2011, then 22 in 2012 and 21 in 2013.

The OPA-Chino charter renewal petitioners inappropriately excluded API data for OPA English Language Learners and African American pupils even though their subgroups were numerically significant in some years.

The data in Table 1 below shows there were 67 OPA Students with Disabilities with valid test scores in 2011, 76 in 2012, and 70 in 2013. Given that there were well over 30 Students with Disabilities with valid test scores all three years, the OPA-Chino charter renewal petitioners have inexplicably excluded API data for this numerically significant subgroup.

Table 1

Number of Students Included in Growth API													
Year	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	1-Year Change	11-Year Change
School	--	--	--	--	--	--	--	--	632	762	824	192	824
African-American	--	--	--	--	--	--	--	--	31	22	21	-1	21
American Indian	--	--	--	--	--	--	--	--	3	0	1	1	1
Asian	--	--	--	--	--	--	--	--	105	123	139	16	139
Filipino	--	--	--	--	--	--	--	--	44	44	37	-7	37
Hispanic	--	--	--	--	--	--	--	--	241	304	349	45	349
Pacific Islander	--	--	--	--	--	--	--	--	5	0	2	2	2
White	--	--	--	--	--	--	--	--	196	220	214	-6	214
Multi-Race	--	--	--	--	--	--	--	--	7	48	61	13	--
SES Disadvantaged	--	--	--	--	--	--	--	--	154	167	239	72	239
English Learners	--	--	--	--	--	--	--	--	27	34	46	12	--
Students with Disabilities	--	--	--	--	--	--	--	--	67	76	70	-6	--

OPA’s omission of these numerically significant subgroups’ API scores results in an inaccurate representation of the OPA charter school’s success in attaining increases in academic achievement for *all* pupils.

Additionally, data from the San Bernardino County Office Superintendent of Schools’ Organization Management System (<http://data.k12oms.org/school/api.php?cds=36676780121590>) (Table 2 below) actually shows *negative growth* for the following numerically significant subgroups of OPA students between 2011-2013:

- **Hispanic** – while Hispanic pupils’ API scores increased from 938 in 2011 to 956 in 2012, Hispanic students’ API scores *decreased* from to 956 to 932 in 2013.
- **White** – while White students’ scores increased from 955 in 2011 to 970 in 2012, White students’ scores *decreased* to 953 in 2013.
- **Socioeconomically Disadvantaged** – OPA Socioeconomically Disadvantaged students’ API scores *decreased* from 946 in 2011 and 2012 to 945 in 2013.
- **English Language Learners** – OPA English Language Learners’ API scores *decreased* from 945 in 2011 to 934 in 2012, and increased to 936 in 2013.
- **Students with Disabilities** – while OPA Students with Disabilities’ API scores increased from 826 in 2011 to 864 in 2012, OPA Students with Disabilities’ API scores *decreased* from 864 to 795 in 2013.

Table 2

State (API) Accountability Summary and School Characteristics

Year	2003		2004		2005		2006		2007		2008		2009		2010		2011		2012		2013		Net
	API Growth	API Change	API Growth	API Change	API Growth	API Change	API Growth	API Change	API Growth	API Change	API Growth	API Change	API Growth	API Change	API Growth	API Change	API Growth	API Change	API Growth	API Change	API Growth	API Change	
School																	957	957	972	14	955	-17	954
African-American	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	937	--	954	13	973	19	32
American Indian	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Asian	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	990	--	996	8	997	1	9
Filipino	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	990	--	987	-2	997	10	8
Hispanic	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	938	--	956	17	932	-24	-7
Pacific Islander	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
White	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	955	--	970	14	953	-17	-3
Multi-Race	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	963	--	947	-17	--
SES Disadvantaged	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	946	--	946	--	945	-1	-1
English Learners	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	945	--	934	-11	936	1	-10
Students with Disabilities	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	826	--	864	--	795	--	--
Met All API Targets?																	N/A	Yes	Yes				
State Rank																		10	10				
Similar Rank																		10	10				

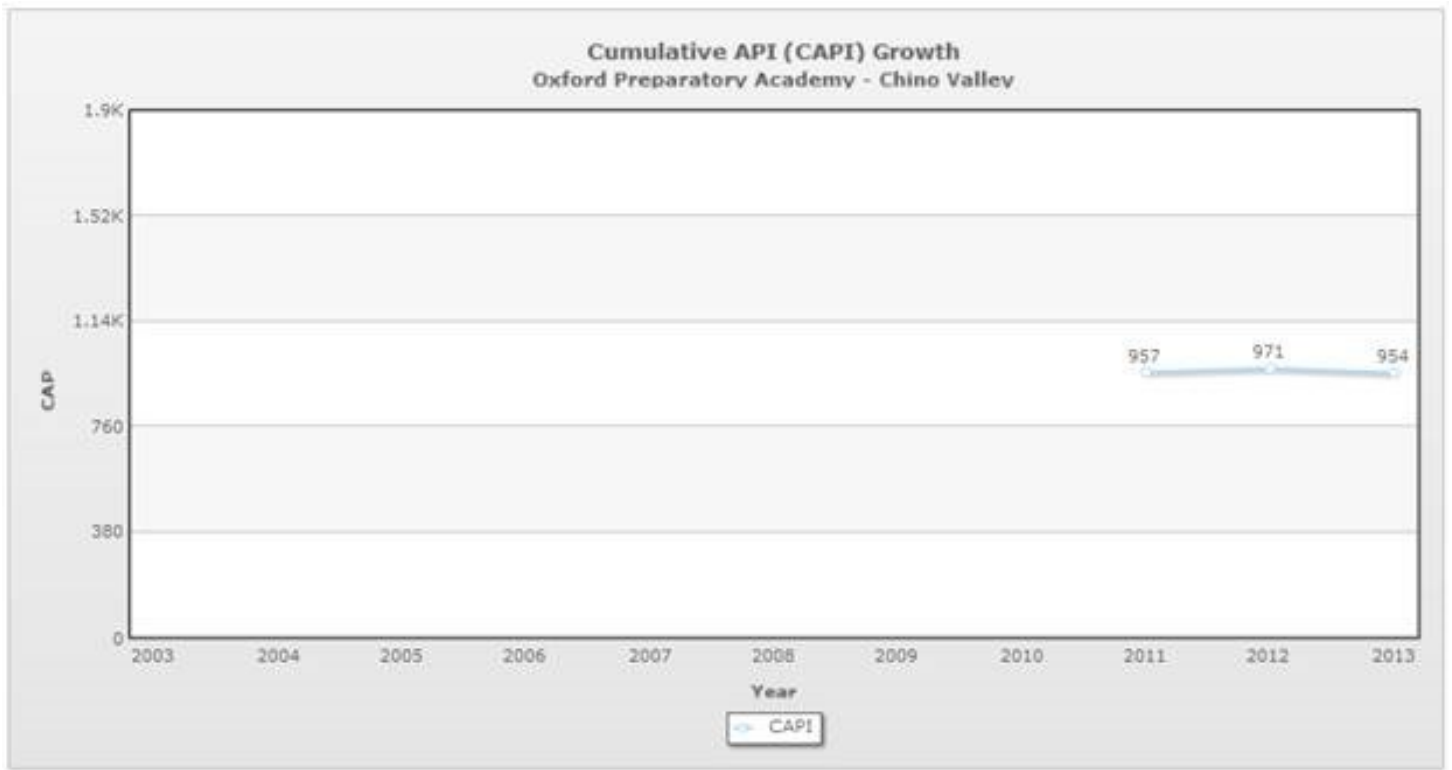
API Base can be calculated by subtracting API Change from API Growth.

No change in subsequent ba

■ Negative Growth
 ■ Positive Growth - Growth Target Not Met
 ■ Positive Growth - Growth Target Met

Data showing OPA-Chino 3-year cumulative API Growth indicates overall *negative growth*, as demonstrated in Table 3 below:

Table 3



For numerically significant subgroups, Table 4 below also indicates *decreases* in Adequate Yearly Progress (AYP) of OPA’s Hispanic and White pupil subgroups.

Table 4

Federal (NCLB) Adequate Yearly Progress (AYP) Summary for Numerically Significant Subgroups

English Language Arts																								
Year	Percent at or above Proficient												Participation Rate											
	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
AMO	12.0	12.0	12.0	23.0	23.0	23.0	34.0	45.0	56.0	67.0	78.0	89.0	95.0	95.0	95.0	95.0	95.0	95.0	95.0	95.0	95.0	95.0	95.0	
School										91.0	92.8	88.7										100.0	100.0	100.0
African-American										--	--	100.0										--	--	100.0
American Indian										--	--	--										--	--	100.0
Asian										95.2	99.2	97.1										100.0	100.0	100.0
Filipino										--	--	100.0										--	--	100.0
Hispanic										86.7	90.1	83.6										99.0	99.0	99.0
Pacific Islander										--	--	--										--	--	100.0
White										91.3	92.3	89.7										100.0	100.0	100.0
Multi-Race	--	--	--	--	--	--	--	--	--	--	--	85.2	--	--	--	--	--	--	--	--	--	--	--	99.0
SES Disadvantaged										87.0	86.1	87.8										99.0	99.0	100.0
English Learners										--	--	78.3										--	--	100.0
Students with Disabilities										--	--	64.3										--	--	100.0

Though Table 4 above does not indicate the AYP of OPA’s English Language Learners or OPA’s Students with Disabilities in 2012, those numerically significant OPA pupil subgroups both showed decreases in AYP between 2012 and 2013 according to the California Department of Education’s data:

(<http://data1.cde.ca.gov/dataquest/Acnt2012/2012APRSchAYPReport.aspx?allcds=36676780121590>).

According to the OPA CDE data, the AYP for OPA’s English Language Learners decreased from 82.4% at or above proficient in 2012 to 78.3% in 2013, and the AYP for OPA Students with Disabilities decreased from 82.9% at or above proficient in 2012 to 64.3% in 2013.

Additionally, gaps in achievement between numerically significant OPA subgroups are evident from the baseline CAASPP data. The OPA CAASPP data from the California Department of Education’s website shows that only 42% of OPA Students with Disabilities met or exceeded standards in English Language Arts while 82% of OPA students without disabilities met or exceeded standards.

The -40% gap in achievement between disabled and non-disabled OPA pupils clearly evidences OPA’s failure to provide an educational program that enables *all* pupil subgroups to increase their academic achievement.

The CVUSD Board of Education therefore finds the OPA-Chino charter renewal petition fails to meet the minimum requirements for providing a reasonably comprehensive description of the educational program of the proposed OPA charter school.

C. The OPA-Chino Charter Renewal Petition Fails To Contain A Reasonably Comprehensive Description Of The Proposed OPA Charter School's Governance Structure [Education Code section 47605(b)(5)(D)]

Education Code section 47605(b)(5)(D) requires that the OPA-Chino charter renewal petition contain a reasonably comprehensive description of:

“The governance structure of the school, including, but not limited to, the process to be followed by the school to ensure parental involvement.”

California Code of Regulations, Title 5, section 11967.5.1(f)(4) requires that a charter petition, at a minimum:

“(A) Includes evidence of the charter school’s incorporation as a non-profit public benefit corporation, if applicable.”

“(B) Includes evidence that the organizational and technical designs of the governance structure reflect a seriousness of purpose necessary to ensure that:

1. The charter school will become and remain a viable enterprise.
2. There will be active and effective representation of interested parties, including, but not limited to parents (guardians).
3. The educational program will be successful.”

The OPA-Chino charter renewal petition describes the governance structure of the proposed charter school at page 144:

“OPA-Chino Valley is a direct-funded independent charter school operated by Oxford Preparatory Academy, a California non-profit Public Benefit Corporation pursuant to California law.”

...

“The governing body for OPA-Chino Valley is the Oxford Preparatory Academy Board of Directors. There are five (5) voting members of the Board of Directors.”

However, the Sixth Amended Bylaws of Oxford Preparatory Academy, OPA's non-profit corporation attached as Appendix G to the OPA-Chino charter renewal petition reveal that in addition to the five voting members of the Oxford Preparatory Academy Board of Directors, the proposed charter school's non-profit corporation is controlled by a "sole statutory member" identified as Edlighten Learning Solutions ("Edlighten").

Page 2 of the Oxford Preparatory Academy Bylaws describes the rights of Edlighten as the sole statutory member as follows:

"The Sole Statutory Member shall have the right to vote, as set forth in these bylaws, approving this corporation's elected trustees of the board, on the disposition of all or substantially all of this corporation's assets, on any merger and its principal terms and any amendment of those terms, and on any election to dissolve this corporation, and as otherwise required under the California Nonprofit Corporation law or set forth in these bylaws." (OPA Bylaws Article VI Section 3)

Page 3 of the OPA Bylaws further evidences that Edlighten controls the governance of the OPA non-profit corporation and therefore the proposed OPA-Chino charter school:

"[S]ubject to the powers of the sole Statutory Member...the corporation's activities and affairs shall be managed, and all corporate powers shall be exercised, by or under the direction of the Board of Directors... The Board may delegate the management of the corporation's activities to any person(s), management company, or committees, however composed, provided that the activities and affairs of the corporation shall be managed and all corporate powers shall be exercised under the ultimate direction of the Board, subject to the powers of the Sole Statutory Member." (OPA Bylaws Article VII Section 1)

"All directors shall be nominated and elected by the existing Board of Directors, and approved by the Sole Statutory Member." (OPA Bylaws Article VII Section 3)

"Any director may be removed, with or without cause, by the Sole Statutory Member, or by a vote of the majority of the members of the entire Board of Directors..." (OPA Bylaws Article VII Section 11)

"Vacancies on the Board of Directors may be filled by nomination and election of the Board of Directors and approval of the Sole Statutory Member..." (OPA Bylaws Article VII Section 12)

“[A]ny amendment to these bylaws which would affect the Sole Statutory Member’s rights as provided under the California Nonprofit Corporation law or these bylaws requires approval of the Sole Statutory Member.” (OPA Bylaws Article XVII)
(Emphasis added.)

Therefore, because of the sole statutory member provisions set out in “Appendix G Bylaws” as submitted with the OPA-Chino charter renewal petition, the proposed OPA charter school’s governance structure raises several very serious concerns.

The OPA-Chino charter renewal petitioners claim at page 144 of the OPA-Chino charter renewal petition that the charter school is governed by Oxford Preparatory Academy, a California non-profit public benefit corporation. However, the Oxford Preparatory Academy non-profit Bylaws attached as Appendix G to the OPA-Chino charter renewal petition state that the proposed charter school’s non-profit corporation sole statutory member is Edlighten Learning Solutions, another nonprofit public benefit corporation.

The OPA-Chino charter renewal petition does not mention Edlighten or disclose the existence of the sole statutory member, and neither OPA-Chino charter renewal petition nor the Oxford Preparatory Academy Bylaws provide any information about Edlighten, other than identifying Edlighten as the sole statutory member of OPA’s nonprofit corporation and identifying Edlighten’s powers as sole statutory member.

Among the broad authority vested in Edlighten by the OPA Bylaws is the authority to approve a majority of the members of OPA’s Board of Directors and to remove any OPA Board of Director member at any time. OPA and the OPA Board of Directors is therefore actually governed by Edlighten.

OPA’s sole statutory member Bylaws provisions raises serious issues as to what, if any, real authority the OPA Board of Directors have over the proposed OPA-Chino charter school and whether the CVUSD Board of Education can effectively exercise its statutorily required oversight over the proposed OPA-Chino TK-12 charter school.

OPA’s Bylaws do not allow the CVUSD Board of Education any oversight authority over Edlighten. OPA’s governance structure does not effectively ensure public access to and the accountability of the Edlighten Board of Directors. Neither the OPA-Chino charter renewal petition nor the Oxford Preparatory Academy Bylaws require Edlighten to comply with the Ralph M. Brown Act, the Public Records Act, the Political Reform Act and/or other conflict of interest laws applicable to public agencies, and other similar laws and requirements that dictate transparency and public accountability in the operation of the public school system, including charter schools.

The OPA-Chino charter renewal petition and Bylaws also fail to disclose that according to a Statement of Information form (attached as Exhibit B) required to be filed with the State of California Secretary of State, as of January 24, 2015, OPA’s founder Sue Roche was the Chief

Executive Officer of Edlighten Learning Solutions, Oxford Preparatory Academy's sole statutory member.

Another Statement of Information form (attached as Exhibit C) filed with the State of California Secretary of State on March 5, 2015 identifies Sue Roche as being the Chief Executive Officer of Oxford Preparatory Academy, such that Sue Roche was apparently simultaneously the Chief Executive Officer of Edlighten Learning Solutions *and* Oxford Preparatory Academy.

The OPA-Chino charter renewal petition fails to disclose Sue Roche's continued involvement in the governance of OPA via Edlighten despite her retirement from her role as Executive Director of OPA effective June 30, 2015.

The OPA Board of Directors' Meeting Agenda for December 9, 2015 contained three separate items concerning Edlighten Learning Solutions:

“4. Approval of the First Amended Affiliation Agreement between Edlighten Learning Solutions, “A Charter Support Organization,” and Oxford Preparatory Academy

The First Amended Affiliation Agreement between Edlighten Learning Solutions, “a charter support organization,” and Oxford Preparatory Academy, states that Edlighten Learning Solutions supports, promotes, and carries out the purposes of OPA and other public charter schools based on the OPA model, and both parties desire to modify the original agreement to amend name change to EDLIGHTEN LEARNING SOLUTIONS as reflected in the Sixth Amended Bylaws of Oxford Preparatory Academy.

5. Approval of Third Amended Master Agreement for Management Services between Oxford Preparatory Academy and Edlighten Learning Solutions “A Charter Support Organization”

The Management Services Agreement between Oxford Preparatory Academy and Edlighten Learning Solutions, “a charter support organization,” (formerly named Oxford Preparatory Academy Alliance) states that Edlighten Learning Solutions, “a charter support organization,” may provide services including, but shall not be limited to, promotion, expansion, renewal, leadership development, replication, human resources, facilities services and maintenance, and business services to Oxford Preparatory Academy as such services may be requested by Oxford Preparatory Academy from time to time.

6. Approval of First Amended Master Agreement for Provision of Personnel Services from Oxford Preparatory Academy to Edlighten Learning Solutions

Through the Master Agreement for Provision of Personnel Services from Oxford Preparatory Academy to Edlighten Learning Solutions (formerly named Oxford Preparatory Academy Schools), Oxford Preparatory Academy employees shall be provided to Edlighten Learning Solutions pursuant to the terms of the Master Agreement for Provision of Personnel Services from Oxford Preparatory

Academy to Edlighten Learning Solutions (formerly named Oxford Preparatory Academy Schools).”

Despite these three agenda items concerning “Agreements” between Edlighten Learning Solutions and OPA, neither Edlighten Learning Solutions nor Sue Roche is listed as a consultant at page 197 of the January 25, 2016 OPA-Chino charter renewal petition.

The 2014 Edlighten Learning Solutions Form 990 Return of Organization Exempt from Income Tax available online at page 7, Compensation of Officers, Directors, Trustees, Key Employees, Highest Compensated Employees and Independent Contractors lists Sue Roche as President and Chief Executive Officer of Edlighten:

2014 Edlighten Form 990

(A) Name and Title	(B) Average hours per week (list any hours for related organizations below (dotted line))	(C) Position (do not check more than one box, unless person is both an officer and a director/trustee)						(D) Reportable compensation from the organization (W-2/1099 – MISC)	(E) Reportable compensation from related organizations (W-2/1099 – MISC)	(F) Estimated amount of other compensation from the organization and related organizations
		Individual trustee or director	Instructional Trustee	Officer	Key employee	Highest compensated employee	Former			
(1) MIKE RED Chairman	1 00 0 00	X						0	0	0
(2) PATTI RICCI SECRETARY/ DIR	1 00 0 00	X		X				0	0	0
(3) MARY CHLADNI TREASURER/ DIR	1 00 0 00	X		X				0	0	0
(4) SUE ROCHE President & CEO	40 00 0 00			X				55,971	0	0
(5) JASON WATTS MANAGER	40 00 0 00				X			166,627	0	15,411
(6) REBECCA BATY MANAGER	40 00 0 00				X			187,023	0	11,207

The 2013 Oxford Preparatory Academy Form 990 Return of Organization Exempt From Income Tax available online at page 7, Compensation of Officers, Directors, Trustees, Key Employees, Highest Compensated Employees and Independent Contractors, lists Sue Roche as Executive Director of OPA:

2013 OPA Form 990

(A) Name and Title	(B) Average hours per week (list any hours for related organizations below dotted line)	(C) Position (do not check more than one box, unless person is both an officer and a director/trustee)						(D) Reportable compensation from the organization (W- 2/1099-MISC)	(E) Reportable compensation from related organizations (W- 2/1099-MISC)	(F) Estimated amount of other compensation from the organization and related organizations
		Individual trustee or director	Institutional Trustee	Officer	Key employee	Highest compensated employee	Former			
(1) BOB KUHNERT BOARD CHAIR	1 00	X		X				0	0	0
(2) ALBERT CHANG VICE CHAIR	1 00	X		X				0	0	0
(3) JOEL CAHN SECRETARY	1 00	X		X				0	0	0
(4) ROBERT G LEHMEYER TREASURER	1 00	X		X				0	0	0
(5) DR GREG MADDEX MEMBER	1 00	X						0	0	0
(6) SUE ROCHE EXECUTIVE DI	40 00			X				317,063	0	46,211
(7) ERIC BEAM COORD OF SP	40 00				X			169,691	0	31,960
(8) NICHOLAS CALIFATO COORD OF BU	40 00					X		135,458	0	32,774
(9) DERRICK SHULER PRINCIPAL	40 00				X			134,333	0	26,420
(10) AMY VALENZUELA PRINCIPAL	40 00				X			129,448	0	25,069
(11) MONICA POWER ADMIN ASSOC	40 00				X			107,517	0	24,788

Form 990 (2013)

This information is very relevant to the OPA-Chino charter renewal petition because the 2014 Edlighten Form 990 states at Part VIII Statement of Revenue that Edlighten’s total revenue was **\$1,243,847**, with Edlighten’s only source of revenue being stated as “*Local Source – Oxford (OPA).*”

The OPA-Chino charter renewal petition and Appendix A Budget fail to mention Edlighten or to disclose the OPA Edlighten financial relationship, despite language in the Third Amended Master Agreement For Management Services Between Oxford Preparatory Academy And Edlighten Learning Solutions,” executed on December 9, 2015, stating that OPA will pay Edlighten 10% of the revenue of *each OPA school for which Edlighten provides the services:*

2. COMPENSATION

2.1 As compensation for the services described in Section 1.1 above, OPA agrees to pay EDLIGHTEN a percentage of the revenue of each OPA school for which EDLIGHTEN provides services. This percentage shall be agreed upon by the parties and stated on the List; provided, however, that if OPA and EDLIGHTEN agree that EDLIGHTEN will provide *all* of the services described in Section 1.1, OPA shall pay EDLIGHTEN ten percent (10%) of the revenue of each OPA school for which EDLIGHTEN provides the services. The “revenue of each OPA school” shall include the general purpose entitlement and categorical block granted as defined in Education Code section 47632(a) and (b).

The OPA-Chino charter renewal petition and Appendix A Budget fail to disclose whether Edlighten’s 10% of the revenue of each OPA school is in addition to the large Professional/Consulting Service costs set out in the OPA Five Year Projection.

The OPA-Chino charter renewal’s Budget’s 2017-2018 Five Year Projection at Professional/Consulting Service fails to specifically identify any planned payments to Edlighten, but the OPA-Chino charter renewal Budget’s Five Year Projection at Professional/Consulting Services lists OPA-Chino Professional Consulting Services expenses of:

Projected Expenditures Towards Professional/Consulting Services 2017-2022					
	2017-2018	2018-2019	2019-2020	2020-2021	2021-2022
Professional/Consulting Services (“PCS”) – 5800 – 10	\$1,536,544	\$1,631,932	\$1,867,563	\$1,869,796	\$1,953,571

In the OPA-Chino charter renewal petition and Appendix A Budget as submitted, OPA’s projected Professional/Consulting Services costs exceed OPA’s expenses for certificated administrative and back office support staff for every year projected, as shown in the chart below:

Combined Administrative Staff, Professional Services/Consulting, and Turner-Agassi-OPA HS Expenditures					
	Year 1	Year 2	Year 3	Year 4	Year 5
Total Compensation for Certificated Supervisors/Administrators (CSA)	\$763,788	\$771,425	\$928,533	\$1,006,591	\$1,023,120
Total Compensation for Back Office Support (BOS)	\$299,463	\$303,319	\$307,371	\$308,727	\$311,077
Total Compensation for CSA and BOS Staff	\$1,063,251	\$1,074,744	\$1,235,904	\$1,315,318	\$1,334,197
Professional Services/Consulting Expenditures (PSC)	\$1,536,544	\$1,631,932	\$1,867,563	\$1,869,796	\$1,953,571
Combined CSA, BOS, and PSC Expenditures	\$2,599,795	\$2,706,676	\$3,103,467	\$3,185,114	\$3,287,768
Expenditures Per Month	\$128,045.33	\$135,994.33	\$155,630.25	\$155,816.33	\$162,797.58

The fact that OPA’s projected Professional/Consulting Services expenditures consistently exceed OPA’s already large costs for Supervisors/Administrators and Back-Office Support raises issues of whether OPA’s Professional/Consulting Services are replicating the tasks and responsibilities of OPA’s Supervisors/Administrators and Back-Office support, as well as

concerns about OPA's total spending on Professional/Consulting Services in addition to Supervisors/Administrators and Back-Office support.

The Edlighten Learning Solutions January 24, 2015 Statement of Information as filed with the State of California Secretary of State states the address of Edlighten's "Principal Office in California" as 5862 C Street, Chino, California, the address of OPA's current TK-8 schoolsite.

This fact violates the 2012-2017 Facilities Memorandum of Understanding By and Between the CVUSD and OPA as signed by Sue Roche on January 10, 2012, which states at page 5:

"The Premises shall be used and occupied by the Charter School for the sole purpose of operating the Charter School, a California public charter school, and related school activities and for no other purpose without the prior written consent of the District."

The OPA-Chino charter renewal petition fails entirely to explain the relationship between the governance and operations of the three OPA charter schools – OPA-Chino, OPA-South Orange County, and OPA-Saddleback Valley – and Edlighten or the relationship between the OPA Board of Directors or OPA and Edlighten staff, administrators, or service providers.

The OPA-Chino charter renewal petition fails to disclose that the address given for Edlighten at the California Secretary of State's website – 23001 La Palma Avenue, Suite 220A, Yorba Linda, CA 92887 is in the same building and in a suite adjacent to the address given in the OPA-Chino charter renewal petition's Appendix G Bylaws as the Principal Office of Oxford Preparatory Academy's nonprofit corporation – 23001 La Palma Avenue, Suite 200-201, Yorba Linda, CA 92887.

The March 9, 2016 OPA Board of Directors' Meeting Agenda item stating "Approve Note Securing Loan of Up To \$100,000 from Edlighten Learning Solutions to Oxford Preparatory Academy-Saddleback Valley Charter School" evidences that an unexplained financial relationship exists between Edlighten and not only OPA-Chino but also other OPA charter schools.

The OPA-Chino charter renewal petition fails to include a description of only policies and procedures that would address these concerns and allow for the CVUSD's statutory oversight should Edlighten or any other OPA related entity open and operate any additional charter schools. The OPA-Chino charter renewal petition also fails to describe how Edlighten's Board of Directors is compensated for serving as the sole statutory member of OPA or how the amount of any such compensation is decided.

The Bylaws attached to the OPA-Chino charter renewal petition as Appendix G state that Edlighten Learning Solutions ("Edlighten") is the sole statutory member of the proposed charter school's corporation; yet the last audit of OPA's finances the CVUSD received from OPA dated June 30, 2015, as well as the annual preliminary budgets, interim financial reports, and final

unaudited reports received by the District exclude any mention whatsoever of Edlighten and Edlighten's financial transactions with OPA-Chino and with other OPA charter schools.

Further, the OPA-Chino charter renewal petition and the independent audit and financial documents the CVUSD received fail to mention or contain any information about the Academies of Oxford Prep, which is clearly affiliated with OPA based on:

- The Academies of Oxford Prep's 2013 and 2014 IRS Form 990, which provide the following:
 - The Academies of Oxford Prep's "doing business as" address is 5862 C Street, Chino, CA 91710 (the same address as the current OPA-Chino school site);
 - The name and address of the Academies of Oxford Prep's principal officer is Sue Roche, 5862 C Street, Chino, CA 91710 (the name of OPA-Chino's founder and the address of the current OPA-Chino school); and
 - The Academies of Oxford Prep's designated Executive Director is Sue Roche.
- The Oxford Preparatory Academy, Borrego Springs, California School Directory, which shares the following with OPA :
 - o Website ([www. Oxfordchampions.org](http://www.Oxfordchampions.org))
 - o School email (sue.roche@oxfordchampions.com)
 - o Phone number (909-464-2672)
 - o Fax number (909-248-0459)
 - o Mailing address (5862 C St., Chino, CA 91710)
 - o Administrator (Sue Roche, Executive Director, (909) 464-262, sue.roche@oxfordchampions.com)

The CVUSD Board of Education has no ability to carry out its statutory duty under Education Code section 47604.32 to "Monitor the fiscal condition of each charter school under its authority" or oversee the true scope of the proposed OPA-Chino charter school's finances if the CVUSD Board is denied the opportunity to review the finances of *all OPA and any OPA affiliated organizations' financial* activity as stated in the Fiscal Memorandum of Understanding By and Between the CVUSD and OPA 2012-2017 as signed by Sue Roche as OPA President/Executive Director on January 10, 2012, which should include the finances of Edlighten as the sole statutory member of OPA, the Academies of Oxford Prep, the OPA Borrego Springs charter school, OPA-Chino, OPA-South Orange County and OPA-Saddleback Valley.

1. Education Code section 47605(D)/Parental Involvement

Education Code section 47605(D) requires that charter petitions contain a reasonably comprehensive description of “The governance structure of the charter school, including, but not limited to, the process to be followed by the charter school to ensure parent involvement.”

The OPA-Chino charter renewal petition’s governance structure fails to ensure there will be active and effective representation of interested parties, including, but not limited to parents and guardians as required by Education Code section 47605(D) and California Code of Regulations, Title 5, section 11967.5.1(f)(4).

Section 9101(31) of the federal No Child Left Behind Act of 2001 defines parental involvement as:

“[The] participation of parents in *regular, two-way, and meaningful communication* involving student academic learning and other school activities, including ensuring:

- That parents play an integral role in assisting their child’s learning;
- That parents are encouraged to be actively involved in their child’s education at school;
- That parents are full partners in their child’s education and are included, as appropriate, in decision-making and on advisory committees to assist in the education of their child; and
- That other activities are carried out, as described in section 1118 of the ESEA (Parental Involvement).”

Further, although the OPA-Chino charter renewal petition refers to strategies for engaging parents, OPA’s governance structure and sole statutory member provision actually diminishes the nature and quality of the parental involvement required by Education Code section 47605(D).

Only one OPA Board of Directors, whose members according to page 145 of the OPA-Chino charter renewal petition “*are elected by the Board*” such that the composition of the OPA Board does not require OPA parent approval, has the authority to make financial and policy decisions for all three OPA charter schools that impact parents, students, and communities from three geographically and demographically diverse areas.

OPA’s parents and guardians may be unaware of Edlighten’s sole statutory member control over the proposed OPA-Chino charter school. OPA parents and guardians have no way of learning about Edlighten’s transactions with OPA charter schools, and OPA parents and guardians have no forum in which to address Edlighten’s Board of Directors.

The CVUSD Board of Education therefore finds that the OPA-Chino charter renewal petition fails to contain a reasonably comprehensive description of the governance structure of the proposed OPA charter school.

D. The OPA-Chino Charter Renewal Petition Fails To Contain A Reasonably Comprehensive Description Of The Qualifications To Be Met By Individuals To Be Employed By The Proposed OPA Charter School [Education Code section 47605(b)(5)(E)]

Education Code section 47605(b)(5)(E) requires that the OPA-Chino charter renewal petition contain a reasonably comprehensive description of “[t]he qualifications to be met by individuals to be employed by the school.”

California Code of Regulations, Title 5, section 11967.5.1(f)(5) requires, at a minimum, the qualifications to be met by individuals employed by the school:

“(A) Identify general qualifications for the various categories of employees the school anticipates (e.g., administrative, instructional, instructional support, non-instructional support). The qualifications shall be sufficient to ensure the health, and safety of the school’s faculty, staff, and pupils.

“(B) *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.*

“(C) Specify that the requirements for employment set forth in applicable provisions of law will be met, including, but not limited to credentials as necessary.” (Emphasis added.)

The OPA-Chino charter renewal petition seeks to expand the proposed charter school’s operations from a TK-8 to a TK-12 charter school.

However, the OPA-Chino charter renewal petition fails to contain a reasonably comprehensive description of the qualifications to be met by individuals to be employed in OPA’s proposed 9-12 program.

OPA’s qualifications to be met by individuals to be employed by the charter school fail to demonstrate that the individuals employed will have the skills or experience necessary to implement and operate a grades 9-12 charter high school program.

Under California Code of Regulations, Title 5, section 11967.5.1(c), the OPA petitioners are “demonstrably unlikely to successfully implement the program” if:

“(4) The petitioners personally lack the necessary background in the following areas critical to the charter school’s success, and the petitioners do not have a plan to secure the services of the individuals who have the necessary background in these areas:

(A) Curriculum, instruction, and assessment.

(B) Finance and business management.”

The OPA charter petitioners operate TK-8 programs in Chino and South Orange County with OPA Saddleback Valley TK-8 to open in fall 2016, but the OPA charter petitioners have not previously operated a grades 9-12 charter school.

The OPA-Chino charter renewal petition provides no evidence that the OPA charter petitioners personally have the necessary background to successfully operate a grades 9-12 charter high school, and the OPA renewal petition fails to provide a clear, explicit plan to secure the services of individuals having a background and experience in implementing curriculum, instruction and assessment for a grades 9-12 charter high school program.

The OPA-Chino charter renewal petition states on page 154:

“OPA projects that by the 2017-2018 school year, it shall employ: one (1) Principal (Chancellor) for K-8; one (1) Principal (Chancellor) for 9-12; three (3) Deans; fifty-eight (58) teachers for grades TK-9; four (4) Music/Band, Choir, Physical Education, Science Lab Instructors; five (5) part-time World Language Instructors; two (2) Office Managers; one (1) Office Assistant; two (2) Attendance clerks; two (2) Health Technicians; four (4) part-time Playground Proctors; two (2) Facilities Managers; and four (4) Custodians. Additional teachers and non-teaching staff may be retained at the school, as needed, and dependent on student enrollment as a result of the enrollment increase each year.”

The OPA-Chino charter renewal petition fails to include separate job descriptions for the Chancellors of the TK-8 school and the 9-12 school.

Appendix P of the OPA-Chino charter renewal petition contains a single job description for the OPA Chancellor.

The Appendix P Chancellor Job Description states:

“The Chancellor assists the Executive Director as the educational leader of the school and is responsible for the management of the daily operation of the school plant. The Chancellor is accountable to the Executive Director for the quality of teaching, curriculum, instruction, and achievement of students. The Chancellor

participates in staff and student activities, and exercises leadership in the community.”

The OPA Chancellor Job Description fails to differentiate between the qualifications and responsibilities of the Chancellor of OPA’s proposed TK-8 school and the Chancellor of OPA’s proposed 9-12 school. The OPA Chancellor job description fails to describe how an applicant, otherwise qualified to be the “educational leader” of OPA’s TK-8 program would also be qualified to lead OPA’s proposed high school program.

The OPA-Chino charter renewal petitioners’ failure to differentiate between the job descriptions for the Chancellors of the TK-8 school versus the 9-12 school demonstrates the OPA-Chino charter renewal petitioners have not planned for and do not understand the differences between operating a TK-8 charter school and a 9-12 charter school.

The job description for OPA’s Chancellor is also substantially similar to the job description listed in OPA’s 2012 charter renewal petition for the Chancellor, indicating the OPA-Chino charter renewal petitioners have merely superimposed OPA’s previous TK-8 program onto the proposed OPA 9-12 program.

As the school’s educational leader, the OPA grades 9-12 Chancellor is a “key” position as contemplated by California Code of Regulations, Title 5, section 11967.5.1(f)(5)(C). The OPA-Chino charter renewal petition therefore should but fails to specify the general and additional qualifications of the Chancellor.

The OPA-Chino charter renewal petition lists additional qualifications for the Chancellor/Principal in Appendix P as follows:

“Employment eligibility may include fingerprints, health (TB), and/or other employment clearance;

Must be willing to attend evening, night, and weekend meetings and events; and

Administrative credential is preferred.”

In comparison, the 2012 OPA-Chino charter renewal petition requires the Principal to possess the following additional qualifications:

“Must have a master’s degree from an accredited college/university;

Must have a teaching credential”

Although Appendix P of the OPA-Chino charter renewal petition enumerates the Chancellor’s primary responsibilities and identifies some required, subjective qualities, such as the ability to “[d]emonstrate leadership qualities and utilize motivational techniques and

strategies,” it fails to specify any objective qualifications, such as a minimal level of education, as the 2012 OPA-Chino charter renewal petition does.

The OPA-Chino charter renewal petition also sets a lower expectation of OPA Chancellors than the 2012 OPA charter petition in that an administrative credential is merely preferred, despite the Chancellor being the “*educational leader*” and being “*accountable... for the quality of teaching, curriculum, instruction and achievement of students,*” no teaching credential is required.

Given that the OPA-Chino charter renewal petitioners propose to expand OPA’s operations from a TK-8 to a TK-12 charter school, qualified applicants for Chancellor or Principal should possess more, not fewer, skills, knowledge, and academic credentials than is currently required of applicants for employment as Chancellor at the TK-8 OPA charter school.

The OPA-Chino charter renewal petition also lists support staff to be employed at the proposed charter school at page 154:

“The following positions that support all schools within the organization include: one (1) part-time Executive Director; one (1) part-time Managing Director; one (1) part-time Chief Financial Officer; one (1) part-time Coordinator of Educational Programs; one (1) part-time Coordinator of Business Services; one (1) part-time Human Resources Manager; one (1) part-time Coordinator of Attendance; one (a) part-time Coordinator of IT & Assessment; one (1) part-time Coordinator of Public Relations & Communications; one (1) part-time World Language Coordinator; and one (1) part-time Counselor.”

The OPA-Chino charter renewal petition fails to describe how support staff will “*support all schools within the organization*” and how the employee costs for such support staff would affect the OPA-Chino Budget.

There is no plan or explanation in the OPA-Chino charter renewal petition of the relationship among the three OPA charter schools within the OPA organization and among the support staff. It is unclear whether funds from the proposed OPA Chino charter school will be used to pay support staff or whether and to what extent support staff will be compensated by funds generated from other schools within the organization.

Additionally, the OPA-Chino charter renewal petition states at page 155 that:

“[E]mployee job descriptions are located in Appendices.”

However, neither the OPA-Chino charter renewal petition nor the Appendices contain any job descriptions for any of OPA’s support staff positions identified on page 154 of the OPA-Chino charter renewal petition.

Further, the OPA-Chino charter renewal petition states on page 154:

“Scholar Academy (Special Education) staff needs shall be determined by the needs of the student population. Job descriptions for Special Education staff can be found in the Appendices.”

There are no job descriptions for any special education staff listed in the Appendices despite the fact that the OPA Budget’s Payroll and Staffing Details show budgeted amounts for special education teachers, an occupational therapist, speech language pathologists, school psychologists, and special educational instructional aides.

The CVUSD Board of Education therefore finds that the OPA-Chino charter renewal petition fails to contain a reasonably comprehensive description of the qualifications to be met by individuals employed by the proposed OPA charter school.

A. The OPA-Chino Charter Renewal Petition Fails To Contain A Reasonably Comprehensive Description Of The Means By Which The Proposed OPA Charter 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 Chino Valley Unified School District [Education Code Section 47605(b)(5)(G)]

Education Code section 47605(b)(5)(G) requires charter petitions to contain a reasonably comprehensive description of “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.”

Contrary to the OPA-Chino charter renewal petitioners claims of OPA-Chino Valley’s successful recruiting efforts at page 169 of the OPA-Chino charter renewal petition, in their operation of the OPA-Chino charter school since its last renewal, the OPA charter renewal petitioners have demonstrated an inability to “achieve a racial and ethnic balance among its pupils that is reflective of the general population residing within the territorial jurisdiction” where the charter is authorized.

Before OPA-Chino Valley first opened at the site of the former El Rancho Elementary School in 2010, El Rancho had the highest percentage of Hispanic students in the District. However, OPA-Chino Valley’s initial enrollment at El Rancho consisted of **48.5% less** Hispanic students compared to El Rancho’s final year. OPA-Chino Valley’s enrollment also consisted of **20.5% more** White students and **16.8% more** Asian students than El Rancho’s last year.

A similar disparity exists between OPA’s Hispanic student population and the general population of students residing within the territorial jurisdiction of the CVUSD who are Hispanic. According to the data presented by the OPA-Chino charter renewal petition at page 169, OPA’s enrollment in 2014-2015 consisted of 47.5% students who are Hispanic. In comparison, the CVUSD K-8 schools enrollment consisted of 57.2% students who are Hispanic in 2014-2015.

Similarly, after six years, the OPA-Chino charter renewal petitioners have failed to enroll a percentage of socioeconomically disadvantaged students and English Language Learners that reflect that of the CVUSD schools in the neighborhood in which OPA is located, as shown in Table RB-1:

Table RB-1 - Comparing Changes in % of SED and EL at OPA-CV and Nearby Schools				
	Percentage of Socioeconomically Disadvantaged Students		Percentage of English Language Learners	
	2010-11	2014-15	2010-11	2014-15
OPA-Chino Valley	7.60%	24.0%	4.0%	6.80%
Magnolia	46.3%	74.4%	24.6%	15.1%
Alicia Cortez	66.6%	77.0%	32.7%	23.6%
Walnut Avenue	81.5%	89.5%	51.0%	44.1%
Howard Cattle	39.2%	51.0%	15.8%	8.2%

* Data taken from California Department of Education Data Quest

This disparity also exists between OPA’s socioeconomically disadvantaged student population and the general population of students residing within the territorial jurisdiction of the CVUSD who are socioeconomically disadvantaged .

According to data in the OPA-Chino charter renewal petition at page 169, OPA’s enrollment in 2014-2015 consisted of 24.0% students who are socioeconomically disadvantaged.

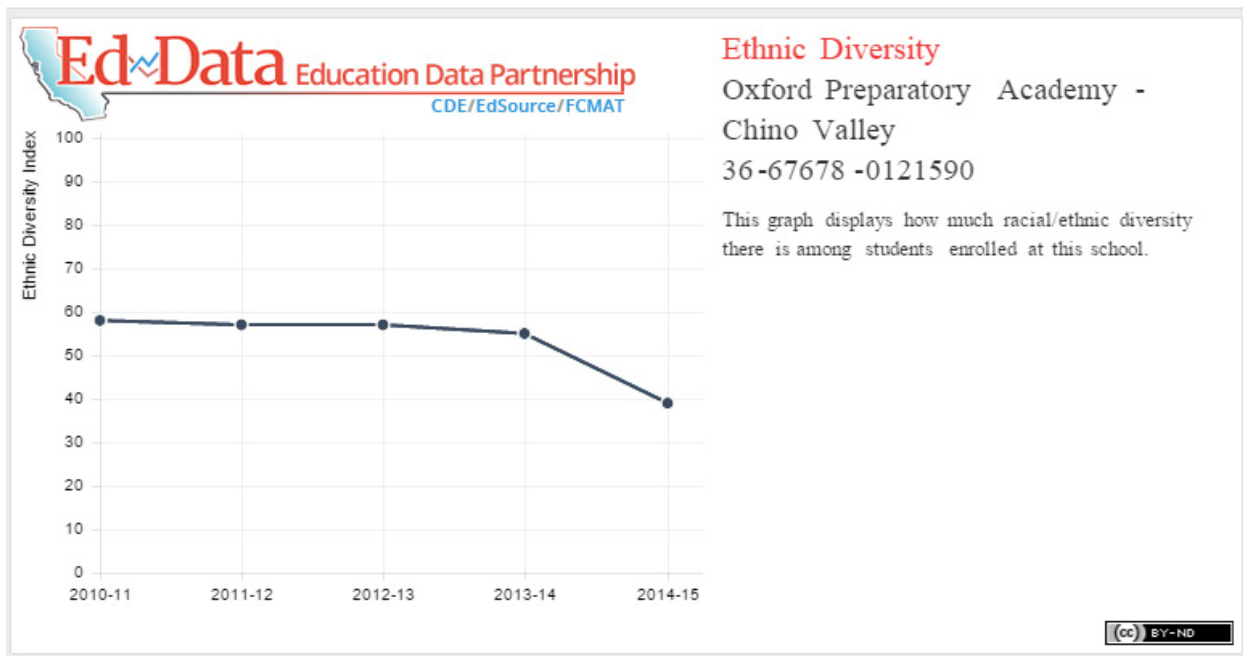
In comparison, the CVUSD’s K-8 schools enrollment consisted of 47.1% students who are socioeconomically disadvantaged.

In 2014-2015, the CVUSD’s enrollment also consisted of 12.9% English Language Learners whereas OPA-Chino Valley’s enrollment only consisted of 6.8% students who were English Language Learners.

Further, the OPA-Chino charter renewal petition’s claims of successful recruiting towards a racial-ethnic balance that is reflective of the general population residing within the territorial jurisdiction of the CVUSD is contradicted by the Ethnic Diversity Index available at the Ed-Data website.

Ed-Data is a partnership of the California Department of Education, EdSource and the Fiscal Crisis & Management Assistance Team/California School Information Services (FCMAT/CSIS) designed to offer educators, policy makers, the legislature, parents, and the public quick access to timely and comprehensive data about K-12 education in California.

Ed-Data’s Ethnic Diversity Index (<http://www.ed-data.org/school/San-Bernardino/Chino-Valley-Unified/Oxford-Preparatory-Academy---Chino-Valley>) which “measures how much variety, or diversity, a school or district has among the eight ethnic/racial categories of students reported to the CDE. Numbers close to 100 indicate a fairly even distribution, while numbers closer to 0 mean that students are predominantly from a single ethnic/racial group”:



The Ed-Data Ethnic Diversity Index clearly shows that, since 2010-2011, OPA-Chino Valley’s student diversity has steadily decreased *each year*. In fact, between 2013-14 and 2014-15, OPA-Chino Valley’s Ethnic Diversity Index decreased by 29% from 55 to 39.

The OPA-Chino charter renewal petitioners also fail to explain how OPA’s Public Random Drawing Admission Preferences at page 171 of the OPA-Chino charter renewal petition will help OPA achieve a racial and ethnic balance reflective of the general population residing within the territorial jurisdiction of the CVUSD, when OPA’s Public Random Drawing preferences at page 171 prioritizes the children of OPA faculty and Founding Members over students who reside within the attendance boundaries of E.J. Marshall Elementary School, children attending District schools in Program Improvement and children residing within the District.

OPA’s decision to extend admission’s preferences to children of Founding Members into its seventh year of operation conflicts with the California Charter Schools Association’s recommendations that: “[The] Designation as a charter school founder shall not be conferred upon any parent, guardian, caregiver, teacher or staff *after the first year of operation.*”

The CVUSD Board of Education therefore finds that the OPA-Chino charter renewal petition fails to contain a reasonably comprehensive description of the method by which the proposed OPA charter school will attain a racial and ethnic balance reflective of those pupils residing within the CVUSD’s territorial jurisdiction.

E. The OPA-Chino Charter Renewal Petition Fails To Contain A Reasonably Comprehensive Description Of The Proposed OPA Charter School’s Admission Requirements [Education Code section 47605(b)(5)(H)]

Education Code section 47605(b)(5)(H) requires charter petitions to contain a reasonably comprehensive description of pupil admission requirements, if applicable.

California Code of Regulations, Title 5, section 11967.5.1(f)(8) requires:

“To the extent admission requirements are included in keeping with Education Code section 47605(b)(5)(H), the requirements shall be in compliance with the requirements of Education Code section 47605(d) and any other applicable provision of law. ”

Page 170 of the OPA-Chino charter renewal petition sets forth OPA’s open enrollment and application process. The first step of the application process requires:

“1. Parent attendance at an OPA information meeting:

In alignment with Education Code 11500: Parental involvement and support in the education of children is an integral part of improving academic achievement. Educational research has established that properly constructed parent involvement programs can play an important and effective role in the participation of parents in their children’s schools and in raising pupil achievement levels.”

Education Code section 47605(d)(2)(A) requires: “A charter school shall admit *all* pupils who wish to attend the school.”

The California Charter Schools Association has stated, “*While parental involvement is a critical factor to student success, a charter school may not require parental involvement as a condition of enrollment.*”

Requiring parents to personally attend an informational meeting as a pre-requisite to applying for admission prohibits students whose parents are unable to attend from enrolling. Such a policy disproportionately impacts and disenfranchises socioeconomically disadvantaged students and English Language Learners whose parents often have work commitments and other demands on their time that effectively prevent them from being more involved in their student’s education.

The OPA-Chino charter renewal petition at Appendix O states, “In order to apply to OPA-Chino Valley the following three steps are required:

“1. Attend a Parent Information Meeting (PIM). Prior to and during open enrollment there will be opportunities to register for a PIM online. All new applicants must attend a PIM in order to complete the online application.

2. Complete the online application. Once you have attended a PIM, a registration code will be emailed to you granting you access to the online application during our open enrollment period. One code is provided per child.

3. Verification Intake. After completing the online application, guardians must submit in person proof of residence (water, gas, or electric bill only) and a copy of the certified birth certificate or passport at any INTAKE times during the open enrollment period. No copies of birth certificates will be kept.

*All three steps must be completed during the open enrollment period (January 12, 2015 thru February 10, 2015) in order to qualify for entry into the 2015-2016 lottery. Families who are interested in Independent Study should follow the above three steps and select ‘Interested in Independent Study’ on their child’s application.”

Further, page 171 of the OPA-Chino charter renewal petition shows the OPA-Chino charter renewal petitioners intend to shorten the OPA enrollment period from thirty (30) days to fifteen (15) days. By cutting the open enrollment period in half, the OPA-Chino charter renewal petitioners are acting to further limit opportunities for those parents less informed about OPA-Chino’s program to enroll their students.

The disproportionate impact of OPA’s admissions policy on English Language Learners and socioeconomically disadvantaged students is evident in the proposed OPA-Chino charter school’s enrollment numbers. According to data OPA provided in its charter renewal petition at page 169, OPA’s enrollment in 2014-2015 consisted of only 24% students who are socioeconomically disadvantaged and only 6.8% of students who are English Language Learners. In comparison, the CVUSD’s K-8 schools consisted of 47% students who are socioeconomically disadvantaged and 13% students who are English Language Learners.

Further, OPA’s policies for parent participation conflict with California Education Code Section 49011(b)(4) and the California Department of Education’s Fiscal Management Advisory 15-01 Pupil Fees: Parent Service Hours.

Fiscal Management Advisory 15-01 states that

“A school district or school, including a charter school, shall not offer or remove course credit or privileges related to educational activities based on whether or not the school receives money or donations of goods or services from a pupil or a pupil’s parents or guardians. EC Section 49011(b)(4).

(This bars a school district or school from requiring ‘volunteer hours’ or payment of a fee in lieu of performing volunteer hours as

a condition of admission, enrollment, continued enrollment, sibling preference, attendance, participation in educational activities or receipt of credit or privileges related to educational activities.)”

Fiscal Management Advisory 15-01 states that a school, including a charter school, can solicit voluntary donations of funds or property, and voluntary participation in fundraising activities pursuant to California Education Code section 49011(c). Fiscal Management Advisory 15-01 clarifies that “This permits a school to *request* that parents volunteer a specific number of hours per school year, and to identify the benefits to the school district or school as a result of these *truly volunteer* services.”

In this context, California Education Code section 49010(a) defines “educational activity” as “an activity offered by a school, school district, charter school, or county office of education that constitutes an integral fundamental part of elementary and secondary education, including, but not limited to, curricular and extracurricular activities.”

The OPA 2015-2016 Parent Handbook requires all OPA parents to sign a Learning Partnership Agreement unless they apply for and are granted a Hardship Waiver.

The OPA-Chino charter renewal petition’s requirement that parents apply for and be granted a “Hardship Waiver” violates California Education Code section 49010 and 49011 which require educational activities to be provided free of charge to all pupils without regard to their families ability to pay or request special waivers.

Fiscal Management Advisory 15-01 states that “[a] fee waiver policy shall make a fee permissible.”

Page 63 of the 2015-2016 OPA Parent Handbook provides that under the Learning Partnership Agreement, parents must agree their involvement includes but is not limited to:

- “Sustaining their children’s attendance rates of no less than 98%
- Ensuring homework is completed accurately, neatly, and turned in on a daily basis.
- Working with their children at home on learning activities.
- Volunteering in their children’s classrooms, library, office, etc. or for activities sponsored by the school.
- Attendance for all meetings regarding decisions relating to the education of their children, such as Individualized Education Plan (IEP) Meetings, Student Success Team (SST) Meetings, Parent/Teacher Conferences, etc. Both parents/guardians are required to be in attendance in order for the meeting to occur. In single parent families, that parent must attend.

- Attendance at the following events: Parent Collegiate Days, University Orientation Night, Open House, classroom and grade level programs, and Parent Information Meetings held to inform parents of instructional approaches and/or the educational program.
- Attending all Awards Assemblies honoring your child, as well as general Honour Society meetings, as often as possible.
- Following the School-Wide Behavior Policy which emphasizes positive campus behaviors and eliminates those behaviors that are unsafe and/or disruptive to academic achievements.
- Adhering by the School-Wide Resolution Process; and complying with all additional policies and procedures found in this handbook.”

The numerous requirements in the Learning Partnership Agreement for parental involvement and attendance violate California Education Code section 49011(c) as explained by Fiscal Management Advisory 15-01 by mandating that parents volunteer and provide services, rather than requesting parents to do so and identifying the benefits that will result from their truly volunteer services.

The OPA-Chino charter renewal petition identifies the proposed OPA charter school’s admission preferences at page 171:

“Admission preferences in the case of a public random drawing shall be given to the following students in the order below:

- a) Currently enrolled students (exempt from the lottery as noted above);*
- b) Children of OPA faculty or staff and children of Founding Members combined (shall not exceed 10% of total enrollment);*
- c) Siblings of current students;*
- d) Students who reside within the attendance boundaries of E.J. Marshal Elementary School (as required by SB 740 Charter School Facilities Grant Program);*
- e) Children attending the District Schools in Program Improvement (PI) status; and*
- f) Children residing within the District.”*

However, Appendix L of the OPA-Chino charter renewal petition, “Lottery Protocols,” provides:

“To comply with the OPA Charter Random Public Drawing/Lottery Process, including the ‘hierarchy of exemptions and preferences for enrollment,’ the following will take place:

- 1. Children of Faculty members will be placed first in any openings...*
- 2. Siblings of currently enrolled students will be placed in remaining openings ...*
- 3. Students who reside within the attendance boundaries of E.J. Marshall Elementary School ...*
- 4. Children attending the District schools in Program Improvement (PI) status ...*
- 5. Students who reside within the district will be placed in remaining openings.”*

The OPA-Chino charter renewal petition’s language concerning lottery preferences and Appendix L’s “hierarchy of exemptions and preferences” are internally inconsistent with respect to an admissions preference for children of OPA Founding Members.

Further, Education Code section 47605(d)(2)(B) permits admission preferences at the discretion of the chartering authority on an individual school basis and only if consistent with the law.

Education Code section 47605(d)(2)(B) provides:

“If the number of pupils who wish to attend the charter school exceeds the school’s capacity, attendance, except for existing pupils of the charter school, shall be determined by a public random drawing. Preference shall be extended to pupils currently attending the charter school and pupils who reside in the district except as provided for in Section 47614.5. Other preferences may be permitted by the chartering authority on an individual school basis and only if consistent with the law.”

Therefore, the decision whether to permit a lottery admission preference for children of OPA “*faculty or staff and children of Founding Members*” or “*siblings of currently enrolled students*” is to be made by the CVUSD Board of Education, and *not* by the OPA-Chino charter renewal petitioners. The CVUSD Board of Education hereby declines to authorize any of the proposed unlawful admissions preferences contained in the January 25, 2016 OPA-Chino charter renewal petition.

The extension of admissions preferences first to children of OPA faculty members and/or Founding Members, then to siblings of currently enrolled students, violates the mandate under Education Code section 47605(d)(2)(B) requiring that “[p]reference *shall* be extended to *pupils currently attending the charter school and pupils who reside in the district....*”

Education Code section 75 states: “‘shall’ is mandatory and ‘may’ is permissive.”

Students who reside in the district are denied admission preference in favor of other students including children of OPA faculty members/Founding Members and siblings of enrolled OPA students.

The extension of admissions preferences to children of OPA faculty members and/or Founding Members also violates Education Code section 49011(b)(4) in that “privileges related to educational activities” (i.e. enrollment preference) are “based on whether or not the school received money or donations of goods or services from a pupil or a pupil’s parents or guardians.” Faculty members and Founding Members of OPA provide OPA with goods or services by way of their employment and/or support of OPA.

The CVUSD Board of Education therefore finds that the OPA-Chino charter renewal petition’s admission requirements are not in compliance with Education Code section 47605(d), and the OPA-Chino charter renewal petition therefore fails to contain a reasonably comprehensive description of the pupil admission requirements for the proposed OPA charter school.

F. The OPA-Chino Charter Renewal Petition Fails To Contain A Reasonably Comprehensive Description Of The Procedures By Which Pupils Can Be Suspended Or Expelled [Education Code section 47605(b)(5)(J)]

Education Code section 47605(b)(5)(J) requires that the OPA-Chino charter renewal petition contain a reasonably comprehensive description of “[t]he procedures by which pupils can be suspended or expelled.”

California Code of Regulations, Title 5, section 11967.5.1(f)(10) requires that charter petition suspension and expulsion procedures at a minimum:

“(A) Identify a preliminary list, subject to later revision pursuant to subparagraph (E), of the offenses for which students in the charter school must (where non-discretionary) and may (where discretionary) be suspended and, separately, the offenses for which students in the charter school must (where non-discretionary) or may (where discretionary) be expelled, providing evidence that the petitioners reviewed the offenses for which students must or may be suspended or expelled in non-charter public schools.

“(B) Identify the procedures by which pupils can be suspended or expelled.

“(C) Identify the procedures by which parents, guardians, and pupils will be informed about reasons for suspension or expulsion and of their due process rights in regard to suspension or expulsion.

“(D) Provide evidence that in preparing the lists of offenses specified in subparagraph (A) and specified in subparagraphs (B) and (C), the petitioners reviewed the lists of offenses and procedures that apply to students attending non-charter public schools, and provide evidence that the charter petitioners believe their proposed lists of offenses and procedures provide adequate safety for students, staff, and visitors to the school and serve the best interests the school's pupils and their parents (guardians).

“(E) If not otherwise covered under subparagraphs (A), (B), (C), and (D):

“1. Provide for due process for all pupils and demonstrate an understanding of the rights of pupils with disabilities in regard to suspension and expulsion.” (Emphasis added.)

“2. Outline how detailed policies and procedures regarding suspension and expulsion will be developed and periodically reviewed, including, but not limited to, periodic review and (as necessary) modification of the lists of offenses for which students are subject to suspension or expulsion.” (Emphasis added.)

The proposed OPA charter school’s suspension and expulsion policies deny OPA’s students their legal right to due process.

The OPA-Chino charter renewal petition provides on page 185:

“The pupil shall have no right of appeal from expulsion from the Charter School as the Oxford Preparatory Academy Board of Directors’ decision to expel shall be final.”

The proposed OPA charter school’s failure to provide pupils an opportunity to be heard on appeal clearly violates OPA pupils’ due process rights under California Code of Regulations, Title 5, section 11967.5.1(f)(10)(E)(1), which requires that charter petitioners provide for due process for all pupils.

Another violation of OPA pupils’ due process rights exists in the OPA-Chino charter renewal petition because the OPA-Chino charter renewal petition states at page 183 that:

“Students recommended for expulsion by Principal/Chancellor are entitled to a hearing before an Administrator Panel or the Oxford Preparatory Academy Board of Directors to determine whether the student should be expelled.”

Also at page 183, the OPA-Chino charter renewal petition states:

“The Administrative Panel should consist of at least three members who are certificated and neither a teacher of the pupil or a member of the Oxford Preparatory Academy Board of Directors.”

Therefore, by the OPA renewal charter’s own language, OPA pupils’ due process rights would be violated if their expulsion hearing was before the OPA Board of Directors.

Still another violation of students’ due process rights would occur if, having heard the pupil’s expulsion, the OPA Board of Directors decided to expel the student and as stated at page 185 of the OPA-Chino charter renewal petition:

“The pupil shall have no right of appeal from expulsion from the Charter School as the Oxford Preparatory Academy Board of Director’s decision to expel shall be final.”

The CVUSD Board of Education therefore finds the OPA-Chino charter renewal petition suspension and expulsion procedures fail to meet the minimum requirements of California Code of Regulations, Title 5, section 11967.5.1(f)(10), and the OPA-Chino charter renewal petition therefore fails to contain a reasonably comprehensive description of the suspension and expulsion policies and procedures to be used at the proposed OPA charter school.

G. The OPA-Chino Charter Renewal Petition Fails To Meet The Minimum Requirements For Providing A Reasonably Comprehensive Description Of Dispute Resolution Procedures [Education Code section 47605(b)(5)(N)]

Education Code section 47605(b)(5)(N) requires charter petitions to include the “procedures to be followed by the charter school and the entity granting the charter to *resolve* disputes relating to provisions of the charter.” (Emphasis added.)

The OPA-Chino charter renewal petition fails to provide a reasonably comprehensive description of its dispute resolution procedures because the OPA-Chino charter renewal petition does not clearly define controversy, claim or dispute as used in the OPA-Chino charter renewal petition’s description of dispute resolution procedures.

Page 193 of the OPA-Chino charter renewal petition states: *“All internal disputes between faculty, staff, parents, administrators, and/ or Board members of the Charter School shall be resolved by the school according to the school’s own internal policies.”*

The OPA-Chino charter renewal petition fails to define “*internal disputes*” that will be resolved under the school’s internal policies, including whether complaints of bullying, unauthorized student fees, or other uniform complaints constitute “*internal disputes*,” and fails to describe what procedures will be used to resolve such disputes.

Additionally, Education Code section 47605(b)(5)(N) requires the OPA-Chino charter renewal petition to describe the “procedures to be followed by the charter school and the entity granting the charter to *resolve* disputes relating to provisions of the charter.” (Emphasis added.)

The OPA-Chino charter renewal petition states on page 192:

“If the dispute remains unresolved after mediation, both Oxford Preparatory Academy and the District shall be deemed to have exhausted their administrative remedies, thus allowing either party to pursue any further legal remedy under the law.”

The OPA-Chino charter renewal petitioners have failed to provide procedures to actually *resolve* disputes because there may be no “further legal remedy under the law” to resolve the dispute.

The CVUSD Board of Education therefore finds that the OPA-Chino charter renewal petition fails to provide a reasonably comprehensive description of the proposed OPA charter school’s dispute resolution procedures.

H. The OPA-Chino Charter Renewal Petition Fails To Meet The Minimum Requirements For Providing A Reasonably Comprehensive Description Of The Procedures To Be Used If The Charter School Closes [Education Code section 47605(b)(5)(O)]

Education Code section 47605(b)(5)(O) requires charter petitions to contain a reasonably comprehensive “description of the procedures to be used if the charter school closes.”

California Code of Regulations, Title 5, section 11962, “Definition of Procedures for School Closure” states that “procedures” as in “description of the procedures to be used if the charter school closes” means, at a minimum, each of the following:

“(a) Designation of a responsible entity to conduct closure-related activities.

“(b) Notification of the closure of the charter school to parents (guardians) of pupils, the authorizing entity, the county office of education ..., the special education local plan area in which the school participates, the retirement systems in which the school's employees participate ... and the California Department of Education ...

“(c) Provision of a list of pupils in each grade level and the classes they have completed, together with information on the pupils’ district of residence, to the responsible entity designated in subdivision (a).

“(d) Transfer and maintenance of all pupil records, all state assessment results, and any special education records to the custody of the responsible entity designated in subdivision (a), except for records and/or assessment results that the charter may require to be transferred to a different entity.

“(e) Transfer and maintenance of personnel records in accordance with applicable law.

“(f) Completion of an independent final audit within six months after the closure of the school that may function as the annual audit...

“(g) *Disposal of any net assets remaining after all liabilities of the charter school have been paid or otherwise addressed ...*

“(h) Completion and filing of any annual reports required pursuant to Education Code section 47604.33.

“(i) Identification of funding for the activities identified in subdivisions (a) through (h).” (Emphasis added.)

On page 195, the OPA-Chino charter renewal petition states:

“Any decision to close OPA as a charter school operating pursuant to this Charter shall be documented by official action of the Oxford Preparatory Academy Board of Directors (“Closure Action”). The action shall identify the reason for closure (e.g., decision not to renew as a charter school).”

Page 196 of the OPA-Chino charter renewal petition states:

“For six (6) calendar months from the Closure Action or effective date of the closure, whichever comes first, sufficient staff shall maintain employment to take care of all necessary tasks and procedures required for smooth closing of the Charter School and student transfers.”

The OPA-Chino charter renewal petition therefore fails to meet the minimum requirements of Education Code section 47605(b)(5)(O) because California Code of Regulations,

Title 5, section 11962(a) requires “[d]esignation of a responsible entity to conduct closure-related activities” within the OPA-Chino charter renewal petition as submitted.

The OPA-Chino charter renewal petition only vaguely specifies that “sufficient staff” shall maintain employment for six months following closure to assist with closure-related tasks and procedures but fails to clearly designate “a responsible entity to conduct closure related activities.”

The OPA-Chino charter renewal petition also fails to adequately describe the “[d]isposal of any net assets remaining after all liabilities of the charter school have been paid or otherwise addressed” as required by California Code of Regulations, Title 5, section 11962(g).

Page 196 of the OPA-Chino charter renewal petition states:

“Upon closure of the Charter School, all assets of the Charter School, including but not limited to all leaseholds, real estate, personal property, intellectual property and all ADA apportionments and other revenues generated by students attending the Charter School, remain the sole property of Oxford Preparatory Academy and, if upon the dissolution of Oxford Preparatory Academy, shall be distributed in accordance with the Articles of Incorporation. Any assets acquired from the District or District property shall be promptly returned upon Charter School closure to the District.”

The above language references provisions in OPA’s Articles of Incorporation related to distribution of assets, but does not specifically describe how net assets remaining after any liabilities of the charter school have been paid will be disposed.

Further, the Articles of Incorporation attached to OPA’s charter renewal petition as Appendix F do not actually contain any provision related to the distribution of assets. The last section of OPA’s Articles of Incorporation end mid-sentence, stating:

“C. No substantial part of the activities of this corporation shall consist of carrying on propaganda or otherwise attempting to influence legislation, and the corporation shall not”.

Thus, neither the OPA-Chino charter renewal petition nor the Articles of Incorporation attached to the petition describe the disposal of any net assets remaining after all liabilities of the charter school have been paid.

Additionally, the OPA-Chino charter renewal petition references but does not describe the procedures to be followed if the nonprofit corporation dissolves. The OPA-Chino charter renewal petition vaguely states on page 196:

“As the Charter School is operated by Oxford Preparatory Academy, a non-profit public benefit corporation, should the corporation dissolve with the closure of the Charter School, the Board shall follow the procedures set forth in the California Corporations Code for the dissolution of a non-profit public benefit corporation and file all necessary filings with the appropriate state and federal agencies.”

The OPA-Chino charter renewal petition also fails to describe whether Edlighten as the sole statutory member of OPA’s non-profit corporation having authority under OPA’s Bylaws “to vote... on the disposition of all or substantially all of this corporation’s assets, on any merger and its principal terms and any amendment of those terms, and on any election to dissolve this corporation” will follow OPA-Chino’s closure procedures.

The CVUSD Board of Education therefore finds that the OPA charter petition fails to contain a reasonably comprehensive description of OPA’s procedures for charter school closure as required by Education Code section 47605(b)(5)(O).

III. THE OPA CHARTER RENEWAL PETITION FAILS TO PROVIDE THE LEGALLY REQUIRED AFFIRMATIONS AND ASSURANCES IN COMPLIANCE WITH STATE LAW. [Education Code sections 47605(b)(4); 47605(d)(1)]

Education Code section 47605(b)(4) requires that the OPA-Chino charter renewal petition contain “an affirmation of each of the conditions described in subdivision (d).”

Section 47605(d) provides that:

“(1) In addition to any other requirement imposed under this part, a charter school shall be nonsectarian in its programs, admission policies, employment practices, and all other operations, *shall not charge tuition*, and shall not discriminate against any pupil on the basis of the characteristics listed in Section 220. Except as provided in paragraph (2), admission to a charter school shall not be determined according to the place of residence of the pupil, or of his or her parent or legal guardian, within this state, except that an existing public school converting partially or entirely to a charter school under this part shall adopt and maintain a policy giving admission preferences to pupils who reside within the former attendance area of that public school.

“(2)(A) *A charter school shall admit all pupils who wish to attend the school.*”

“(B) If the number of pupils who wish to attend the charter school exceeds the school’s capacity, attendance, except for existing pupils

of the charter school, shall be determined by a public random drawing. *Preference shall be extended to pupils currently attending the charter school and pupils who reside in the district except as provided for in Section 47614.5.* Other preferences may be permitted by the chartering authority on an individual school basis and only if consistent with the law.” (Emphasis added.)

California Code of Regulations, Title 5, section 11967.5.1(e) interprets Education Code section 47605(b)(4) and states:

“For purposes of Education Code section 47605(b)(4), a charter petition that ‘does not contain an affirmation of each of the conditions described in subdivision (d)’ of Education Code section 47605 shall be a petition that fails to include a *clear, unequivocal affirmation of each such condition, not a general statement of intention to comply.* Neither the charter nor any of the supporting documents shall include any evidence that the charter will fail to comply with the conditions described in Education Code section 47605(d).” (Emphasis added.)

A. *The OPA-Chino Charter Renewal Petition Fails To Include A Clear, Unequivocal Affirmation That The Proposed OPA Charter School Shall Admit All Students Who Wish To Attend the Charter School*

While the OPA-Chino charter renewal petition contains an affirmation at page 5 that “[t]he Charter School shall admit all students who wish to attend the Charter School,” this affirmation appears to be merely a general statement of intention to comply.

Evidence exists within the OPA-Chino charter renewal petition that the proposed OPA charter school will fail to comply with all of the conditions contained in Education Code section 47605(d), because the OPA-Chino charter renewal petition contains contradictory statements concerning the proposed charter school’s enrollment preferences.

The OPA-Chino charter renewal petition states at page 5:

“Preference in the public random drawing shall be given as required by Education Code Section 47605(d)(2)(B).”

However, the OPA-Chino charter renewal petition also states at page 171 that:

“Admission preferences in the case of a public random drawing shall be given to the following students in the order below:

- a) Currently enrolled students (exempt from the lottery as noted above);*

- b) *Children of OPA faculty or staff and children of Founding Members combined (shall not exceed 10% of total enrollment);*
- c) *Siblings of current students;*
- d) *Students who reside within the attendance boundaries of E.J. Marshal Elementary School (as required by SB 740 Charter School Facilities Grant Program);*
- e) *Children attending the District Schools in Program Improvement (PI) status; and*
- f) *Children residing within the District.”*

Page 171 of the OPA-Chino charter renewal petition grants enrollment preference to children of OPA faculty or staff, children of Founding Members, and siblings of current students, while California Education Code section 47605(d)(2)(B) requires enrollment preference to be given only to “pupils currently attending the charter school and pupils who reside in the district...”

OPA-Chino’s lottery preferences unlawfully favor certain students including those whose sibling(s) attend OPA and students whose parents are faculty members or Founders of OPA.

OPA-Chino’s renewal charter also states it will not admit *all* students who wish to attend the proposed charter school but instead only those students whose parents attend informational meetings prior to enrollment.

The CVUSD Board of Education therefore finds that the OPA-Chino charter renewal petition fails to include a clear, unequivocal affirmation of each condition described in Education Code section 47605(d).

NOW THEREFORE, BE IT FURTHER RESOLVED that the terms of this Resolution are severable. Should it be determined that one or more of the findings and/or the factual determinations supporting the findings are invalid, the remaining findings and/or factual determinations and the denial of the January 25, 2016 OPA-Chino charter renewal petition shall remain in full force and effect. In this regard, the CVUSD's Board of Education specifically finds that each factual determination, in and of itself, is a sufficient basis for the finding it supports, and each such finding, in and of itself, is a sufficient basis for denial.

The foregoing Resolution No. 2015/2016-55 was considered, passed and adopted by this Board at its regular meeting of March 17, 2016.

DENYING THE JANUARY 25, 2016 CHARTER SCHOOL RENEWAL PETITION FOR THE OXFORD PREPARATORY ACADEMY CHARTER SCHOOL

AYES: NOES: ABSENT: ABSTAIN:

STATE OF CALIFORNIA
COUNTY OF SAN BERNARDINO

Wayne M. Joseph, Secretary, Board of Education of the Chino Valley Unified School District of San Bernardino County, California, hereby certifies that the above foregoing Resolution was duly and regularly adopted by said Board at a regular meeting thereof held on the 17th of March 2016 and passed by a _____ vote of said Board.

IN WITNESS WHEREOF I have hereunto set my hand and seal this March 17, 2016.

Wayne M. Joseph
Secretary, Board of Education

EXHIBIT A

CPA Firm Vavrinek, Trine, Day and Co., LLP's

March 6, 2016

Review and Analysis

of the Oxford Preparatory Academy Charter School Renewal
Petition and Budget As Submitted on January 25, 2016



March 6, 2016

Chino Valley Unified School District
5130 Riverside Drive
Chino, CA 91710

Steven R. Chidester, Esq.
Law Offices of
Margaret A. Chidester & Associates
17762 Cowan, First Floor
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Re: Review and Analysis of the Oxford Preparatory Academy Charter School Renewal Petition and Budget As Submitted On January 25, 2016

Thank you for providing the opportunity to analyze the Oxford Preparatory Academy (OPA or "the Charter") Charter School Renewal Petition and Budget as submitted to the Chino Valley Unified School District on January 25, 2016, and that covers the five school years, 2017-18 through and including, 2021-22.

ENGAGEMENT PURPOSE AND SCOPE

Vavrinek, Trine, Day, and Co, LLP has been instructed to provide a professional assessment of whether the OPA charter school renewal petition complies with Title 5 California Code of Regulations § 11967.5.1 (c) (3) which states that: *"For purposes of Education Code section 47605(b)(2), the SBE shall take the following factors into consideration in determining whether charter petitioners are "demonstrably unlikely to successfully implement the program," if (3) The petitioners have presented an unrealistic financial and operational plan for the proposed charter school. An unrealistic financial and operational plan is one to which any or all of the following applies:*

B. In the area of financial administration, the charter or supporting documents do not adequately:

- 1. Include, at a minimum, the first-year operational budget, start-up costs, and cash flow, and financial projections for the first three years.*
- 2. Include in the operational budget reasonable estimates of all anticipated revenues and expenditures necessary to operate the school, including, but not limited to, special education, based, when possible, on historical data from schools or school districts of similar type, size, and location.*
- 3. Include budget notes that clearly describe assumptions on revenue estimates, including, but not limited to, the basis for average daily attendance estimates and staffing levels.*
- 4. Present a budget that in its totality appears viable and over a period of no less than two years of operations provides for the amassing of a reserve equivalent to that required by law for a school district of similar size to the proposed charter school.*
- 5. Demonstrate an understanding of the timing of the receipt of various revenues and their relative relationship to timing of expenditures that are within reasonable parameters, based, when possible, on historical data from schools or school districts of similar type, size, and location.*

As requested, Vavrinek, Trine, Day and Co., LLP (VTD) evaluated the data provided in the OPA charter school renewal petition and the following documents provided by OPA's chartering authority, the Chino Valley Unified School District (CVUSD or "the District"):

- OPA's external audit reports, prepared by the independent Certified Public Accounting (CPA) firm of Vicenti, Lloyd and Stutzman, LLP, for the fiscal years ending June 30, 2014 and June 30, 2015.
- The OPA Adopted Budget, First Interim Report, Second Interim Report and Unaudited Actuals for the fiscal years ending June 30, 2014 and June 30, 2015, in the format OPA submitted to the CVUSD.
- The OPA Adopted Budget and First Interim Report for the current fiscal year ending June 30, 2016 in the format OPA submitted to the CVUSD.

The scope of this engagement is limited to the documents mentioned above and: 1) documents available on the website of the California Department of Education (CDE) and 2) materials generally available to the charter school industry as a whole. Although the entire OPA charter school renewal petition was made available, this analysis concentrated on the materials presented in the OPA charter school renewal petition's "Appendix A, Budget" and items throughout the OPA renewal petition that would support the assumptions in Appendix A.

Without supporting source documents, VTD relied upon the professional opinion and diligence of the current external audit firm to have conducted an audit in accordance with professional standards, whereby source documents were inspected. Using OPA's two most recent audits and OPA's 2015-16 First Interim Report, VTD extrapolated the data from the current and subsequent unaudited years, 2015-16 and 2016-17, to begin the process of evaluating OPA's five (5) subsequent projections, 2017-18 through 2021-22.

This engagement is not intended to 1) prevent or discover fraud, 2) assess the internal controls of the Charter, or 3) discover practices that may place the OPA / CVUSD assets or financial statements at-risk. This engagement is not an audit or attest engagement and should not be relied upon as such.

EXECUTIVE SUMMARY

Vavrinek, Trine, Day, and Co, LLP's professional assessment determines that the OPA charter school renewal petition fails to comply with Title 5 California Code of Regulations § 11967.5.1 (c) (3) for the following reasons:

- *Failure to include budget notes that clearly describe assumptions on revenue estimates, including, but not limited to, the basis for average daily attendance estimates.*
- *Failure to present a budget that in its totality appears viable and over a period of no less than two years of operations provides for the amassing of a reserve equivalent to that required by law for a school district of similar size to the proposed charter school.*
- *Failure to demonstrate an understanding of the timing of the receipt of various revenues and their relative relationship to timing of expenditures that are within reasonable parameters, based, when possible, on historical data from schools or school districts of similar type, size, and location.*

Details supporting our assessment are provided below.

MEETING RESERVE REQUIREMENTS / GOING CONCERN

SB 740 Assumptions

In accordance with Title V, CCR§ 11967.5.1 (c) (3), Vavrinek, Trine, Day and Co., LLP concludes that "*the OPA charter petitioners have presented an unrealistic financial and operational plan for the proposed OPA charter school*" due to the definition presented in the Code of Regulations. According to the Code of Regulations section 11967.5.1(c)(3), "*An unrealistic financial and operational plan is one to which any or all of the following applies:*

B. In the area of financial administration, the charter or supporting documents do not adequately:

- 4. Present a budget that in its totality appears viable and over a period of no less than two years of operations provides for the amassing of a reserve equivalent to that required by law for a school district of similar size to the proposed charter school.*

The OPA charter school renewal petition included budgeted revenue, assuming the approval of an SB 740 grant. The OPA charter school does not currently, nor does it assume in the OPA renewal charter petition, to meet the eligibility requirements of the grant. The grant requires the charter serve a socio-economically disadvantaged student population or that the charter resides within such a community. Neither condition exists.

Therefore, under current conditions, OPA is unlikely to be awarded a SB 740 grant. **Should the Charter not receive these revenues, the Charter may not meet reserve requirements in the second year of projection. Additionally, this cumulative loss of revenue would result in three years of negative ending fund balances for the fiscal years 2019-20 through 2021-22.** OPA not meeting reserve requirements and projecting a positive ending fund balance for three years, without providing a contingency plan, calls into question the financial viability of the OPA charter renewal petition.

MEETING RESERVE REQUIREMENTS / GOING CONCERN

Oversight Fee Assumptions

Per California Education Code section 47613, "A chartering authority may charge for the actual costs of supervisory oversight of a charter school not to exceed 3 percent of the revenue of the charter school if the charter school is able to obtain substantially rent free facilities from the chartering authority." OPA's charter renewal petition assumes that OPA will continue to benefit from Proposition 39 rent free facilities. Therefore, instead of budgeting 1% oversight fees, OPA should have budgeted the 3% oversight fee. This difference causes the charter not to meet the recommended 3% reserve for economic uncertainties in the 2019-20 year. Subsequent year ending fund balances would decrease each year to less than \$32K in 2021-22 or 0.16% ending fund balance.

MEETING RESERVE REQUIREMENTS / GOING CONCERN

SB 740 & Oversight Fee Assumptions

The effect on OPA’s projected charter ending fund balance when both the SB 740 revenue is not awarded and the 3% oversight fees are imposed is:

	2017-18	2018-19	2019-20	2020-21	2021-22
Projected Combined Effect of SB 740 Award Loss and Increased Cost of Oversight	Failure to meet recommended 3% reserve \$284,350	Failure to end fiscal year with a positive fund balance \$(291,758)	Failure to end fiscal year with a positive fund balance \$(965,403)	Failure to end fiscal year with a positive fund balance \$(1,785,683)	Failure to end fiscal year with a positive fund balance \$(2,550,746)

UNDERSTANDING OF THE TIMING OF REVENUE

In accordance with Title V, CCR§ 11967.5.1 (c) (3), Vavrinek, Trine, Day and Co., LLP concludes that *"the petitioners have presented an unrealistic financial and operational plan for the proposed charter school"* due to the definition presented in the Code of Regulations. According to the Code of Regulations, *"An unrealistic financial and operational plan is one to which any or all of the following applies:*

- B. In the area of financial administration, the charter or supporting documents do not adequately:*
 - 5. Demonstrate an understanding of the timing of the receipt of various revenues and their relative relationship to timing of expenditures that are within reasonable parameters, based, when possible, on historical data from schools or school districts of similar type, size, and location."*

The OPA charter renewal petition does not demonstrate a complete understanding of the advancement of cash for the principal apportionment for the Local Control Funding Formula (LCFF), State Apportionment component. Vavrinek, Trine, Day, and Co., LLP reconstructed the LCFF calculation and the cash flow to verify the findings. Although minor differences may occur between VTD and the OPA petition LCFF calculations, the same basic concepts apply.

The OPA charter renewal petition did not adequately demonstrate an understanding that the California Department of Education (CDE) advances apportionment for grades already in operation on the prior year Period 2 (P2) attendance, adding increases for Cost of Living and / or Gap Factors. CDE also advances an incremental increase for expanding charters in September and December and then recaptures this advance February through June of the following year.

This misunderstanding results in a discrepancy of cash inflows presented in the subsequent tables of this assessment. The table in this assessment compares the OPA charter renewal petition cash flow for the State Apportionment distribution with a reconstructed cash flow prepared by VTD based on the assumptions available in the OPA charter renewal petition.

Under these conditions, it would be prudent for the OPA charter renewal petition to identify the sources and terms of external borrowing. The OPA charter renewal petition provides no such details.

BUDGET ASSUMPTIONS

The OPA charter renewal petition fails to provide enrollment and attendance projections that either follow charter school industry calculation conventions and / or are consistent with projections OPA provided 45 days earlier in the First Interim Report, 2015-16.

In the absence of these conventions and without explanations, this assessment finds the OPA charter renewal petition out of compliance.

The OPA charter renewal petition’s attendance calculations by grade-span are the drivers for the largest unrestricted funding source available to the OPA charter, the Local Control Funding Formula (LCFF). Should these calculations be materially inaccurate, the financial viability of OPA’s charter school renewal petition is jeopardized.

FINDINGS

MEETING RESERVE REQUIREMENTS

EFFECT OF THE POTENTIAL FAILURE TO SECURE THE SB 740 GRANT

The OPA charter renewal petition includes a revenue stream from SB 740 as shown in the table below. Without the revenue stream, the OPA charter renewal petition demonstrates that it would not meet the charter school industry/legal standard of a 3% of expenditures recommended reserve for economic uncertainty in the second year and would not be a going concern in the final three years of the petition. The going concern principle is one that states that an entity would be able to operate for the foreseeable future; this projection demonstrates that OPA would not be able to operate without external assistance or modified assumptions.

	2017-18	2018-19	2019-20	2020-21	2021-22
SB 740 Revenue	\$369,000	\$442,800	\$590,400	\$590,400	\$590,400
Charter Petition Projected Fund Balance	\$922,159	\$1,074,737	\$1,322,105	\$1,425,284	\$1,600,333
Possible Scenario Not Considered By Charter Petition					
3% Education Industry Standard for Acceptable Reserve Position	\$447,771	\$487,618	\$ 560,696	\$569,459	\$592,283
VTD Recalculated OPA Fund Balance Without SB 740 Revenue	\$553,159	Failure to meet recommended 3% reserve \$262,937	Failure to end fiscal year with a positive fund balance \$(80,095)	Failure to end fiscal year with a positive fund balance \$(567,316)	Failure to end fiscal year with a positive fund balance \$(982,667)

In light of this data, it would have been beneficial for the OPA charter renewal petition to provide a contingency plan should this revenue stream not be available.

OPA May Not Qualify As an SB 740 Award Recipient Under Current Requirements

As of January 29, 2016, the State Controller’s Office released the awardees for the SB 740 2015-16 award and has published all awarded entities since the 2011-12 fiscal year. Oxford Preparatory Academy has not been listed as an award recipient for any year published.

In order to qualify for SB 740 funding, according to Education Code 47614.5 and California Code of Regulations, Title 4, Division 15, Article 1.5, for the Charter School Facility Grant Program, CCR section 10170.3 describes an eligible applicant for the SB 740 grant to be a charter school that meets one of the following criteria:

1. *Fifty-five percent (55%) or more of the student enrollment at the charter school site is eligible for free or reduced-price meals; or*
2. *The charter school site for which grant funds are requested is physically located in the attendance area of a public elementary school in which fifty-five percent (55%) or more of the pupil enrollment is eligible for free or reduced-price meals and the school site gives a preference in admissions to pupils who are currently enrolled in that public elementary school and to pupils who reside in the elementary school attendance area where the charter school site is located.*

The OPA and the Chino Valley Unified School District unduplicated count, which measures students who qualify for Free & Reduced Price Meals, is presented below. These numbers have been certified by the California Department of Education as of the latest principal apportionment schedule, February 2016.

	2013-14	2014-15
OPA	26.39%	27.50%
CVUSD	47.93%	50.13%

For future years, the OPA charter renewal petition does not predict a measurably different unduplicated count; all assumptions for the 5-year OPA charter renewal petition are approximately 27% per the OPA LCFF calculations in Appendix A of the OPA charter renewal petition, which equates to almost 30 percentage points below the SB 740 requirement. Therefore, unless socio-economic conditions change within the Chino Valley Unified School District, OPA may never be eligible for the SB 740 funding unless grant guidelines are relaxed.

Compliant Uses of SB 740 Funds

According to Education Code Section 47614.5(f), *“Funds appropriated for purposes of this section shall be used for costs associated with facilities rents and leases, consistent with the definitions used in the California School Accounting Manual or regulations adopted by the California School Finance Authority. These funds also may be used for costs, including, but not limited to, costs associated with remodeling buildings, deferred maintenance, initially installing or extending service systems and other built-in equipment, and improving sites.”*

According to the OPA charter renewal petition’s Appendix A Petition Budget Notes, the SB 740 grant funds would be used by OPA for lease/rent costs. Under the California School Accounting Manual guidance, leases are defined as operational leases. Since it appears from the Turner-Agassi web site and from the OPA charter renewal petition, that the Turner-Agassi-OPA lease is likely a lease – purchase, or capital lease arrangement, and not an operational lease, it is unclear whether the lease – purchase costs would be SB 740 compliant expenses. The OPA charter renewal petition states that, *“For the private facility acquired, OPA will have the landlord (Turner Impact) pay for all up-front tenant improvements necessary.”* The word, “acquired,” lends the reader to infer a lease-purchase.

MEETING RESERVE REQUIREMENTS

EFFECT OF 1% VERSUS 3% OVERSIGHT FEES

Education Code section 47613(b) provides that:

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

According to the OPA charter renewal petition, facilities section, “*OPA will submit a request for facilities pursuant to Proposition 39 and its implementing regulations for the term of the renewal. OPA looks forward to working with the District to continue utilizing the facility located at 5862 C Street, Chino, CA 91710 to house the projected TK-8 enrollment contained in the charter petition.*”

Under such conditions, it would be prudent for the OPA charter renewal petition to budget 3% oversight fees, since the CVUSD as OPA’s chartering authority may choose to charge 3% fees. The effect of the CVUSD as OPA’s chartering authority charging these fees on OPA’s fund balance is as follows:

	2017-18	2018-19	2019-20	2020-21	2021-22
1% Administrative Fees Budgeted By Charter	\$134,404	\$142,943	\$165,306	\$166,530	\$174,856
Charter Petition Projected Fund Balance	\$922,159	\$1,074,737	\$1,322,105	\$1,425,284	\$1,600,333
Possible Scenario Not Considered By Charter Petition					
3% Administrative Fees Possible To Be Charged By Charter Authority	\$403,213	\$428,829	\$495,919	\$499,589	\$ 524,568
VTD Recalculated OPA Fund Balance With 3% Fees	\$653,350	\$520,042	Failure to meet recommended 3% reserve \$436,797	Failure to meet recommended 3% reserve \$206,917	Failure to meet recommended 3% reserve \$32,254

MEETING RESERVE REQUIREMENTS

COMBINED EFFECT OF LACK OF SB 740 AWARD & 3% OVERSIGHT FEES

Should the CVUSD as OPA’s chartering authority charge 3% fees and should OPA not receive the SB 740 award, OPA’s projected fund balance, all other assumptions remaining unchanged, is represented in the table below.

	2017-18	2018-19	2019-20	2020-21	2021-22
Projected Combined Effect of SB 740 Award Loss and Increased Cost of Oversight	Failure to meet recommended 3% reserve \$284,350	Failure to end fiscal year with a positive fund balance \$(291,758)	Failure to end fiscal year with a positive fund balance \$(965,403)	Failure to end fiscal year with a positive fund balance \$(1,785,683)	Failure to end fiscal year with a positive fund balance \$(2,550,746)

UNDERSTANDING OF THE TIMING OF REVENUE

BACKGROUND

The underlying concepts of the State Apportionment process are that the State pays Charter schools on the latest information available at the California Department of Education (CDE), not the latest information available to the Charter. There are six periods whereby the State apportions funds to a charter, three current year cycles (Advance, Period 1, & Period 2) and three subsequent updates to the current year (called Recertification 1, 2 and 3):

- *The Advance Principal Apportionment, certified by July 20, is based primarily on prior fiscal year funding and establishes each LEA's monthly state aid payment amount for July through January.*
- *The First Principal Apportionment (P-1), certified by February 20, is based on the first period data that LEAs report to CDE in November through January. P-1 supersedes the Advance Apportionment calculations and establishes each LEA's monthly state aid payment for February through May.*
- *The Second Principal Apportionment (P-2), certified by June 25, is based on the second period data that LEAs report to CDE in April and May. P-2 supersedes the P-1 Apportionment calculations and is the final state aid payment for the fiscal year ending in June.*
- *The Annual Apportionment, certified by February 20 in the following year, is based on annual data that LEAs report to CDE. After the Annual Apportionment certification, which supersedes the P-2 calculations, Annual is recertified three times, known as Annual R1, R2, and R3, with LEAs reporting corrected data at specific times. Any data corrections are reflected with the subsequent years' certifications.¹*

¹ California Department of Education web site, March, 1, 2016

Additionally, two cycles exist for a charter expanding grade levels.

- According to the CDE's letter to all County Superintendents of Schools, Chief Business Officials and Directors of New Grade Level Expansion Charter Schools dated September 16, 2015, "a special apportionment is made in accordance with the California *Education Code (EC)* Section 47652(b) for the purpose of funding charter schools that are adding at least one new grade level this fall (2015-16 school year)."
 - *"This Advance is for the months of July 2015 through November 2015, and equals 37 percent of the charter school's estimated increase in funding attributable to the new grade level for the 2015–16 fiscal year. This Advance is calculated pursuant to EC sections 42338.02 and 42238.03, as well as Chapter 6 of Part 26.8 of the EC."*
- According to the CDE's letter to all County Superintendents of Schools, Chief Business Officials and Directors of New Grade Level Expansion Charter Schools dated December 16, 2015, "a special apportionment is made in accordance with the California *Education Code (EC)* Section 47652(b) for the purpose of funding charter schools that are adding at least one new grade level this fall (2015-16 school year)."
 - *"This Advance is for the months of December 2015 through January 2016, and equals 18 percent of the charter school's estimated increase in funding attributable to the new grade level for the 2015–16 fiscal year. This Advance is calculated pursuant to EC sections 42338.02 and 42238.03, as well as Chapter 6 of Part 26.8 of the EC."*

UNDERSTANDING OF THE TIMING OF REVENUE

Vavrinek, Trine, Day and Co., LLP finds that the OPA charter renewal petition's Cash Flow, Year One 2017-18, misstated the Local Control Funding Formula (LCFF) inflow from State Aid. The OPA cash flow anticipated an inflow of \$3.6 million, or 37% of the **total annual** projected State apportionment, to be received in September 2017. This appears to be a misunderstanding on the part of OPA of the apportionment schedule for expanding charters adding a new grade level.

According to the apportionment payment schedules, the 37% of apportionment distribution is the *"delta," or incremental increase of average daily attendance* estimated by the charter through the Pupil Estimates for New or Significantly Expanding Charters (PENSEC) application process, available on-line through the CDE website. Per the OPA charter renewal petition, 200 students are expected to enroll in grade 9 in 2017-18 at an average daily attendance rate of 98.4%.

Another part of the calculation is included in Education Code section 47652(b), which states: *"In addition to funding received pursuant to Section 41330, a charter school in its second or later year of operation also shall be eligible to receive an advance apportionment pursuant to the process and conditions described in subdivision (a) in any year in which the charter school is adding at least one grade level. The average daily attendance funded for a new grade level shall not exceed the portion of the certified average daily attendance at the second principal apportionment for the prior year attributable to pupils in the highest grade served by the charter school."*

VTD reconstructed the LCFF calculator used by the OPA charter renewal petition, resulting in approximately \$1,318,200 of increased total apportionment for the grade 9 students for the 2017-18 year that CDE allows to be advanced apportioned based on the highest grade served in the prior year. VTD estimated approximately \$7800/ADA 2016-17 LCFF for Grade 8 x 169 prior year, 2016-17, Grade 8 ADA. Of this \$1,318,200, the CDE will apportion 37% in September and another similar apportionment of 18% in December.² This would result in approximately an additional \$488,000 apportioned in September 2017 and approximately an additional \$238,000 apportioned in December 2017, over and above the regular apportionment schedule for State Aid for the grades K-8.

In each month from February 2018 through June 2018, the State will recapture the advance of \$488,000 and \$238,000 in increments of 1/5th, or a deduction from the State apportionment of approximately \$145,200 per month. The apportionment for grades K through 8, or the grades served in the prior year, is unaffected by this schedule unique to the New Grade Level Expansion.

Under these conditions, that is currently in effect, OPA’s actual expected apportionment schedule for 2017-18 would be:

In dollars	Budget-State Aid 2017-18	July 2017	August 2017	September 2017	October 2017	November 2017	December 2017	Total Cash Received July – December 2017
OPA Petition	\$9,815,109	490,755	490,755	3,631,590	0	0	1,766,720	\$6,379,820
Proposed CDE Apportionment for On-going Grades K-8	6,611,106 (estimated advance apportionment based on prior year P2)	330,555 Advance	330,555 Advance	595,000 Advance	595,000 Advance	595,000 Advance	595,000 Advance	3,041,110
Proposed new grade level 9 Special Advance Apportionment based on PENSEC	\$1,318,200 (estimate based on 2016-17 Grade 8 student ADA of 169 x \$7800 2016-17 LCFF)			488,000 37% of \$1,318,200			238,000 18% of \$1,318,200	726,000
Total proposed revised CDE cash apportioned		330,555	330,555	1,083,000	595,000	595,000	833,000	3,767,110

² CDE's letter to all County Superintendents of Schools, Chief Business Officials and Directors of New Grade Level Expansion Charter Schools, December 16, 2015

In dollars	Budget-State Aid 2017-18	January 2018	February 2018	March 2018	April 2018	May 2018	June 2018	January 2018 through June 2018
OPA Petition	\$9,815,109	883,360	510,386	510,386	510,386	510,386	510,386	\$3,435,290
Proposed CDE Apportionment for On-going Grades K-9	\$10,015,630 (VTD recreating OPA assumptions)	595,000 Advance	1,275,904 P1	1,275,904 P1	1,275,904 P1	1,275,904 P1	1,275,904 P2	\$6,974,520
Proposed new grade level 9 Special Advance Apportionment based on PENSEC recaptured	726,000 (estimated to be recaptured)		(145,200) 1/5 of advance	(145,200) 1/5 of advance	(145,200) 1/5 of advance	(145,200) 1/5 of advance	(145,200) 1/5 of advance	(726,000)
Total proposed revised CDE cash apportioned		595,000	1,130,704	1,130,704	1,130,704	1,130,704	1,130,704	6,248,520

COMPARISON OF VTD AND CHARTER POSITION CASH FLOW

	July 2017	August 2017	September 2017	October 2017	November 2017	December 2017
OPA Projected Cash Flow Ending Balance	\$714,941	250,392	3,559,739	2,552,068	1,571,927	2,820,200
VTD Projected Cash Flow Ending Balance	\$554,741	(70,008)	690,749	278,078	(107,063)	207,490
Difference (a negative number indicates a shortfall from OPA projections to VTD projections)	\$(160,200)	(320,400)	(2,868,990)	(2,273,990)	(1,678,990)	(2,612,710)

	January 2018	February 2018	March 2018	April 2018	May 2018	June 2018
OPA Projected Cash Flow Ending Balance	\$2,723,419	2,111,374	2,470,451	1,943,496	1,441,284	1,349,554
VTD Projected Cash Flow Ending Balance	\$(177,651)	(169,378)	810,017	903,380	1,021,486	1,550,074
Difference (a negative number indicates a shortfall from OPA projections to VTD projections)	\$(2,901,070)	(2,280,752)	(1,660,434)	(1,040,116)	(419,798)	200,520

Note: A complete LCFF calculator was not available in the OPA charter renewal petition; VTD re-created the LCFF calculations based on the available assumptions in the petition using the same version (16.2c) of the Fiscal Crisis Management Assistance Team (FCMAT) Microsoft Excel template that the "OPA Chino Valley K-12 Renewal 2019-18 Budget Notes" states was used by OPA.

The OPA charter renewal petition cash flow has similar discrepancies for every year that new grades are implemented.

CASH FLOW ASSUMPTIONS

EXTERNAL BORROWING PROVISIONS

In lieu of the calculations related to mistiming of revenue, it is highly likely that OPA will be in need of external borrowing to continue its operations. Although the OPA charter renewal petition acknowledges, "OPA will secure a line of credit/outside funding with utilization as needed in years 1 through 5 with full payment," the following cash flow assumptions are missing from the OPA charter renewal petition:

- OPA's source for external borrowing,
- Current existence of OPA's external borrowing, and
- Terms of OPA's external borrowing, interest rate, assets pledged, repayment terms.

BUDGET ASSUMPTIONS

LACK OF COHERENT METHODOLOGY FOR PROJECTING ENROLLMENT AND ATTENDANCE AND DIFFERENCES BETWEEN CHARTER FIRST INTERIM REPORT, 2015-16 and CHARTER PETITION

The largest unrestricted funding source for public schools is the Local Control Funding Formula (LCFF). It is based upon enrollment projections, which in turn, drive attendance projections. The attendance projections are referred to as average daily attendance (ADA). The overall attendance projections, as well as those by grade level, determine the total funding per year. Since each grade level (span) is funded at a different dollar per ADA, it is important to accurately determine the number of students who enter, exit and progress through the charter. There are many ways to project this data, however, the OPA charter renewal petition does not detail OPA's assumptions and the data does not readily lend itself to commonly accepted formulas for progressing students.

OPA Petition Renewal, January 2016		2017-18	2018-19	2019-20	2020-21	2021-22
Grades TK-3	B-1	660	446	415	325	338
Grades 4-6	B-2	546	572	591	521	463
Grades 7-8	B-3	295	386	397	361	405
Grades 9-12	B-4	197	394	590	787	787
SUBTOTAL ADA		1,698	1,797	1,994	1,994	1,994

The OPA charter renewal petition also does not adequately explain the rationale for estimating the participation of Independent Study students as shown below.

Independent Study Enrollment, Charter Petition, January 2016

	2017-18	2018-19	2019-20	2020-21	2021-22
Grades TK-3	127.00	29.00	-	-	13.00
Grades 4-6	13.00	81.00	97.00	69.00	1.00
Grades 7-8	-	-	13.00	13.00	68.00
Grades 9-12	-	-	-	-	-
SUBTOTAL ADA	140.00	110.00	110.00	82.00	82.00

The OPA charter renewal petition does not adequately explain the increase of 200 Grade TK-3 student enrollment increase in 2017-18 and its subsequent decline over the next several years.

OPA Petition Renewal, January 2016, Enrollment

		2016-17	2017-18	2018-19	2019-20	2020-21	2021-22
Grades TK-3	B-1	486.00	671.00	453.00	422.00	330.00	343.00
Grades 4-6	B-2	405.00	555.00	581.00	601.00	529.00	471.00
Grades 7-8	B-3	335.00	300.00	392.00	403.00	367.00	412.00
Grades 9-12	B-4	-	200.00	400.00	600.00	800.00	800.00
SUBTOTAL ADA		1,226.00	1,726.00	1,826.00	2,026.00	2,026.00	2,026.00

Not only does the OPA charter renewal petition not appear to be estimating OPA's ADA progression to charter school industry standards, but the OPA charter renewal petition also does not explain the differences in ADA projections from the LCFE calculator used at First Interim Report 2015-16 and the OPA charter renewal petition submitted 45 days later. The First Interim Report data is reported on or before December 15, 2015, and the petition was submitted January 25, 2016. One would assume these documents would correlate the data. However, this appears not to be the case.

First Interim Report, 2015-16 December 2015

AVERAGE DAILY ATTENDANCE (ADA)

Enter P2 Data - Note Charter School ADA is always funded on Current Year

		2013-14	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20
Grades TK-3	B-1	540	560	527	552	561	561	561
Grades 4-6	B-2	370	399	411	371	366	366	366
Grades 7-8	B-3	205	188	242	286	282	282	282
Grades 9-12	B-4	-	-	-	-	-	-	-
SUBTOTAL ADA		1,115	1,147	1,179	1,209	1,209	1,209	1,209

OPA Petition Renewal, January 2016

		2013-14	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20
Grades TK-3	B-1	540	560	527	478	660	446	415
Grades 4-6	B-2	370	399	411	399	546	572	591
Grades 7-8	B-3	205	188	242	330	295	386	397
Grades 9-12	B-4	-	-	-	-	197	394	590
SUBTOTAL ADA		1,115	1,147	1,179	1,206	1,698	1,797	1,994

CONCLUSION

Vavrinek, Trine, Day, and Co, LLP has provided a professional assessment of whether the petition complies with Title 5 California Code of Regulations § 11967.5.1 (c) (3) which states that: *"For purposes of Education Code section 47605(b)(2), the SBE shall take the following factors into consideration in determining whether charter petitioners are "demonstrably unlikely to successfully implement the program," if (3) The petitioners have presented an unrealistic financial and operational plan for the proposed charter school. An unrealistic financial and operational plan is one to which any or all of the following applies:*

In the area of financial administration, the charter or supporting documents do not adequately:

- *Include budget notes that clearly describe assumptions on revenue estimates, including, but not limited to, the basis for average daily attendance estimates.*
- *Present a budget that in its totality appears viable and over a period of no less than two years of operations provides for the amassing of a reserve equivalent to that required by law for a school district of similar size to the proposed charter school.*
- *Demonstrate an understanding of the timing of the receipt of various revenues and their relative relationship to timing of expenditures that are within reasonable parameters, based, when possible, on historical data from schools or school districts of similar type, size, and location.*

Review and Analysis of the Oxford Preparatory Academy Charter School
Petition for Renewal
March 8, 2016
Page 15 of 15

For the reasons stated in this document, the conclusion is that the charter financial projections do not adequately address the items noted in Title 5 CCR and Education Code. Therefore, the petition presents an unrealistic financial and operational plan.

Sincerely,

A handwritten signature in cursive script, appearing to read "Caroline Larson".

Caroline Larson, Partner
Vavrinek, Trine, Day & Co., LLP

EXHIBIT B

State of California Secretary of State

Statement of Information

Edlighten Learning Solutions

Filed January 24, 2015



**State of California
Secretary of State**

N

Statement of Information

(Domestic Nonprofit, Credit Union and Consumer Cooperative Corporations)

Filing Fee: \$20.00. If this is an amendment, see instructions.
IMPORTANT – READ INSTRUCTIONS BEFORE COMPLETING THIS FORM

F367790

FILED

In the office of the Secretary of State
of the State of California

JAN-24 2015

1. CORPORATE NAME

EDLIGHTEN LEARNING SOLUTIONS

2. CALIFORNIA CORPORATE NUMBER

C3499943

This Space for Filing Use Only

Complete Principal Office Address (Do not abbreviate the name of the city. Item 3 cannot be a P.O. Box.)

3. STREET ADDRESS OF PRINCIPAL OFFICE IN CALIFORNIA, IF ANY	CITY	STATE	ZIP CODE
5862 C STREET, CHINO, CA 91710			

4. MAILING ADDRESS OF THE CORPORATION	CITY	STATE	ZIP CODE
JOSH BROCK 4508 APPLGATE DRIVE, MOORE, OK 73160			

Names and Complete Addresses of the Following Officers (The corporation must list these three officers. A comparable title for the specific officer may be added; however, the preprinted titles on this form must not be altered.)

5. CHIEF EXECUTIVE OFFICER/	ADDRESS	CITY	STATE	ZIP CODE
SUE ROCHE	5862 C STREET, CHINO, CA 91710			

6. SECRETARY	ADDRESS	CITY	STATE	ZIP CODE
PATTI RICCI	5862 C STREET, CHINO, CA 91710			

7. CHIEF FINANCIAL OFFICER/	ADDRESS	CITY	STATE	ZIP CODE
JOSH BROCK	4508 APPLGATE DRIVE, MOORE, OK 73160			

Agent for Service of Process If the agent is an individual, the agent must reside in California and Item 9 must be completed with a California street address, a P.O. Box address is not acceptable. If the agent is another corporation, the agent must have on file with the California Secretary of State a certificate pursuant to California Corporations Code section 1505 and Item 9 must be left blank.

8. NAME OF AGENT FOR SERVICE OF PROCESS (Note: The person designated as the corporation's agent MUST have agreed to act in that capacity prior to the designation.)
SUE ROCHE

9. STREET ADDRESS OF AGENT FOR SERVICE OF PROCESS IN CALIFORNIA, IF AN INDIVIDUAL	CITY	STATE	ZIP CODE
5862 C STREET, CHINO, CA 91710			

Common Interest Developments

10. Check here if the corporation is an association formed to manage a common interest development under the Davis-Stirling Common Interest Development Act, (California Civil Code section 4000, et seq.) or under the Commercial and Industrial Common Interest Development Act, (California Civil Code section 6500, et seq.). The corporation must file a Statement by Common Interest Development Association (Form SI-CID) as required by California Civil Code sections 5405(a) and 6760(a). Please see instructions on the reverse side of this form.

11. THE INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT.

01/24/2015	JOSHUA AARON BROCK	CFO	
DATE	TYPE/PRINT NAME OF PERSON COMPLETING FORM	TITLE	SIGNATURE

SI-100 (REV 01/2014)

APPROVED BY SECRETARY OF STATE

EXHIBIT C

State of California Secretary of State

Statement of Information

Oxford Preparatory Academy

Filed March 05, 2015



**State of California
Secretary of State**

N

Statement of Information

(Domestic Nonprofit, Credit Union and Consumer Cooperative Corporations)

Filing Fee: \$20.00. If this is an amendment, see instructions.

IMPORTANT – READ INSTRUCTIONS BEFORE COMPLETING THIS FORM

F457222

FILED

In the office of the Secretary of State
of the State of California

MAR-05 2015

This Space for Filing Use Only

1. CORPORATE NAME

OXFORD PREPARATORY ACADEMY

2. CALIFORNIA CORPORATE NUMBER

C3196259

Complete Principal Office Address (Do not abbreviate the name of the city. Item 3 cannot be a P.O. Box.)

3. STREET ADDRESS OF PRINCIPAL OFFICE IN CALIFORNIA, IF ANY	CITY	STATE	ZIP CODE
5862 C STREET, CHINO, CA 91710			

4. MAILING ADDRESS OF THE CORPORATION	CITY	STATE	ZIP CODE
SUE ROCHE 5862 C STREET, CHINO, CA 91710			

Names and Complete Addresses of the Following Officers (The corporation must list these three officers. A comparable title for the specific officer may be added; however, the preprinted titles on this form must not be altered.)

5. CHIEF EXECUTIVE OFFICER/	ADDRESS	CITY	STATE	ZIP CODE
SUE ROCHE	5862 C STREET, CHINO, CA 91710			

6. SECRETARY	ADDRESS	CITY	STATE	ZIP CODE
GREG MADDEX	5862 C STREET, CHINO, CA 91710			

7. CHIEF FINANCIAL OFFICER/	ADDRESS	CITY	STATE	ZIP CODE
ROBERT LEHMEYER	5862 C STREET, CHINO, CA 91710			

Agent for Service of Process If the agent is an individual, the agent must reside in California and Item 9 must be completed with a California street address, a P.O. Box address is not acceptable. If the agent is another corporation, the agent must have on file with the California Secretary of State a certificate pursuant to California Corporations Code section 1505 and Item 9 must be left blank.

8. NAME OF AGENT FOR SERVICE OF PROCESS (Note: The phrase designated on the corporation's agent MUST now be added to act in that capacity prior to the development.)
JERRY W SIMMONS

9. STREET ADDRESS OF AGENT FOR SERVICE OF PROCESS IN CALIFORNIA, IF AN INDIVIDUAL	CITY	STATE	ZIP CODE
701 UNIVERSITY AVENUE SUITE 150, SACRAMENTO, CA 95825			

Common Interest Developments

10. Check here if the corporation is an association formed to manage a common interest development under the Davis-Stirling Common Interest Development Act, (California Civil Code section 4000, et seq.) or under the Commercial and Industrial Common Interest Development Act, (California Civil Code section 6500, et seq.). The corporation must file a Statement by Common Interest Development Association (Form SI-CID) as required by California Civil Code sections 5405(a) and 6760(a). Please see instructions on the reverse side of this form.

11. THE INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT.

03/05/2015	SUE ROCHE	EXECUTIVE DIRECTOR	
DATE	TYPE/PRINT NAME OF PERSON COMPLETING FORM	TITLE	SIGNATURE

SI-100 (REV 01/2014)

APPROVED BY SECRETARY OF STATE

EXHIBIT D




San Bernardino County Superintendent of Schools
Office of Education's Organization Management System for
API Accountability Summary
Oxford Preparatory Academy – Chino Valley

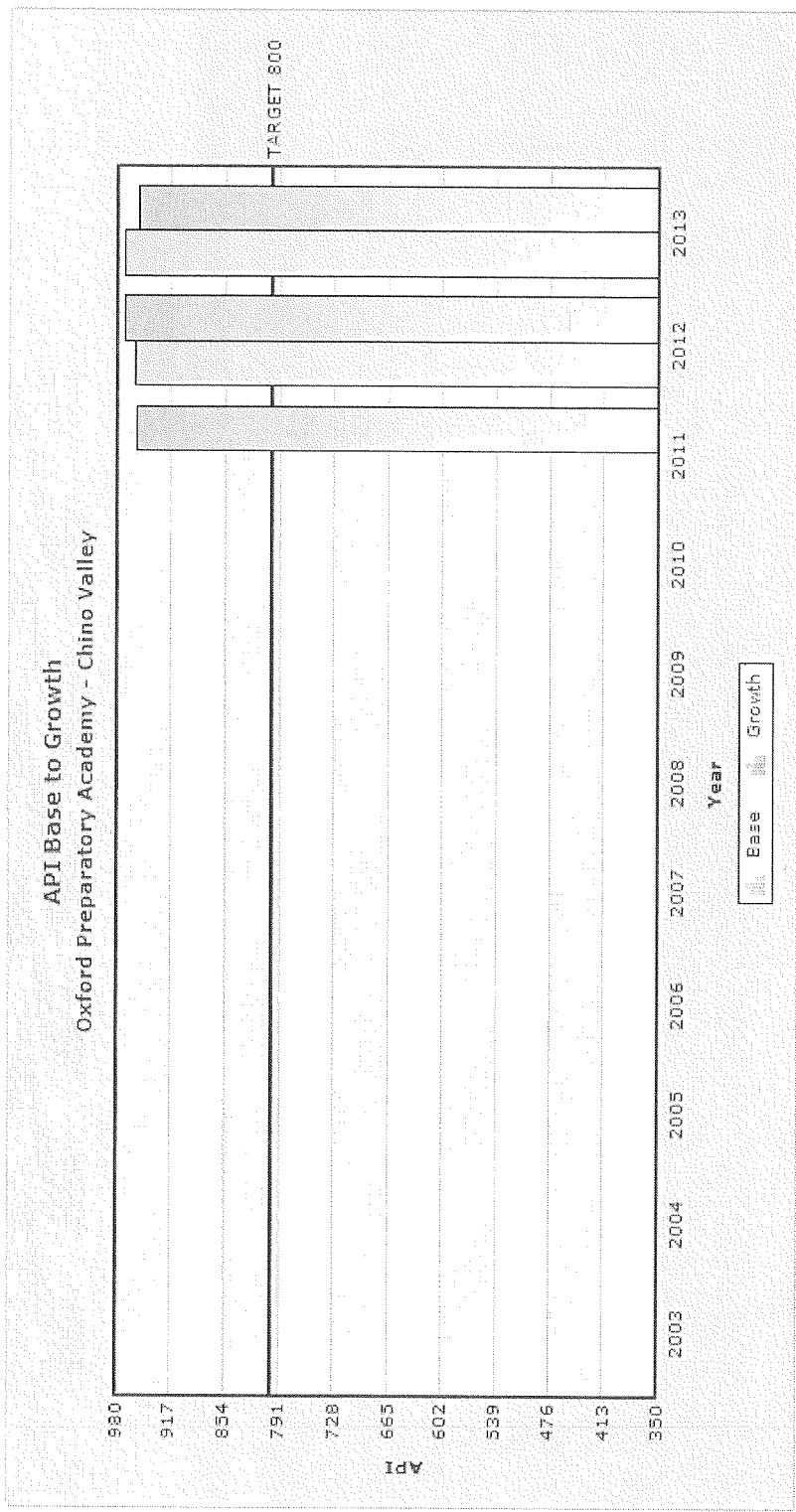
State (API) Accountability Summary and School Characteristics

Year	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	Net	2014	2015	2016	
School	API Growth	API Change	API Growth	API Change	API Growth	API Change	API Growth	API Change	API Growth	API Change	API Growth	API Change	API Growth	API Change	API Growth	API Change
African-American	-	-	-	-	-	-	-	-	957	972	955	-17	954	955	955	955
American Indian	-	-	-	-	-	-	-	-	-	954	973	19	32	973	973	973
Asian	-	-	-	-	-	-	-	-	990	996	997	7	997	997	997	997
Filipino	-	-	-	-	-	-	-	-	990	987	997	10	997	997	997	997
Hispanic	-	-	-	-	-	-	-	-	938	956	932	-24	932	932	932	932
Pacific Islander	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
White	-	-	-	-	-	-	-	-	955	970	953	-17	953	953	953	953
Multi-Race	-	-	-	-	-	-	-	-	-	963	947	-17	947	947	947	947
SES Disadvantaged	-	-	-	-	-	-	-	-	946	946	945	-1	945	945	945	945
English Learners	-	-	-	-	-	-	-	-	945	934	936	1	936	936	936	936
Students with Disabilities	-	-	-	-	-	-	-	-	826	864	795	-	864	800	800	800
Met All API Targets?									N/A	Yes	Yes					
State Rank										10	10					
Similar Rank										10	10					

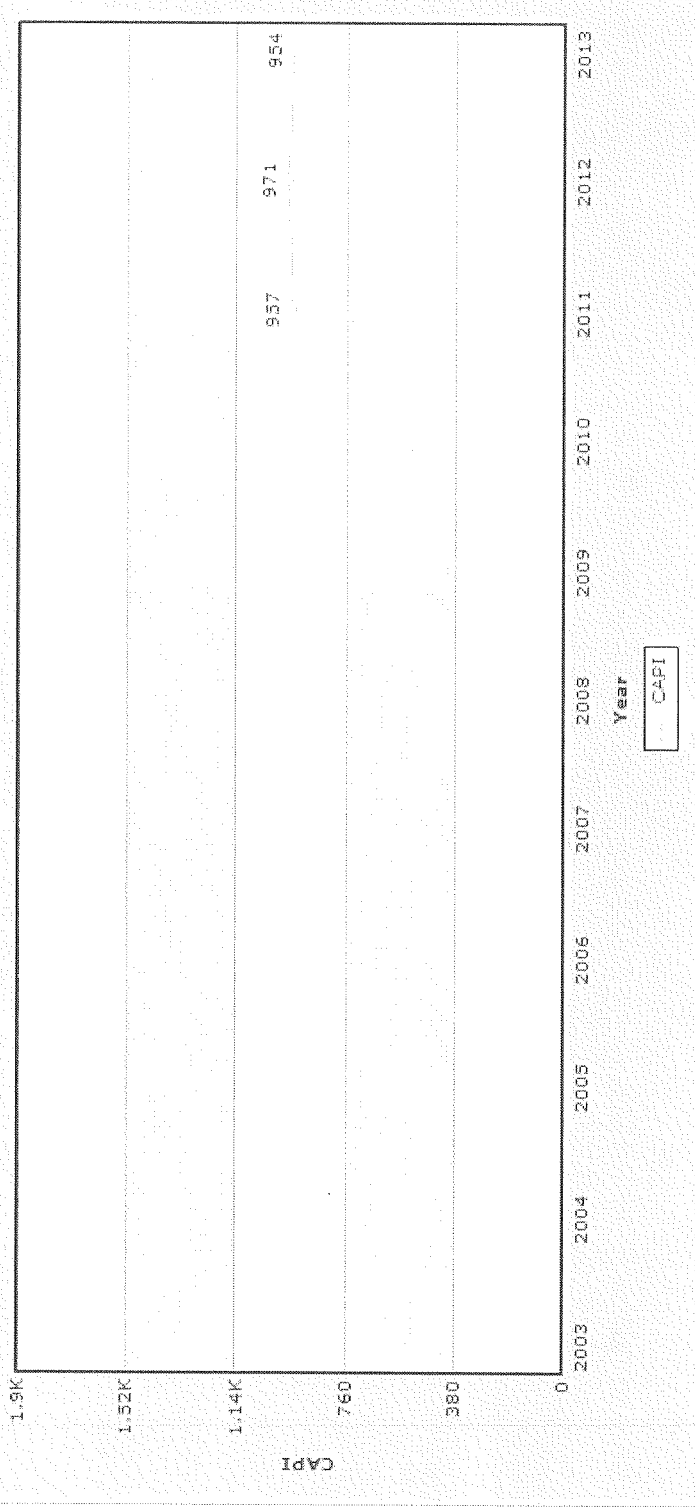
API Base can be calculated by subtracting API Change from API Growth.

* Calculated minimum target. No change in subsequent base API calculation assumed.

 Negative Growth
  Positive Growth - Growth Target Not Met
  Positive Growth - Growth Target Met



Cumulative API (CAPI) Growth
Oxford Preparatory Academy - Chino Valley



Cumulative API (CAPI Growth)											
Year	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
API Change	--	--	--	--	--	--	--	--	957	14	-17
CAPI	--	--	--	--	--	--	--	--	957	971	954

Number of Students Included in Growth API													
Year	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	1-Year Change	11-Year Change
School	--	--	--	--	--	--	--	--	632	762	824	192	824
African-American	--	--	--	--	--	--	--	--	31	22	21	-1	21
American Indian	--	--	--	--	--	--	--	--	3	0	1	1	1
Asian	--	--	--	--	--	--	--	--	105	123	139	16	139
Filipino	--	--	--	--	--	--	--	--	44	44	37	-7	37
Hispanic	--	--	--	--	--	--	--	--	241	304	349	45	349
Pacific Islander	--	--	--	--	--	--	--	--	5	0	2	2	2
White	--	--	--	--	--	--	--	--	196	220	214	-6	214
Multi-Race	--	--	--	--	--	--	--	--	7	48	61	13	--
SES Disadvantaged	--	--	--	--	--	--	--	--	154	167	239	72	239
English Learners	--	--	--	--	--	--	--	--	27	34	46	12	--

Students with Disabilities | 2003 | 2004 | 2005 | 2006 | 2007 | 2008 | 2009 | 2010 | 2011 | 2012 | 2013 | 1-Year Change | 11-Year Change | 67 | 70 | 76 | -6 | --

Year	Number of Students Included in Growth API as a Percentage											1-Year Change	11-Year Change
	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013		
African-American	--	--	--	--	--	--	--	--	4.9%	2.9%	2.5%	-0.4%	2.5%
American Indian	--	--	--	--	--	--	--	--	0.5%	0.0%	0.1%	0.1%	0.1%
Asian	--	--	--	--	--	--	--	--	16.6%	16.1%	16.9%	0.8%	16.9%
Filipino	--	--	--	--	--	--	--	--	7.0%	5.8%	4.5%	-1.3%	4.5%
Hispanic	--	--	--	--	--	--	--	--	38.1%	39.9%	42.4%	2.5%	42.4%
Pacific Islander	--	--	--	--	--	--	--	--	0.8%	0.0%	0.2%	0.2%	0.2%
White	--	--	--	--	--	--	--	--	31.0%	28.9%	26.0%	-2.9%	26.0%
Multi-Race	--	--	--	--	--	--	--	--	1.1%	6.3%	7.4%	1.1%	--
SES Disadvantaged	--	--	--	--	--	--	--	--	24.4%	21.9%	29.0%	7.1%	29.0%
English Learners	--	--	--	--	--	--	--	--	4.3%	4.5%	5.6%	1.1%	--
Students with Disabilities	--	--	--	--	--	--	--	--	10.6%	10.0%	8.5%	-1.5%	--

CHINO VALLEY UNIFIED SCHOOL DISTRICT

Our Motto:

Student Achievement • Safe Schools • Positive School Climate
Humility • Civility • Service

DATE: March 17, 2016
TO: Members, Board of Education
FROM: Wayne M. Joseph, Superintendent
PREPARED BY: Sandra H. Chen, Assistant Superintendent, Business Services
Liz Pensick, Director, Business Services
SUBJECT: 2015/2016 SECOND INTERIM FINANCIAL REPORT

=====

BACKGROUND

Pursuant to Education Code 42131, twice each year, the Board of Education must certify to the County Office of Education and the California Department of Education that the District can meet its financial obligations for the current and two subsequent fiscal years.

The Second Interim Financial Report (submitted under separate cover) presents actual data as of January 31, 2016. This report must be approved and certified as positive, qualified, or negative by the Board of Education and submitted to the County Superintendent of Schools by March 15, 2016. The three certifications are defined as follows:

1. **A Positive Certification** means that a Local Education Agency (LEA) will meet its financial obligations for the current **and** two subsequent fiscal years.
2. **A Qualified Certification** means that an LEA may not meet its financial obligations for the current **or** two subsequent fiscal years.
3. **A Negative Certification** means that an LEA will not meet its financial obligations for the remainder of the fiscal year **or** for the subsequent fiscal year.

The Second Interim Report is being presented to the Board of Education for approval with a positive certification.

Approval of this item supports the goals identified within the District’s Strategic Plan.

RECOMMENDATION

It is recommended the Board of Education approve the 2015/2016 Second Interim Financial Report, and authorize the President of the Board of Education and the Superintendent to sign the positive Certification of Financial Condition for the current and two subsequent fiscal years.

FISCAL IMPACT

Financial information presented for this Second Interim Report reflects a balanced budget for fiscal years 2015/2016, 2016/2017, and 2017/2018.

CHINO VALLEY UNIFIED SCHOOL DISTRICT
REGULAR MEETING OF THE BOARD OF EDUCATION
March 3, 2016

MINUTES

I. OPENING BUSINESS

I.A. CALL TO ORDER – 3:45 P.M.

1. Roll Call

President Cruz called to order the regular meeting of the Board of Education, Thursday, March 3, 2016, at 3:45 p.m. with Blair, Cruz, Feix, Na, and Orozco present.

Administrative Personnel

Wayne M. Joseph, Superintendent (Mr. Joseph left after closed session)
Norm Enfield, Ed.D., Deputy Superintendent
Sandra H. Chen, Assistant Superintendent, Business Services
Jeanette Chien, Ed.D., Assistant Superintendent, Educational Services
Grace Park, Ed.D., Assistant Superintendent, Human Resources
Gregory J. Stachura, Assistant Supt., Facilities, Planning, and Operations

2. Public Comment on Closed Session Items

Jim Gallagher; Naomi Minogue; Jim Case; Marian Arguello; Dena Peoples; and Don Bridge addressed the Board regarding existing litigation (Case No. 5:14-CV-2336).

3. Closed Session

President Cruz adjourned to closed session at 3:54 p.m. regarding conference with legal counsel existing and anticipated litigation; conference with legal labor negotiators, A.C.T. and CSEA; and public employee discipline/dismissal/release.

I.B. RECONVENE TO REGULAR OPEN MEETING – 7:00 P.M.

1. Report Closed Session Action

President Cruz reconvened the regular meeting of the Board of Education at 7:09 p.m. The Board met in closed session from 3:45 p.m. to 7:00 p.m. regarding conference with legal counsel existing and anticipated litigation; conference with legal labor negotiators, A.C.T. and CSEA; and public employee discipline/dismissal/release. In closed session, on motion of Na and seconded by Cruz, the Board voted (3-2) with Blair voting “no”; Feix “no”; Na, “yes”; Orozco, “yes” and Cruz, “yes” to timely appeal and direct

the Superintendent to bring recommendations for alternative pro-bono counsel to a special board meeting on March 7 in USDC (Central District ED) # 5:14-CV-2336. Adverse party: Freedom From Religion Foundation and Doe plaintiffs. Substance of litigation: Complaint for Injunctive Relief and Damages. Further, the Board adopted a statement of charges for the immediate suspension and dismissal of a permanent certificated employee identified by the employee number 473 by the following vote (5-0): Feix, Blair, Na, Orozco, and Cruz voting yes. No further action was taken that required public disclosure.

2. Pledge of Allegiance

Gerson Renderos, Borba ES Principal, led the Pledge of Allegiance.

I.C. PRESENTATIONS

1. Student Showcase: Borba ES

Teacher Patty Quiroz led students in a musical performance.

2. Chino High School National Art Honor Society

The Board recognized Chino HS National Art Honor Society students Aleksandra Sarcev, Jordan Ray, Allaikeem Jones, Erika Aguila, Monserrat Lupercio, and Julian Yslavafor for their work in designing the murals for the Richard Gird Educational Hall of Fame located in the District office lobby. Teacher Daniel Cahill accompanied the students.

3. Summer School Programs

Dr. Preston Carr, Director of Alternative Education, provided an overview of the District's summer school programs.

4. LCAP Annual Report Update

Dr. Jeanette Chien, Assistant Superintendent of Educational Services, provided the annual Local Control and Accountability Plan update.

I.D. COMMENTS FROM STUDENT REPRESENTATIVE

Shweta Shaw (absent).

I.E. COMMENTS FROM EMPLOYEE REPRESENTATIVES

Steve Ball ACT, spoke on behalf of certificated staff; extended an invitation to the Board for an ACT event; spoke about Ms. Olga Rodriguez's, Glenmeade's former 2nd grade teacher, passing away; spoke about stakeholder input on the LCAP; spoke about teachers working harder and longer and dollar amounts representing service hours teachers donate in time; and implored that the Board settle the contract.

Denise Arroyo spoke about talented students' activities; thanked Dr. Chien for attending the CSEA membership meeting; said the District is sending Special Education instructional aides to a para-professionals conference for training; and asked for more custodial help at Cal Aero.

Yvette Farley spoke about Student Government Day; spoke about LCAP meetings promoting parental involvement; said CHAMP had a guest speaker event last Monday, and thanked administrators and aspiring administrators for attending; spoke about Literacy Day; and ended with a thought regarding working hard every day for our students.

I.F. COMMENTS FROM COMMUNITY LIAISONS

Art Bennett spoke about our District doing what is right to continue making it what it is; acknowledged student accomplishments; spoke about Chino Hills HS varsity basketball playoffs; and the various sporting events throughout the District.

I.G. COMMENTS FROM THE AUDIENCE ON ITEMS NOT ON THE AGENDA

Jack Hibbs, Earl De Vries addressed the Board regarding prayer; Krista Landgraf addressed the Board regarding GATE; Peter O'Brien addressed the Board regarding inclusion; Peter Patel addressed the Board regarding Oxford Preparatory Academy; Rainbow Lee addressed the Board regarding booster club financial audits; Elena Lecaro addressed the Board regarding school security; and Ronaldo Lizarraga-Angulo addressed the Board regarding lawsuit appeal.

President Cruz called for a recess between 9:01 p.m. to 9:11 p.m.

I.H. CHANGES AND DELETIONS

The following changes/deletions were read into the record: Item III.A.1., Minutes, under Irene Hernandez-Blair's comments, last sentence, deleted the words 'Cal Aero' after the words 'physical education'; Item III.B.2., Business Services, Fundraising Activities, under Dickey ES, added PTO Read-a-Thon, 3/7/16- 3/31/16; and Item IV.C.2., Human Resources, this item was deleted from the agenda.

II. ACTION**II.A. ADMINISTRATION**

- II.A.1. California School Boards Association Delegate Assembly Election 2016**
Moved (Blair) seconded (Na) carried unanimously (5-0) to vote for the six incumbent candidates (Dew, Fort, Payzant, Schneider, Smith, and West) to the California School Boards Association Delegate Assembly, subregion 16-B.

II.B. HUMAN RESOURCES

- II.B.1. Compensation Increase for Fully Credentialed Substitute Teachers who Teach Within Their Content Area During Summer School**
Moved (Na) seconded (Orozco) carried unanimously (5-0) to approve a compensation increase for fully credentialed substitute teachers who teach within their content area during summer school.

III. CONSENT

Pamela Feix pulled for separate action Item III.E.2. Moved (Blair) seconded (Na) carried unanimously (5-0) to approve the remainder of the consent items, as amended.

III.A. ADMINISTRATION

- III.A.1. Minutes of the Regular Meeting of February 18, 2016**
Approved the minutes of the regular meeting of February 18, 2016, as amended.

III.B. BUSINESS SERVICES

- III.B.1. Warrant Register**
Approved/ratified the warrant register.
- III.B.2. Fundraising Activities**
Approved/ratified the fundraising activities, as amended.
- III.B.3. Donations**
Accepted the donations.
- III.B.4. Legal Services**
Approved payment of legal services to the law offices of Atkinson, Andelson, Loya, Ruud & Romo.

III.C. CURRICULUM, INSTRUCTION, INNOVATION, AND SUPPORT

III.C.1. Request for Proposal for the Workforce Innovation and Opportunity Act Youth Programs for 2016 through 2018

Approved the Request for Proposal for the Workforce Innovation and Opportunity Act Youth Programs for 2016 through 2018.

III.C.2. 2016 Enrichment Summer Instruction Program

Approved the 2016 Enrichment Summer Instruction Program.

III.C.3. Revision of Board Policy 6162.51 Instruction—Standardized Testing and Reporting Program

Approved the revision of Board Policy 6162.51 Instruction—Standardized Testing and Reporting Program.

III.C.4. Revision of Board Policy 6162.54 Instruction—Test Integrity/Test Preparation

Approved the revision of Board Policy 6162.54 Instruction—Test Integrity/Test Preparation.

III.C.5. Revision of Board Policy 6174 Instruction—Education for English Language Learners

Approved the revision of Board Policy 6174 Instruction—Education for English Language Learners.

III.D. EDUCATIONAL SERVICES

III.D.1. School-Sponsored Trips

Approved the following school-sponsored trips: Chino HS, Chino Hills HS, and Don Lugo HS.

III.E. FACILITIES, PLANNING, AND OPERATIONS

III.E.1. Purchase Order Register

Approved/ratified the purchase order register.

III.E.2. Agreements for Contractor/Consultant Services

Moved (Blair) seconded (Na) motion carried (4-1, Feix voted 'no') to approve/ratify the Agreements for Contractor/Consultant Services.

III.E.3. Surplus/Obsolete Property

Declared the District property surplus/obsolete and authorized staff to sell/dispose of said property.

III.E.4. Resolutions 2015/2016-49, 2015/2016-50, 2015/2016-51, and 2015/2016-52 for Authorization to Utilize Piggyback Contracts

Adopted Resolutions 2015/2016-49, 2015/2016-50, 2015/2016-51, and 2015/2016-52 for authorization to utilize piggyback contracts.

III.E.5. Resolution 2015/2016-53 for Authorization to Utilize the Level 3 CUPCCAA Bid Limit for the Replacement of the Ayala HS Fire Alarm System

Adopted Resolution 2015/2016-53 for authorization to utilize the level 3 CUPCCAA bid limit for the replacement of the Ayala HS fire alarm system.

III.F. HUMAN RESOURCES

III.F.1. Certificated/Classified Personnel Items

Approved/ratified the certificated/classified personnel items.

III.F.2. Rejection of Claim

Rejected the claim and referred it to the District’s Insurance adjuster.

III.F.3. Internship Agreement with Brandman University

Approved the internship agreement with Brandman University.

IV INFORMATION

IV.A. CURRICULUM, INSTRUCTION, INNOVATION, AND SUPPORT

IV.A.1. Revision of Board Policy and Administrative Regulation 6146.1 Instruction—High School Graduation Requirements

Received for information the revision of Board Policy and Administrative Regulation 6146.1 Instruction—High School Graduation Requirements.

IV.A.2. New Course Integrated Mathematics 3 Honors

Received for information new course Integrated Mathematics 3 Honors.

IV.B. EDUCATIONAL SERVICES

IV.B.1. New Board Policy and Revision of Administrative Regulation 5111.1 Students—District Residency

Received for information the new Board Policy and revision of Administrative Regulation 5111.1 Students—District Residency.

IV.B.2. Deletion of Administrative Regulation 5111.12 Students—Residency Based on Parent/Guardian Employment

Received for information the deletion of Administrative Regulation 5111.12 Students—Residency Based on Parent/Guardian Employment.

IV.C. HUMAN RESOURCES

IV.C.1. Revision of Board Policy 4119.11, 4219.11, 4319.11 All Personnel—Sexual Harassment

Received for information the revision of Board Policy 4119.11, 4219.11, 4319.11 All Personnel—Sexual Harassment.

IV.C.2. Revision of Board Policy 4121 Personnel—Temporary/Substitute Personnel

This item was pulled from the agenda.

<p>V. COMMUNICATIONS</p>

BOARD MEMBERS AND SUPERINTENDENT

Irene Hernandez-Blair said she attended Newman ES’s School Smarts Parent Academy, and congratulated parents for increased involvement; met with parents and administrators of Oxford Preparatory Academy as well as parents throughout the District to conduct her own research; shared March Madness news; acknowledged Townsend JHS’s song leaders for their achievements; spoke about Dr. Seuss week activities; asked about efforts to increase the bandwidth for uploading Board meetings onto the website; and extended wishes for Superintendent Joseph and Mrs. Feix to get better.

James Na said that the recent Student Government Day activity was one of the best times he has had, and thanked President Cruz and Mrs. Orozco for encouraging students; said we need to do more and get involved with kids; attended Ayala HS choir presentation; spoke about Glenmeade ES teacher Susan Daniels passing away; said Rhodes ES mourned the loss of 4th grader DeSean Vorise; and said he would like to see the Adult School leadership team give a Board presentation on their accomplishments.

Pamela Feix attended Student Government Day, and thanked everyone for their efforts in making it an experience for students; spoke about Chino Hills HS boys varsity basketball playoff ticket sales; said seven regional award winners from Riverside and San Bernardino Counties were honored at the 17th annual Advancement Via Individual Determination (AVID) Write-Off Ceremony on March 3 at the University of Redlands and that Bella Pettengill, 8th grader at Canyon Hills JHS, was a winner; spoke about letters received giving all view points, and that she gives little credence to those that are unsigned; and said she is concerned about the system used to select valedictorians and would like to discuss it from the Board’s perspective.

Sylvia Orozco spoke about Student Government Day; and said she traveled to Sacramento with the SANDABS Executive Board and spoke about the business that was addressed.

President Cruz said he participated in Student Government Day; said many of our students will advance to the RIMS Science and Engineering Fair in early April; said he attended the Cal Aero Preserve Academy *Father and Daughter Dance*, and commended the efforts of everyone who contributed to its success; and attended the International Day at Oxford Preparatory Academy and said the food was excellent.

VI. ADJOURNMENT

President Cruz adjourned the regular meeting of the Board of Education at 9:40 p.m. with a moment of silence in memory of those who have recently passed away.

Andrew Cruz, President

Pamela Feix, Clerk

Prepared by: Patricia Kaylor, Administrative Secretary, Board of Education

CHINO VALLEY UNIFIED SCHOOL DISTRICT
SPECIAL MEETING OF THE BOARD OF EDUCATION
March 7, 2016

MINUTES

I. OPENING BUSINESS

I.A. CALL TO ORDER – 5:00 P.M.

1. Roll Call

President Cruz called to order the special meeting of the Board of Education, Monday, March 7, 2016, at 5:00 p.m. with Blair, Cruz, Feix, Na, and Orozco present.

Administrative Personnel

Wayne M. Joseph, Superintendent (absent)

Norm Enfield, Ed.D., Deputy Superintendent

Sandra H. Chen, Assistant Superintendent, Business Services (absent)

Jeanette Chien, Ed.D., Asst. Superintendent, Educational Services (absent)

Grace Park, Ed.D., Assistant Superintendent, Human Resources

Gregory J. Stachura, Assistant Supt., Facilities, Planning, and Operations

2. Pledge of Allegiance

President Cruz led the Pledge of Allegiance.

I.B. COMMENTS FROM THE AUDIENCE ON ITEMS ON THE AGENDA

Ronaldo Lizarraga-Angulo; Pat Sales; Gail Blake Smith; Karen Santos; James Reid; Joe McTarnsney; Sondra Rose; Tyra Weis; Naomi Minogue; and Jim Gallagher addressed the Board regarding Item II.A.1.

II. CONSENT

II.A. FACILITIES, PLANNING, AND OPERATIONS

II.A.1. Agreements for Contractor/Consultant Services

Moved (Na) seconded (Orozco) motion carried (3-2, Blair and Feix vote 'no') to approve/ratify the Agreement for Contractor/Consultant Services.

III. ADJOURNMENT

President Cruz adjourned the special meeting of the Board of Education at 5:27 p.m.

Andrew Cruz, President

Pamela Feix, Clerk

Recorded by: Patricia Kaylor, Administrative Secretary to the Board of Education

CHINO VALLEY UNIFIED SCHOOL DISTRICT

Our Motto:

Student Achievement • Safe Schools • Positive School Climate
Humility • Civility • Service

DATE: March 17, 2016
TO: Members, Board of Education
FROM: Wayne M. Joseph, Superintendent
PREPARED BY: Sandra H. Chen, Assistant Superintendent, Business Services
Liz Pensick, Director, Business Services
SUBJECT: WARRANT REGISTER

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BACKGROUND

Education Code 42650 requires the Board to approve and/or ratify all warrants. These payments are made in the form of warrants, and the warrant (check) form is approved by the County Superintendent.

All items listed are within previously budgeted amounts. There is no fiscal impact beyond currently available appropriations.

Approval of this item supports the goals identified within the District’s Strategic Plan.

RECOMMENDATION

It is recommended the Board of Education approve/ratify the warrant register, provided under separate cover.

FISCAL IMPACT

\$2,897,348.94 to all District funding sources.

WMJ:SHC:LP:wc

CHINO VALLEY UNIFIED SCHOOL DISTRICT

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DATE: March 17, 2016
TO: Members, Board of Education
FROM: Wayne M. Joseph, Superintendent
PREPARED BY: Sandra H. Chen, Assistant Superintendent, Business Services
Liz Pensick, Director, Business Services
SUBJECT: FUNDRAISING ACTIVITIES

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BACKGROUND

Board Policy 3452 Business and Noninstructional Operations – Student Activity Funds and Board Policy 1230 Community Relations – School Connected Organizations require that fundraising activities be submitted to the Board of Education for approval.

Approval of this item supports the goals identified within the District’s Strategic Plan.

RECOMMENDATION

It is recommended the Board of Education approve/ratify the fundraising activities.

FISCAL IMPACT

None.

WMJ:SHC:LP:wc

CHINO VALLEY UNIFIED SCHOOL DISTRICT
March 17, 2016

<u>SITE/DEPARTMENT</u>	<u>ACTIVITY/DESCRIPTION</u>	<u>DATE</u>
<u>Dickey ES</u>		
PTO	Spring Celebration - Silent Auction	3/18/16
<u>Dickson ES</u>		
PTA	Jog-A-Thon	4/4/16 - 4/22/16
<u>Glenmeade ES</u>		
PTA	Corner Bakery Day	3/22/16
PTA	Yogurtland Day	3/22/16
<u>Hidden Trails ES</u>		
PTA	Pacific Fish Grill Day	3/23/16
<u>Oak Ridge ES</u>		
Student Council	Penny Donation Drive	5/23/16-5/31/16
<u>Rolling Ridge ES</u>		
PTA	California Pizza Kitchen Dine Out Night	3/24/16
PTA	Grandma Pucci's Homemade Ice Cream Day	5/11/16
<u>Briggs K-8</u>		
PFA	Chuck E. Cheese Day	6/1/16
<u>Cal Aero K-8</u>		
ASB - 6th Grade	Off Campus Candy Sale	3/18/16 - 4/5/16
Flight Crew	Papa Murphy's Family Day Out	3/21/16
Flight Crew	Chipotle Family Day Out	4/8/16
<u>Ramona JHS</u>		
AVID	Coupon Booklet Sale	3/18/16 - 4/8/16

CHINO VALLEY UNIFIED SCHOOL DISTRICT
March 17, 2016

<u>SITE/DEPARTMENT</u>	<u>ACTIVITY/DESCRIPTION</u>	<u>DATE</u>
<u>Townsend JHS</u>		
Music Boosters	Open House Pizza Sale	3/23/16
Music Boosters	California Pizza Kitchen Family Night Out	3/29/16
East Coast Travel Club	Off Campus Candy Sale	4/4/16 - 6/8/16
Music Boosters	Home Town Buffet Ticket Sale	4/30/16
Music Boosters	Pillow Sale	5/1/16 - 5/31/16
<u>Ayala HS</u>		
Spirit Leaders	Off Campus Krispy Kreme Donut Sale	3/18/16 - 3/24/16
Swim Team Boosters	Cannataro's Family Night Out	3/22/16
Spirit Leaders	Pieology Day	3/23/16
PTSA	Pacific Fish Grill Day	4/6/16
Football Boosters	Football Camp	4/6/16 - 6/1/16
<u>Chino HS</u>		
Sports Boosters	Snap Raise Online Donation Drive	3/18/16 - 4/1/16
Football Huddle Club	Junior Football Camp	3/26/16 - 5/14/16
Sports Boosters	Olive Garden Spirit Day	4/12/16
<u>Chino Hills HS</u>		
Christian Club	Dodgeball Tournament	3/18/16
Choir	March Concerts Ticket Sale	3/22/16 - 3/23/16
Operation Smile Club	Yogurtland Day	3/24/16
Choir	May Concerts Ticket Sale	5/24/16 - 5/25/16
<u>Don Lugo HS</u>		
Sports Boosters	Applebee's Pancake Breakfast	3/20/16
Grad Night 2016 Boosters	Mary Kay Cosmetics Sale	3/27/16 - 4/15/16
Girls Swim Team	Swim-A-Thon	4/4/16
Grad Night 2016 Boosters	Chino Relays Track Meet Snow Cone Sale	4/16/16

CHINO VALLEY UNIFIED SCHOOL DISTRICT

Our Motto:

Student Achievement • Safe Schools • Positive School Climate
Humility • Civility • Service

DATE: March 17, 2016
TO: Members, Board of Education
FROM: Wayne M. Joseph, Superintendent
PREPARED BY: Sandra H. Chen, Assistant Superintendent, Business Services
Liz Pensick, Director, Business Services
SUBJECT: DONATIONS

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BACKGROUND

Board Policy 3290 Business and Noninstructional Operations - Gifts, Grants, and Bequests states the Board of Education may accept any bequest or gift of money or property on behalf of the District. All gifts, grants, and bequests shall become property of the District. Use of the gift shall not be impaired by restrictions or conditions imposed by the donor.

Approximate values are determined by the donor.

Approval of this item supports the goals identified within the District's Strategic Plan.

RECOMMENDATION

It is recommended the Board of Education accept the donations.

FISCAL IMPACT

Any cost for repairs of donated equipment will be a site expense.

WMJ:SHC:LP:wc

CHINO VALLEY UNIFIED SCHOOL DISTRICT
March 17, 2016

<u>DEPARTMENT/SITE DONOR</u>	<u>ITEM DONATED</u>	<u>APPROXIMATE VALUE</u>
<u>HOPE Center</u>		
LD Donor Connection	Cash	\$500.00
<u>Borba ES</u>		
Art Rungo	Cash	\$25.00
Target	Cash	\$164.15
<u>Cattle ES</u>		
Wells Fargo	Cash	\$98.00
<u>Country Springs ES</u>		
Carlos & Leslie Casillas	Cash	\$40.00
<u>Eagle Canyon ES</u>		
Clark Construction	Cash	\$100.00
Target	Cash	\$447.66
<u>Glenmeade ES</u>		
Glenmeade PTA	Cash	\$23.53
Target	Cash	\$164.61
<u>Hidden Trails ES</u>		
Jocelyne Fletcher	Cash	\$25.00
Samantha Hu	Cash	\$25.00
Carol Sin	Cash	\$25.00
ASD.com Inc.	Cash	\$239.21
<u>Rolling Ridge ES</u>		
Target	Cash	\$622.02

CHINO VALLEY UNIFIED SCHOOL DISTRICT
March 17, 2016

<u>DEPARTMENT/SITE DONOR</u>	<u>ITEM DONATED</u>	<u>APPROXIMATE VALUE</u>
<u>Wickman ES</u>		
Wells Fargo	Cash	\$59.98
Wells Fargo	Cash	\$69.98
Wickman PTO	Cash	\$100.00
Target	Cash	\$651.92
Wickman PTO	Cash	\$1,182.00
<u>Magnolia JHS</u>		
Target	Cash	\$259.33
<u>Ramona JHS</u>		
Target	Cash	\$102.00
<u>Townsend JHS</u>		
Edison International	Cash	\$60.00
Box Tops for Education	Cash	\$129.90
Target	Cash	\$170.95
<u>Ayala HS</u>		
Daisy I.T.	Cash	\$10.68
Bottling Group, LLC	Cash	\$164.28
Silicon Valley Community Foundation	Cash	\$450.00
<u>Chino Hills HS</u>		
Wells Fargo	Cash	\$70.00
Target	Cash	\$990.86
<u>Don Lugo HS</u>		
Kathy Casino	Cash	\$20.00
Danielle Gilley	Cash	\$20.00
Ann Pignotti	Cash	\$20.00
David & Laurie Robinson	Cash	\$20.00
Phillip & Melanie Woods	Cash	\$20.00
Henry & Lori Anchondo	Cash	\$25.00
Thomas & Nancy Bagnoli	Cash	\$25.00

CHINO VALLEY UNIFIED SCHOOL DISTRICT
March 17, 2016

<u>DEPARTMENT/SITE DONOR</u>	<u>ITEM DONATED</u>	<u>APPROXIMATE VALUE</u>
<u>Don Lugo HS</u> (cont.)		
Todd & Susan Keizer	Cash	\$25.00
Ty & Bonnie Keizer	Cash	\$25.00
David & Sheryl Neal	Cash	\$25.00
March & Deanne Pickett	Cash	\$25.00
Adam Sleeper	Cash	\$25.00
Deborah Woolery	Cash	\$25.00
Sarah Barraza	Cash	\$50.00
Nick & Andrea Bernstein	Cash	\$50.00
Robert & Cindy Bohannan	Cash	\$50.00
Mary Carpentier	Cash	\$50.00
Christine Hunt Dominguez	Cash	\$50.00
Kimberly Duenas	Cash	\$50.00
Mervyn & Shanette Encarnacion	Cash	\$50.00
Erin & Robert Thomas Grebel	Cash	\$50.00
Gary & Janey Hahn	Cash	\$50.00
Fred & Karen Hayhurst	Cash	\$50.00
Blaine & Denise Molle	Cash	\$50.00
Donald & Kim Pace	Cash	\$50.00
Gloria Romo & Rick Parker	Cash	\$50.00
Richard & Sandra Pollgreen	Cash	\$50.00
Michael & Mary Ragland Living Trust	Cash	\$50.00
Terri Satterfield	Cash	\$50.00
Robert & Linda Smallwood	Cash	\$50.00
Deepa K. Sukumaran	Cash	\$50.00
Timothy & Maria Sumida	Cash	\$50.00
Luis & Susan Tapia	Cash	\$50.00
Debra Ulland	Cash	\$50.00
Linda Zeigler	Cash	\$60.00
Tracy Hill	Cash	\$75.00
Deon Veliz	Cash	\$75.00
John Addison II Corp.	Cash	\$100.00
Margaret Brewer	Cash	\$100.00
Patrick & Victoria Cathey	Cash	\$100.00
Fernando Duenas Pool Service	Cash	\$100.00
Eddy & Cheryl Earls	Cash	\$100.00
Donald & Marina Gardner	Cash	\$100.00
Joy Hannan	Cash	\$100.00
Joanne Julien	Cash	\$100.00
Hector & Colette Marchand	Cash	\$100.00
Brian & Laura Munday	Cash	\$100.00

CHINO VALLEY UNIFIED SCHOOL DISTRICT

Our Motto:

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DATE: March 17, 2016

TO: Members, Board of Education

FROM: Wayne M. Joseph, Superintendent

PREPARED BY: Norm Enfield, Ed.D., Deputy Superintendent, Curriculum,
Instruction, Innovation, and Support
Don Jones, Director, Secondary Curriculum and Instruction

**SUBJECT: REVISION OF BOARD POLICY 6146.1 INSTRUCTION – HIGH
SCHOOL GRADUATION REQUIREMENTS**

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BACKGROUND

Board policies, administrative regulations, and bylaws of the Board are routinely developed and revised as a result of changes in law, mandates, federal regulations, and current practice. Board Policy 6146.1 Instruction – High School Graduation Requirements is being revised to reflect new law Senate Bill 172, which suspends, through the 2017/2018 school year, the requirement that each student completing grade 12 successfully pass the high school exit exam as a condition of receiving a diploma or graduating from high school and requires districts to retroactively grant a diploma to any student who met all graduation requirements other than the exit exam requirement since 2003/2004 school year. Revisions also reflect new law Assembly Bill 220, which requires that one mathematics course required for graduation be equivalent to Algebra I or Mathematics I; new law Assembly Bill 1764, which provides that any district requiring more than two mathematics courses may award credit for an approved computer science course; new law Senate Bill 695 which requires any district that requires health education for graduation to include instruction in sexual harassment and violence; new law Assembly Bill 1806, which provides that a homeless student who transfers any time after completing his/her second year of high school is exempted from locally establishing high school graduation requirements; and new law Assembly Bill 1166, which allows homeless students and foster youth such an exemption even if the district fails to provide timely notice of the availability of the exemptions. This item was presented to the Board on March 3, 2016, for information.

New language is provided in UPPER CASE while old language to be deleted is ~~lined through~~.

Approval of this item supports the goals identified within the District's Strategic Plan.

RECOMMENDATION

It is recommended the Board of Education approve the revision of Board Policy 6146.1 Instruction – High School Graduation Requirements.

FISCAL IMPACT

None.

WMJ:NE:DJ:smr

HIGH SCHOOL GRADUATION REQUIREMENTS

The Board of Education desires to prepare all students to obtain a high school diploma to enable them to take advantage of opportunities for postsecondary education and/or employment.

(cf. 5127 - Graduation Ceremonies and Activities)

(cf. 5147 - Dropout Prevention)

(cf. 6143 - Courses of Study)

(cf. 6146.3 - Reciprocity of Academic Credit)

COURSE REQUIREMENTS

TO OBTAIN A HIGH SCHOOL DIPLOMA, STUDENTS SHALL COMPLETE AT LEAST THE FOLLOWING COURSES IN GRADES 9-12, WITH EACH COURSE BEING ONE YEAR UNLESS OTHERWISE SPECIFIED:

1. FOUR COURSES IN ENGLISH
2. THREE COURSES IN MATHEMATICS

STUDENTS SHALL MEET OR EXCEED STATE ACADEMIC CONTENT STANDARDS FOR ALGEBRA I (INTEGRATED MATHEMATICS I). COMPLETION OF SUCH COURSEWORK PRIOR TO GRADE 9 SHALL SATISFY THE ALGEBRA I (INTEGRATED MATHEMATICS I) REQUIREMENT.

STUDENTS MAY BE AWARDED UP TO ONE MATHEMATICS COURSE CREDIT FOR SUCCESSFUL COMPLETION OF AN APPROVED COMPUTER SCIENCE COURSE THAT IS CLASSIFIED AS A "CATEGORY C" COURSE BASED ON THE "A-G" COURSE REQUIREMENTS FOR COLLEGE ADMISSION.

(cf. 6011 - Academic Standards)

3. TWO COURSES IN SCIENCE, INCLUDING BIOLOGICAL AND PHYSICAL SCIENCES (EDUCATION CODE 51225.3)
4. THREE COURSES IN SOCIAL STUDIES, INCLUDING UNITED STATES HISTORY AND GEOGRAPHY; WORLD HISTORY, CULTURE, AND GEOGRAPHY; A ONE-SEMESTER COURSE IN AMERICAN GOVERNMENT AND CIVICS; AND A ONE-SEMESTER COURSE IN ECONOMICS (EDUCATION CODE 51225.3)

(cf. 6142.3 - Civic Education)

(cf. 6142.94 - History-Social Science Instruction)

HIGH SCHOOL GRADUATION REQUIREMENTS (cont.)

5. TWO COURSES IN VISUAL OR PERFORMING ARTS, FOREIGN LANGUAGE, INCLUDING AMERICAN SIGN LANGUAGE, OR CAREER TECHNICAL EDUCATION (CTE)

TO BE COUNTED TOWARDS MEETING GRADUATION REQUIREMENTS, A CTE COURSE MUST MEET THE UC/CSU "F" REQUIREMENT AND SHALL BE ALIGNED TO THE CTE MODEL CURRICULUM STANDARDS AND FRAMEWORK ADOPTED BY THE STATE BOARD OF EDUCATION.

(cf. 6142.2 - World/Foreign Language Instruction)
(cf. 6142.6 - Visual and Performing Arts Education)
(cf. 6178 - Career Technical Education)

6. TWO COURSES IN PHYSICAL EDUCATION, UNLESS THE STUDENT HAS BEEN OTHERWISE EXEMPTED PURSUANT TO OTHER SECTIONS OF THE EDUCATION CODE (EDUCATION CODE 51225.3)

(cf. 6142.7 - Physical Education and Activity)
(cf. 6142.1 - Family Life/Sexual Education Sexual Health and HIV/AIDS Prevention Instruction)
(cf. 6142.8 - Comprehensive Health Education)

BECAUSE THE PRESCRIBED COURSE OF STUDY MAY NOT ACCOMMODATE THE NEEDS OF SOME STUDENTS, THE BOARD SHALL PROVIDE ALTERNATIVE MEANS FOR THE COMPLETION OF PRESCRIBED COURSES IN ACCORDANCE WITH LAW.

(cf. 6146.11 - Alternative Credits Toward Graduation)
(cf. 6146.2 - Certificate of Proficiency/High School Equivalency)
(cf. 6146.4 - Differential Graduation and Competency Standards for Students with Disabilities)

~~The Graduating Class of 2012 shall meet the requirements set forth for the Graduating Class of 2013 with the exception of the Health Education Course requirement.~~

Effective with the Graduating Class of 2013~~6~~ and each class thereafter.

All students receiving a high school diploma from the District shall:

1. Achieve a cumulative G.P.A. of 2.0. AND
2. ~~Pass both sections of the California High School Exit Examination (CAHSEE).~~
3. Complete the course requirements as follows:

HIGH SCHOOL GRADUATION REQUIREMENTS (cont.)

Subject	Units per Subject	Total Units per Subject
English/Reading		40 units
Mathematics:		30 units
Algebra I/INTEGRATED MATH I (if taken at the high school level)	10 units	
Other higher level math	20 units	
Physical Education		20 units
Visual and Performing Arts (VAPA)/Foreign Language		20 units*
*One VAPA course may be replaced with Career Technical Education		
Science:		20 units
Biological Science	10 units	
Earth/Physical Science	10 units	
Social Science:		30 units
World History, Culture and Geography-or European History Advanced Placement	10 units	
U.S. History and Geography	10 units	
Principles of American Democracy	5 units	
Economics or Consumer Economics	5 units	
Health Education		5 units
Electives (no more than 20 units combined in Office Practice, Teacher's Aide, and Library Aide)		60 units
Total Units of Credit		225 units

Students who complete Algebra 1/INTEGRATED MATH I, ~~or Algebra 1 and Geometry~~ with a grade of "C" or better in junior high school, shall be required to successfully complete only two years of mathematics (20 units) at the high school level in order to qualify for a diploma. Students who take Algebra I/INTEGRATED MATH I ~~or Algebra 1 and Geometry~~ in junior high school will not receive high school graduation credit and shall be required to complete 225 total units of credit in grades 9 – 12.

To be counted towards meeting graduation requirements, a course in career technical education shall be aligned to the career technical model curriculum standards and framework adopted by the State Board of Education.

(cf. 6142.2 - World/Foreign Language Instruction)
 (cf. 6142.6 - Visual and Performing Arts Education)
 (cf. 6178 - Career Technical Education)

HIGH SCHOOL GRADUATION REQUIREMENTS (cont.)

~~Students who complete the course requirements, but who have failed to meet one of the additional requirements for a diploma shall receive a Certificate of Credit instead of a diploma and shall be allowed to participate in graduation ceremonies pursuant to Board Policy 5127 Graduation Ceremonies and Activities.~~

~~Students who are eligible for a Certificate of Credit are those who meet all course requirements but have failed to meet one of the following criteria:~~

- ~~1. Achieve a cumulative GPA of 2.0 or~~
- ~~2. Pass both sections of the California High School Exit Examination (CAHSEE).~~

~~Students who have not completed all course requirements are not eligible for a certificate and shall not participate in graduation ceremonies. Students who have failed to meet both of the additional requirements listed above are not eligible for a certificate and shall not participate in graduation ceremonies.~~

~~(cf. 5118 – Transfers)~~

~~(cf. 5127 – Graduation Ceremonies and Activities)~~

~~(cf. 6146.3 – Reciprocity on Standards of Proficiency/Graduation Requirements)~~

~~(cf. 6142.2 – World/Foreign Language Instruction)~~

~~(cf. 6142.6 – Visual and Performing Arts Education)~~

~~The Superintendent or designee shall exempt or waive specific course requirements for foster youth, HOMELESS STUDENTS, AND or children of military families in accordance with Education Code 51225.1 and 49701.~~

~~(cf. 6173 - Education for Homeless Children)~~

~~(cf. 6173.1 - Education for Foster Youth)~~

~~(cf. 6173.2 - Education for Children of Military Families)~~

High School Exit Examination

~~As a condition of high school graduation, each student completing grade 12 shall have successfully passed the state exit examination in language arts and mathematics unless he/she receives a waiver or exemption. (Education Code 60851, 60859)~~

~~(cf. 6146.4 – Differential Graduation and Competency Standards for Students with Disabilities)~~

~~(cf. 6159 – Individualized Education Program)~~

~~(cf. 6162.52 – High School Exit Examination)~~

~~Supplemental instruction shall be offered to any student in grade 7-12 who does not demonstrate “sufficient progress,” as defined in BP 6179 – Supplemental Instruction, toward passing the exit exam. (Education Code 37252, 60851)~~

HIGH SCHOOL GRADUATION REQUIREMENTS (cont.)

~~(cf. 5148.2—Before/After School Programs)~~

~~(cf. 6176—Weekend/Saturday Classes)~~

~~(cf. 6177—Summer School)~~

~~(cf. 6179—Supplemental Instruction)~~

~~Students who have not passed one or both parts of the exit exam by the end of grade 12 shall have the opportunity to receive intensive instruction and services for up to two consecutive academic years after completion of grade 12 or until they have passed both parts of the exam, whichever comes first. (Education Code 37254) THESE Students may adhere to the graduation course requirements in place for their original graduation year.~~

~~(cf. 1312.4—Williams Uniform Complaint Procedures)~~

~~(cf. 5145.6—Parental Notifications)~~

~~(cf. 6164.2—Guidance/Counseling Services)~~

~~The Superintendent or designee shall regularly report to the Board regarding the number of students who have fulfilled all local and state graduation requirements except of the passage of the exit exam and the resources that have been offered to such students.~~

~~Students who have passed all the District's graduation requirements by the end of their senior year but are unable to pass the high school exit exam shall receive a Certificate of Completion.~~

~~The Superintendent or designee shall regularly report to the Board regarding the number of students receiving a Certificate of Completion and the resources that have been offered to such students.~~

Retroactive Diplomas

UNTIL JULY 31, 2018, ANY STUDENT WHO COMPLETED GRADE 12 IN THE 2003/2004 SCHOOL YEAR OR A SUBSEQUENT SCHOOL YEAR AND HAS MET ALL APPLICABLE GRADUATION REQUIREMENTS OTHER THAN THE PASSAGE OF THE HIGH SCHOOL EXIT EXAMINATION SHALL BE GRANTED A HIGH SCHOOL DIPLOMA. (EDUCATION CODE 60851.6)

The District may retroactively grant a high school diploma to a former student who was interned by order of the federal government during World War II or who is an honorably discharged veteran of World War II, the Korean War, or the Vietnam War, provided that he/she was enrolled in a District school immediately preceding the internment or military service and he/she did not receive a diploma because his/her education was interrupted due to the internment or military service. ~~The District also may retroactively grant a diploma to~~ a deceased former student who satisfies the ~~SE above~~ conditions ~~MAY BE GRANTED A RETROACTIVE.~~ The diploma shall ~~TO~~ be received by the ~~deceased student's~~ HIS/HER next of kin. (Education Code 51430)

HIGH SCHOOL GRADUATION REQUIREMENTS (cont.)

~~In addition, the District may grant a diploma to a veteran who entered the military service of the United States while he/she was a District student in grade 12 and who had completed the first half of the work required for grade 12. (Education Code 51440)~~

Students shall receive diplomas of graduation from high school only after completing the prescribed course of study and meeting the standards of proficiency established by the District.

Appeal Process

In order to qualify for a regular high school diploma from the District, each student shall meet all requirements as set forth by the California State Board of Education and the Chino Valley Unified School District Board of Education. When awarding a diploma, the Board certifies that the student has met all state and local requirements. Seniors who are deemed ineligible to graduate on the basis of their failure to maintain a 2.0 grade point average or to satisfactorily complete the three (3) year mathematics requirement and their parents/guardians shall be afforded due process to appeal based on special circumstances. The procedures for appeal are as follows:

1. Formal appeals shall be presented to the school principal in writing and shall set forth a statement of the facts and the specific remedy sought.
2. If the appeal is not resolved at the school site level, the parties may appeal to the Superintendent.
3. The Superintendent shall hold a hearing with the senior and parents/guardians as soon as such meeting can be convened, but in no case later than five (5) business days following receipt of the written appeal. The Superintendent shall notify the senior and parents/guardians of his/her decision whether to deny or authorize the senior's graduation as soon as such decision is firm, but in no case later than 24 hours after the hearing. The Superintendent may expeditiously provide initial notification in person or via phone. Written notification shall be provided.
4. If the decision is to deny the senior's graduation, the notification shall inform the senior and parents/guardians that they may appeal to the Board of Education. If the senior and/or parents/guardians decide to appeal to the Board of Education, they shall inform the Superintendent. The Superintendent shall notify Governing Board members.
5. The Board of Education appeals panel, which shall consist of two Board members and the Superintendent, will hear the appeal as soon as possible, but in no case later than 48 hours from notification by the Superintendent. The decision of that panel is final.

HIGH SCHOOL GRADUATION REQUIREMENTS (cont.)

6. If the student and/or parents/guardians fail to meet any of the guidelines set forth above, the student waives his/her right to further appeal.

Legal Reference:

EDUCATION CODE

47612 Enrollment in charter school
48200 Compulsory attendance
48412 Certificate of proficiency
48430 Continuation education schools and classes
48645.5 Acceptance of coursework
48980 Required notification at beginning of term
49701 Interstate Compact on Educational Opportunity for Military Children
51224 Skills and knowledge required for adult life
51224.5 Algebra instruction
51225.1 Exemption from district graduation requirements
51225.2 Pupil in foster care defined; acceptance of coursework, credits, retaking of course
51225.3 High school graduation
51225.35 Mathematics course requirements; computer science
51225.36 Instruction in sexual harassment and violence; districts that require health education for graduation
51225.5 Honorary diplomas; foreign exchange students
51228 Graduation requirements
51240-51246 Exemptions from requirements
51250-51251 Assistance to military dependents
51410-51412 Diplomas
51420-51427 High school equivalency certificates
51450-51455 Golden State Seal Merit Diploma
51745 Independent study restrictions
56390-56392 Recognition for educational achievement, special education
60851.5 Suspension of high school exit examination
60851.6 Retroactive diploma; completion of all graduation requirements except high school exit examination
66204 Certification of high school courses as meeting university admissions criteria
67386 Student safety; affirmative consent standard

CODE OF REGULATIONS, TITLE 5

1600-1651 Graduation of students from grade 12 and credit toward graduation

COURT DECISIONS

O'Connell v. Superior Court (Valenzuela), (2006) 141 Cal.App.4th 1452

Management Resources:

WEBSITES

California School Boards Association: www.csba.org
California Department of Education, High School: www.cde.ca.gov/ci/g/hs
University of California, List of Approved a-g Courses:
www.universityofcalifornia.edu/admissions/freshman/requirements

HIGH SCHOOL GRADUATION REQUIREMENTS (cont.)

Chino Valley Unified School District

Policy adopted: August 21, 1997

Revised: August 10, 2000

Revised: February 1, 2001

Revised: June 5, 2003

Revised: June 2, 2005

Revised: February 2, 2006

Revised: January 24, 2008

Revised: May 1, 2008

Revised: July 16, 2009

Revised: May 6, 2010

Revised: February 16, 2012

REVISED:

CHINO VALLEY UNIFIED SCHOOL DISTRICT

Our Motto:

Student Achievement • Safe Schools • Positive School Climate
Humility • Civility • Service

DATE: March 17, 2016

TO: Members, Board of Education

FROM: Wayne M. Joseph, Superintendent

PREPARED BY: Norm Enfield, Ed.D., Deputy Superintendent, Curriculum, Instruction, Innovation, and Support
Don Jones, Director, Secondary Curriculum and Instruction

SUBJECT: NEW COURSE INTEGRATED MATHEMATICS 3 HONORS

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BACKGROUND

The Chino Valley Unified School District routinely revises curriculum guides and develops new courses in accordance with State Content Standards, State Frameworks, and student need. Accordingly, the revision and development of curriculum guides are the result of a collaborative effort of teachers in the related academic areas.

Integrated Mathematics 3 Honors is the third course of a three course series, which includes all of the Common Core State Standards from Integrated Mathematics 2 Honors. It builds and strengthens students' conceptual knowledge of tools of geometry, similarity through transformations, symmetry, congruence through transformations, trigonometry, quadratic functions, polynomials and quadratics functions, and their inverses. Integrated Mathematics 3 Honors also includes linear relations and functions, systems of equations, polynomials and their functions, radical functions and relations, exponential and logarithmic functions, and a continued study of statistics. This item was presented to the Board on March 3, 2016, as information.

This course was presented to the Curriculum Council and A.C.T. has been consulted.

Approval of this item supports the goals identified within the District's Strategic Plan.

RECOMMENDATION

It is recommended the Board of Education approve the new course Integrated Mathematics 3 Honors.

FISCAL IMPACT

None.

WMJ:NE:DJ:ede

Chino Valley Unified School District High School Course Description

CONTACTS

1. School/District Information:	School/District: Chino Valley Unified School District Street Address: 5130 Riverside Dr., Chino, CA 91710 Phone: (909) 628-1201 Website: chino.k12.ca.us
2. Course Contact:	Teacher Contact: Don Jones Position/Title: Director Phone: (909) 628-1201 E-mail: don_jones@chino.k12.ca.us

A. COVER PAGE - COURSE ID

1. Course Title:	Integrated Mathematics 3 Honors
2. Transcript Title/Abbreviation:	Int Math 3 H
3. Transcript Course Code/Number:	
4. Seeking Honors Distinction?	Yes
5. Subject Area/Category:	Meets "c" a-g UC/CSU math requirement
6. Length of Course:	Two (2) semesters/one (1) year
7. Grade level(s):	9-12
8. Unit Value:	5 credits per semester/10 total credits – math
9. Was this course previously approved by UC?	Yes
10. Is this course classified as a Career Technical Education course?	No
11. Is this course modeled after an UC-approved course?	Yes
12. Repeatable for credit?	Yes
13. Date of Board Approval:	
14. Brief Course Description:	Integrated Mathematics 3 Honors is the third course in a three course series which includes all of the Common Core State Standards from Integrated Mathematics 2 Honors. It builds and strengthens students' conceptual knowledge of tools of geometry, similarity through transformations, symmetry, congruence through transformations and trigonometry. Integrated Mathematics 3 Honors also includes linear relations and functions, quadratic functions, systems of equations, polynomial functions, inverse functions, radical functions and relations, exponential and logarithmic functions, and a continued study of statistics.
14. Prerequisites:	Integrated Mathematics 2 Honors
15. Context for Course:	Daily class work is designed around structured tasks. The lessons involve opportunities for students to work individually and cooperatively, to make sense of problems and persevere in solving them, reason abstractly and quantitatively, construct viable arguments and critique the reasoning of others, model with mathematics, use appropriate tools strategically, attend to precision, look for and make use of structure, and look for and express regularity in repeated reasoning. Students will share their mathematical thinking, and develop their ability to think critically and problem solve. Students will daily use at least one of the eight Standards of Mathematical Practice.
15. Textbooks:	McGraw-Hill – Integrated Mathematics 3

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B. COURSE CONTENT

Course Purpose:

The purpose of Integrated Mathematics 3 Honors is to develop students' ability to think mathematically and develop their conceptual understanding of and procedural fluency in mathematics. Integrated Mathematics 3 Honors will extend the mathematics students learned in earlier grades and continue the development of concepts in number and quantity, algebra, functions, modeling, geometry, and Statistics and Probability needed for higher level mathematics courses. Extensive use of models/real-world situations, manipulatives, graphs, and diagrams will help students see the connections between different topics which will promote students' view that mathematics is a set of related topics as opposed to a set of discrete topics. In addition, students will learn to solve problems graphically, numerically, algebraically, and verbally and make connections between these representations. Students in this course will learn to use mathematical models to understand real world events and situations, and use algebraic reasoning to manipulate these models for deeper learning. Students who successfully complete this course will advance to Calculus.

Course Outline:

Unit 1: Linear Relations and Functions

Learning objectives:

- Use expressions and formulas to model and solve real world applications
- Explore the properties of real numbers
- Use modeling to solve equations and inequalities
- Analyze relations and functions including interpreting graphs and tables
- Explore linear relations and functions including interpreting key features in graphs and tables
- Write and graph linear equations
- Create and analyze linear equations
- Write, graph, and interpret piece wise defined functions, step functions, and absolute value functions
- Identify parent functions and understand the transformations as well as how to graph them
- Solve systems of equations utilizing multiple methods

Unit 2: Polynomials and Polynomial Functions

Learning objectives:

- Use the laws of exponents to simplify monomial expressions
- Multiply and divide monomial expressions involving exponents
- Add, subtract, and multiply polynomials
- Determine which strategy to use when dividing polynomials
- Use polynomial long division to find the quotient of two polynomials
- Use synthetic division to find the quotient of two polynomials
- Determine the left and right behaviors of a polynomial function
- Use the remainder theorem to find all zeros of a polynomial function
- Use the remainder theorem to determine the value of a function when x is given
- Graph a polynomial function
- Determine the minimum degree of a polynomial function given the graph of the function
- Find the relative maxima and minima of a polynomial function
- Factor polynomial
- Solve polynomial equations by factoring
- Find all zeros of a polynomial function by factoring
- Determine the interval in which the value of a function is increasing, decreasing, constant, positive or negative
- Determine the symmetry of a polynomial function
- Prove polynomial identities
- Use the factor theorem to determine whether a binomial is a factor of a larger polynomial
- Use the fundamental theorem of algebra to determine the number of zeros a function has

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- Use the rational zero test to find all possible rational zeros of a polynomial function
- Find all zeros of a function using synthetic substitution
- Know and apply the Binomial Theorem for the expansion of a binomial to a power greater than one using Pascal's Triangle

Unit 3: Inverses and Radical Functions and Relations

Learning objectives:

- Function operations (Add, subtract, divide, and multiply)
- Find composite functions
- Find the inverse of a function or relation
- Determine whether a function is one-to-one
- Formally verify two functions are inverses of each other using composition
- Graph radical functions
- Find the range and domain of radical functions
- Graph radical inequalities
- Solve radical equations
- Determine if a solution to a radical equation is extraneous
- Simplify radicals using the properties of radicals
- Use a calculator to approximate the value of a radical
- Use the properties of radicals to simplify a radical expression
- Add, subtract, multiply, and divide radical expressions
- Use rational exponents to simplify expressions
- Rewrite a radical function using rational exponents
- Solve equations involving rational exponents
- Solve inequalities involving rational exponents

Unit 4: Exponential and Logarithmic Functions and Relations

Learning objectives:

- Evaluate logarithmic expressions
- Graph logarithmic functions using various methods
- Find the range and domain of logarithmic functions
- Use the properties of logarithms to rewrite a single log as the sum or difference of logs
- Use the properties of logarithms to condense the sum or difference of logs to a single statement
- Solve logarithmic equations using the one to one property
- Solve logarithmic inequalities using the one to one property
- Use the base change formula to evaluate a log of any base
- Use the properties of logarithms to solve logarithmic equations
- Solve exponential and logarithmic functions graphically
- Evaluate natural logarithms
- Solve exponential equations involving the number e
- Use logarithms to solve exponential equations
- Use logarithms to solve word problems involving exponential functions
- Solve problems involving the compound interest formulas
- Choose the best model to fit data (exponential vs. quadratic etc.)
- Derive the formula for the sum of a finite geometric series and use the formula to solve real-world problems

Unit 5: Rational Functions and Relations

Learning objectives:

- Perform operations with rational expressions
- Simplify rational and complex expressions

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High School Course Description

- Apply properties of exponents to simply rational expressions and perform operations
- Understand that rational expressions form a system analogous to the rational numbers, closed under addition, subtraction, multiplication, and division by a nonzero rational expression
- Graph and interpret rational functions, including determining asymptotes and domain and range
- Apply transformations of parent functions
- Analyze and solve rational equations and inequalities
- Identify end behavior

Unit 6: Conic Sections

Learning objectives:

- Identify a conic section given an equation in standard form
- Graph a quadratic equation given a focus and directrix
- Given a graph, locate the focus and directrix of a quadratic equation
- Graph a circle given the general form of an equation
- Derive the equation of a circle given the endpoints of the diameter and/or radius
- Model real-world situations using the equation of a circle

Unit 7: Statistics and Probability

Learning objectives:

- Understand statistics as a process for making inferences about population parameters based on a random sample from that population
- Design statistical studies
- Recognize the purposes of and differences among sample surveys, experiments, and observational studies
- Explain how randomization relates to each
- Use data from a sample survey to estimate a population mean or proportion
- Develop a margin of error through the use of simulation models for random sampling
- Use data from a randomized experiment to compare two treatments
- Use simulations to decide if differences between parameters are significant
- Evaluate reports based on data
- Use probabilities to make fair decisions
- Analyze decisions and strategies using probability concepts

Unit 8: Introduction to Trigonometry and Trigonometric Functions

Learning objectives:

- Utilize the unit circle to evaluate the six basic trigonometric functions
- Understand radian measure of an angle as the length of the arc on the unit circle subtended by the central angle
- Convert between radian and degree measures
- Find and use co-terminal angles to evaluate periodic functions
- Simplify trigonometric functions using the reciprocal identities, quotient identities and Pythagorean identities, sum and difference identities, and half and double angle identities
- Determine the quadrant in which the terminal side of an angle resides
- Given the value of one trigonometric function and a quadrant, determine the remaining trig values
- Utilize reference angles to evaluate trigonometric functions
- Graph all six basic trigonometric functions to at least two periods
- Choose trigonometric functions to model periodic phenomena with specified amplitude, frequency, and midline
- Verify trigonometric identities
- Solve oblique right triangles using the Law of Sines and Law of Cosines

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- Solve trigonometric equations over the set of real numbers of a specified interval

Unit 9: Modeling with geometry

Learning Objectives:

- Apply geometric methods to solve design problems such as designing an object to satisfy physical constraints or minimize cost and working with typographic grid systems based on ratios
- Discover the formulas for surface area and volume of solids
- Identify the shapes of two dimensional cross sections of three dimensional objects and identify three dimensional objects generated by the rotation of two dimensional objects
- Model area using quadratics

Key Assignments:

Modeling Exponential Growth and Decay Functions with M&M's.

Instructional Methods and/or Strategies:

- Guided inquiry/Problem based learning
- Direct instruction
- Kagan Cooperative Learning Structures
- Discourse
- Use of visual representations and concrete models
- Use graphic, algebraic, and numeric representations of problems

A variety of instructional strategies will be used throughout Integrated Mathematics 3 Honors. Instructional strategies will be utilized during whole group instruction, small group instruction, partner/pair work, and individual work. The key goal of instruction is to challenge students to think about and discuss mathematics while using the eight Standards for Mathematical Practice (MP).

The standards for mathematical practice emphasize the importance of making sense of problems and persevering in solving them (MP1), reasoning abstractly and quantitatively (MP2), and solving problems that are based upon everyday life, society, and the workplace (MP4). Implicit instruction models such as guided inquiry provide students with the time and support to successfully engage in mathematical inquiry by collecting data and testing hypothesis.

During guided inquiry, the teacher provides the data and then questions students to help them arrive at a solution to the problem. The teacher utilizes this strategy throughout each unit to encourage students to explore and make sense of mathematical situations. Content especially suited to the use of this strategy involves functions with patterns and geometric relationships.

Problem Based Learning:

In problem based learning, the teacher poses a problem or question, assists when necessary, and monitors students' methods and solutions. During the use of this strategy students work either individually or in cooperative groups to solve challenging problems with real world applications. Throughout problem-based learning teachers encourage students to think for themselves and show resourcefulness and creativity. When students engage in problem solving they must be allowed to make mistakes. The teacher creates a classroom environment that recognizes errors and uncertainties as inevitable accouterments of problem solving. Through class discussion and feedback, student errors become the basis of furthering understanding and learning. Problem based learning will be utilized during the introduction of a concept as well as at the end of a unit of study.

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Direct Instruction:

Direct instruction is effective for teaching information and basic skills during whole class instruction. In the first phase the teacher introduces, demonstrates, or explains the new concept or strategy, asks questions, and checks for understanding. The second phase is an intermediate step designed to result in the independent application of the new concept or described strategy. In the relatively brief third phase student's work independently and receive opportunities for closure. This phase also often serves in part as an informal assessment of the extent to which students understand what they are learning and how they use their knowledge or skills in the larger scheme of mathematics.

Cooperative Learning:

The cooperative learning model involves students working either in partners or in mixed ability groups to complete specific tasks. It assists teachers in addressing the needs of the wide diversity of students that is found in many classrooms. The teacher presents the group with a problem or a task and sets up the student activities. While the students work together to complete the task, the teacher monitors progress and assists student groups when necessary.

Specific Kagan Cooperative Learning structures that will be used in Integrated Math 2 are as follows:

- Mix-n-Match
- Line-Ups
- Inside-Outside
- Circle Rally Coach
- Quiz-Quiz Trade
- Rally Robin
- Stand Up, Hand Up, Pair Up
- Talking Chips
- Timed Round Robin
- All Write Round Robin
- Round Table
- Mix Pair Rally Coach
- Fan-n-Pick

These structures will be utilized within each unit to introduce concepts, practice important skills, and review key content.

Discourse:

Throughout this course the teacher will facilitate classroom discussions to support student understanding. The Standards for Mathematical Practice expect students to demonstrate competence in making sense of problems (MP1), constructing viable arguments (MP3), and modeling with mathematics (MP4). Through discourse in the mathematics classroom, students will be expected to communicate their understanding of mathematical concepts, receive feedback, and progress to deeper understanding. The teacher will use facilitation techniques such as rephrasing student comments, allowing wait time, and asking students to revise peer statements. These discussions will support students as they relate the everyday language of their world to mathematical language and symbols. Mathematical discourse will be an essential component of each unit of study and will provide detailed information to the instructor regarding student understanding and progress.

Visual Representation and Concrete Models:

Visual representation and concrete modeling will be utilized to support student understanding of key content standards. The teacher will model effective use of diagrams, concept maps, graphic organizers, and flow charts to show relationships between concepts and develop deeper understanding. Learning that utilizes different modes of instruction is necessary to promote both student understanding and long-term memory. The mathematical practice standards

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suggest that students look for and make use of structure (MP7), construct viable arguments (MP3), model with mathematics (MP4), and use appropriate tools strategically (MP5).

In order to develop these mathematical habits, the teacher will emphasize meaningful relationships that connect concepts, utilize concept maps and graphic organizers to summarize lesson content and objectives, and facilitate student use of models and representations to demonstrate understanding. For example, teachers will use models to demonstrate the Pythagorean Theorem, utilize algebra tiles to demonstrate an algebraic expression, and use angles to demonstrate triangle congruencies.

Supporting Mathematical Practice 1: Make sense of problems and persevere in solving them

In Integrated Mathematics 3 Honors, students will discuss, think, work in groups, and share, which provides a classroom environment for students to make sense of problems, develop strategies, persevere in implementing the strategy, and analyze the results.

As students work collaboratively through problems, they will plan and execute a solution strategy. Each group member has the responsibility to monitor and evaluate the progress of the group, and to make suggestions for changing course, if necessary. Teachers will circulate through the room monitoring students' work, assessing progress, and redirecting with guided questions.

To bring closure and provide summary for each problem, teachers will ask thought-provoking questions that require students to explain their thinking and process. Multiple groups will present their solutions with class discussion centered on alternate solution paths, connections to prior concepts, and generalizations.

Supporting Mathematical Practice 2: Reason abstractly and quantitatively

Throughout the course, scenarios will help students recognize and understand that quantitative relationships seen in the real world are no different than quantitative relationships in mathematics. Some problems begin with real-world context to remind students that the quantitative relationships they already use can be formalized mathematically. Other problems will use real-world situations as an application of mathematical concepts.

Supporting Mathematical Practice 3: Construct viable arguments and critique the reasoning of others

In Integrated Math II classrooms, students are active participants in their learning; they are doing the work, presenting solutions, and critiquing each other. The teacher facilitates the discussion and highlights important connections, strategies, and conclusions.

Each lesson ends with the statement "Be prepared to share your solutions and methods." Students are expected to be able to communicate their reasoning and critique the explanation of others. As students explain problem-solving steps or the rationale for a solution, they will internalize the process and reasoning behind the mathematics.

Supporting Mathematical Practice 4: Model with mathematics

Activities throughout the course provide opportunities for students to create and use multiple representations (words, tables, graphs, and symbolic statements) to organize, record, and communicate mathematical ideas.

Manipulatives and various models are incorporated throughout to develop a conceptual understanding of mathematical concepts. These activities provide opportunities for students to develop strategies and reasoning that will serve as the foundation for learning more abstract mathematics. To foster the transfer of student understanding from concrete manipulatives to the abstract procedures, a variety of instructional prompts are used.

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Supporting Mathematical Practice 5: Use appropriate tools strategically

In Integrated Mathematics 3 Honors, activities throughout the course facilitate the appropriate use of tools including graphing calculators, rulers, protractors, compasses, and manipulatives. Tools are used in a variety of ways to build conceptual understanding, to explore concepts, and to verify solutions. Worked examples are provided as appropriate within lessons to demonstrate how to use various tools.

Supporting Mathematical Practice 6: Attend to precision

Each lesson throughout the course provides opportunities for students to communicate precisely when writing their solutions, and then sharing their solutions with their peers. Teachers ensure that students label units of measure and explain their reasoning using appropriate definitions and mathematical language.

Supporting Mathematical Practice 7: Look for and make use of structure

Activities throughout the course provide opportunities for students to analyze numeric, geometric, and algebraic patterns. Accompanying questions help students notice relationships for themselves as opposed to memorization of facts.

Supporting Mathematical Practice 8: Look for and express regularity in repeated reasoning

During activities throughout the course, students are provided opportunities to make observations, notice patterns, and make generalizations. Students are required to communicate their generalizations verbally and symbolically. This understanding will lead to greater transfer and ability to solve non-routine problems. In addition, teachers will facilitate discussions that highlight important connections, efficient strategies, and conclusions.

Assessment Including Methods and/or Tools:

- Daily Student Observation
- Formal Daily Assessment
- Performance Tasks
- End of Unit Test
- Projects
- Quizzes
- Semester Final Exam

A combination of both informal, formal, informative and summative assessments will be used to evaluate student progress towards students' ability to think mathematically, developing students' conceptual understanding of mathematics, and developing students' procedural fluency in mathematics.

Daily Student Observation:

Daily student observations are in class observations of students working on mathematics tasks, either independently or in groups. Walking around the room, actively listening to students, asking questions, directing discourse, and helping where needed are all forms of informal assessment. The instantaneous feedback to students about where to go next, what question they may want to ask themselves to gain insight into a problem, or simply correcting computational errors, results in this practice being a form of formative assessment. Teachers may use notes or they may focus their observations using checklists based on specific skills and concepts. In addition to notes and checklists, teachers may also use student whiteboards, Thumbs Up/Thumbs Down, or Fist to Five, to informally determine student understanding of the concept being taught.

Formal Daily Assessment:

Formal Daily Assessments are both in classroom and out of classroom assessments that teachers use to check for understanding. These assessments are typically done at the end of a lesson to see how much the students have learned.

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Examples of formal daily assessments are homework, class work, and Ticket out the Door. These types of assessments are formative because teachers use these assessments to gauge student understanding of the concept, procedure, or skill. Based on student results teachers modify lessons to meet the needs of their students.

Performance Tasks:

Performance Tasks consist of problems or scenarios that demand students engage in thinking about a problem, encourage them to justify their thinking, and often require students to engage with other students. Administered to individual students or to groups, performance tasks are often complex problem solving activities that require students to apply prior knowledge in a given situation or to extend current knowledge in new directions.

Both closed tasks and open tasks are used in Performance Tasks. Closed tasks will ask students to provide one correct answer and usually there is only one correct way to reach that answer. In Integrated Math 1, closed tasks will be used to evaluate student procedural fluency in mathematics. Open tasks will come in two forms, open-middle tasks and open-ended tasks. Open-middle tasks require one correct answer; however, students may provide different paths to the answer. Open-middle tasks are effective in assessing how students solve problems and think about mathematics. They reveal student thinking throughout the problem solving process and they give students the opportunity to develop and use their own strategies and to solve problems in ways that are most comfortable to them. Open-ended tasks have many correct answers and many correct routes to getting those answers. They include tasks that require students to make conjectures, solve non-routine problems, and justify their answers. Open-ended tasks often pose questions based in real situations, thereby giving the students a chance to see how mathematics is used outside the classroom. They often require students to make many decisions about using mathematics and sometimes require students to make assumptions and add pertinent information. They provide teachers with the opportunity to see how their students make problem-solving decisions and how they use the mathematics they have learned. Open-ended tasks also give students the opportunity to be creative and use their own ideas for solving problems. In Integrated Math 3 Honors, open tasks will be used to assess students' problem solving ability and conceptual understanding.

Performance Tasks will be given at the conclusion of units 3, 6, 9, and 12. The Performance tasks will be evaluated according to unit goals and objectives and scored with a Four-Point rubric shown below.

Got It: Evidence shows that the student essentially has the target concept or idea.

- Score of 4 Excellent: Full Accomplishment

Strategy and execution meet the content, process, and qualitative demands of the task. Communication is judged by effectiveness, not length. May have minor errors.

- Score of 3 Proficient: Substantial Accomplishment

Could work to full accomplishment with minimal feedback. Errors are minor, so teacher is confident that understanding is adequate to accomplish objective.

Not Yet: Student shows evidence of major misunderstanding, incorrect concept or procedure, or failure to engage in task.

- Score of 2 Marginal: Partial Accomplishment

Part of the task is accomplished, but there is a lack of evidence of understanding or evidence of not understanding. Direct input or further teaching is required.

- Score of 1 Unsatisfactory: Little Accomplishment

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The task is attempted and some mathematical effort is made. There may be fragments of accomplishment but little or no success.

End of Unit Test:

End of unit tests measure student learning of the content and skills in a unit. Such tests are linked to the specific learning goals of each unit (see course outline), the California Common Core Mathematics Standards for Integrated Mathematics 3 Honors, and utilizing the standards for mathematical practice. To effectively assess such goals, such tests should include various types of assessment items, including multiple choice, selected response, short answer, and both closed-tasks, and open-middle tasks (see Performance Tasks above). End of unit tests will be given at the end of each unit.

Projects:

Projects are another form of formal assessment that will be used in Integrated Mathematics 3 Honors. Projects are typically extended open-ended tasks. Like open-ended tasks, projects have many solutions with many routes to the solutions, but they require many more decisions from students, and projects typically will require students to work for a week or more. Projects focus on situations outside of school that require students to use different types of mathematics, such as algebra, geometry, or probability in the same task. Also, they connect mathematics to other subjects, such as language arts, science, social studies, art, or music.

Projects allow students to see mathematics in action outside the classroom by giving students a chance to connect mathematics with real situations and other subject areas. They also allow teachers to assess how students think, how our students persevere, and how they connect ideas. If presentations are part of the project, teachers are also able to see how students communicate mathematics orally.

Projects will be evaluated according to unit goals and objectives and scored with a Four-Point rubric shown below and will be given after units 2, 10, and 14.

Got It: Evidence shows that the student essentially has the target concept or idea.

- Score of 4 Excellent: Full Accomplishment

Strategy and execution meet the content, process, and qualitative demands of the task. Communication is judged by effectiveness, not length. May have minor errors

- Score of 3 Proficient: Substantial Accomplishment

Could work to full accomplishment with minimal feedback. Errors are minor, so teacher is confident that understanding is adequate to accomplish objective.

Not Yet: Student shows evidence of major misunderstanding, incorrect concept or procedure, or failure to engage in task.

- Score of 2 Marginal: Partial Accomplishment

Part of the task is accomplished, but there is a lack of evidence of understanding or evidence of not understanding. Direct input or further teaching is required.

- Score of 1 Unsatisfactory: Little Accomplishment

The task is attempted and some mathematical effort is made. There may be fragments of accomplishment but little or no success.

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Quizzes:

In Integrated Mathematics 3 Honors, quizzes are used as formative assessments as part of a unit of study. Quizzes are linked to specific subset of learning goals within a unit of study, the California Common Core Mathematics Standards for Integrated Mathematics 3 Honors, and pays attention to the Standards for Mathematical Practice. To effectively assess such goals, quizzes should include various types of assessment items, including multiple choice, selected response, short answer, and both closed-tasks and open-middle tasks (see Performance Tasks above). A minimum of two quizzes will be given per unit.

Semester Final Exams:

Semester final exams are summative assessments designed to measure student learning of the content and skills learned in a semester. Such exams are linked to the specific learning goals of each unit taught in the semester, the California Common Core Mathematic Standards for Integrated Mathematics 3 Honors, and the Standards for Mathematical Practice. To effectively assess such goals, these tests will include various types of assessment items, including multiple choice, selected response, short answer, and both closed-tasks and open-middle tasks (see Performance Tasks above).

Semester final exams will be given twice a year, at the end of both fall and spring semesters.

CHINO VALLEY UNIFIED SCHOOL DISTRICT

Our Motto:

Student Achievement • Safe Schools • Positive School Climate
Humility • Civility • Service

DATE: March 17, 2016

TO: Members, Board of Education

FROM: Wayne M. Joseph, Superintendent

PREPARED BY: Norm Enfield, Ed.D., Deputy Superintendent, Curriculum, Instruction, Innovation, and Support
Preston R. Carr, Ed.D., Director, Alternative Education
Anne Ingulsrud, Director, Special Education

SUBJECT: CAL AERO K-8 2016/2017 INTERSESSION PROGRAM

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BACKGROUND

The Board of Education recognizes that intersession provides valuable opportunities for students to improve their skills and make academic progress. Cal Aero’s intersession program may be used to provide supplemental instruction for students failing to meet academic requirements in accordance with the law, board policy, and administrative regulation.

Cal Aero K-8 2016/2017 Intersession Program

General Education/ESY Elementary Students <i>Recommended Students Only</i>			
Track A:	Winter Session September 26 – October 7, 2016	Spring Session February 1 – February 15, 2017	Hours: 8:30 a.m. – 12:45 p.m.
Track B:	Winter Session August 29 – September 12, 2016	Spring Session May 1 – May 12, 2017	Hours: 8:30 a.m. – 12:45 p.m.
Track C:	Winter Session August 1 – August 12, 2016	Spring Session March 28 – April 10, 2017	Hours: 8:30 a.m. – 12:45 p.m.
Track D:	Eligible for District Supplemental Summer Instruction Program		
Jr High:	Eligible for District Supplemental Summer Instruction Program		

Approval of this item supports the goals identified within the District's Strategic Plan.

RECOMMENDATION

It is recommended the Board of Education approve the Cal Aero K-8 2016/2017 Intersession Program.

FISCAL IMPACT

The intersession program is fully funded by the State.

WMJ:NE:PRC:Al:eb

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DATE: March 17, 2016
TO: Members, Board of Education
FROM: Wayne M. Joseph, Superintendent
PREPARED BY: Jeanette Chien, Ed.D., Asst. Superintendent, Educational Services
Stephanie Johnson, Director, Student Support Services
SUBJECT: STUDENT EXPULSION CASE 15/16-18

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BACKGROUND

The Board of Education has established policies and standards of behavior in order to promote learning and protect the safety and well-being of all students. When these policies and standards are violated, it may be necessary to suspend or expel a student from regular classroom instruction.

Expulsion is an action taken by the Board for severe or prolonged breaches of discipline by a student. Except for single acts of a grave nature, expulsion is used only when there is a history of misconduct, when other forms of discipline, including suspension, have failed to bring about proper conduct, or when the student's presence causes a continuing danger to him/herself or others.

A student may be expelled only by the Board of Education. The Board shall expel, as required by law, any student found to have committed certain offenses listed in Education Code 48915.

Approval of this item supports the goals identified within the District's Strategic Plan.

RECOMMENDATION

Based upon the recommendation of the Expulsion Hearing Administrative Panel, it is recommended the Board of Education approve the student expulsion case 15/16-18.

FISCAL IMPACT

None.

WMJ:JC:SJ:lmc

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DATE: March 17, 2016
TO: Members, Board of Education
FROM: Wayne M. Joseph, Superintendent
PREPARED BY: Jeanette Chien, Ed.D., Asst. Superintendent, Educational Services
SUBJECT: SCHOOL-SPONSORED TRIPS

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BACKGROUND

The Board of Education recognizes that school-sponsored trips are an important component of a student’s development and supplement and enrich the classroom learning experience. School-sponsored trips may be conducted in connection with the District’s course of study or school related social, educational, cultural, athletic, school band activities, or other extracurricular or cocurricular activities. Resources will be identified and established at the school site to assist economically disadvantaged students in obtaining funding for field trips and, in some cases, student travel.

Field trips that require overnight stay or are in excess of 250 miles (one way) require board approval.

Approval of this item supports the goals identified within the District’s Strategic Plan.

RECOMMENDATION

It is recommended the Board of Education approve the following school-sponsored trips:

School-Sponsored Trips	Date	Fiscal Impact
Site: Country Springs ES Event: Outdoor Science Camp – 6 th Grade Place: Crestline, CA Chaperone Ratio: 82 students/3 chaperones plus camp counselors at 10:1 ratio	November 28- December 2, 2016	Cost: \$260.00 per student Funding Source: Parents
Site: Briggs K-8 Event: Outdoor Science Camp – 6 th Grade Place: Cherry Valley, CA Chaperone Ratio: 77 students/3 chaperones plus camp counselors at 10:1 ratio	April 11-15, 2016	Cost: \$325.00 per student Funding Source: Parents

School-Sponsored Trips	Date	Fiscal Impact
Site: Townsend JHS Event: East Coast Trip Place: Washington DC Chaperone Ratio: 50 students/5 chaperones	March 26-31, 2016	Cost: \$2,335.00 per student Funding Source: Parents
Site: Ayala HS Event: Boys Golf Competition Place: Birmingham, AL Chaperone Ratio: 8 students/2 chaperones	March 26-April 1, 2016	Cost: \$465.00 per student Funding Source: Parents
Site: Chino HS Event: WorldStrides OnStage Place: Anaheim, CA Chaperone Ratio: 49 students/5 chaperones	April 21-24, 2016	Cost: \$625.00 per student Funding Source: Parents
Site: Chino Hills HS Event: USA Nationals – Spiritleaders Place: Anaheim, CA Chaperone Ratio: 48 students/6 chaperones	March 18-20, 2016	Cost: \$450.00 per student Funding Source: Parents
Site: Chino Hills HS Event: WGI World Championships Place: Beavercreek, OH Chaperone Ratio: 13 students/7 chaperones	April 6-10, 2016	Cost: \$1,340.00 per student Funding Source: Boosters
Site: Don Lugo HS Event: Junior Cadet Leadership Challenge Place: Ft. Irwin, CA Chaperone Ratio: 30 students/3 chaperones	March 18-22, 2016	Cost: \$35.00 per student Funding Source: Parents

FISCAL IMPACT

None.

WMJ:JC:lmc

Chino Valley Unified School District
Our Motto:
Student Achievement • Safe Schools • Positive School Climate
Humility • Civility • Service

DATE: March 17, 2016

TO: Members, Board of Education

FROM: Wayne M. Joseph, Superintendent

PREPARED BY: Jeanette Chien, Ed.D., Asst. Superintendent, Educational Services
Stephanie Johnson, Director, Student Support Services

SUBJECT: NEW BOARD POLICY 5111.1 STUDENTS – DISTRICT RESIDENCY

=====

BACKGROUND

Board policies, administrative regulations, and bylaws of the Board are routinely developed and revised as a result of changes in law, mandates, federal regulations, and current practice. New policy reflects new law (AB 1101) which mandates any district that elects to conduct investigations of students' residency to adopt policy with specified components, including (1) the circumstances under which the district may initiate an investigation; (2) the investigatory methods that may be used, including whether the district may use the services of a private investigator; (3) a prohibition against surreptitious photographing or video-recording of students who are being investigated; and (4) an appeals process. Policy also contains material formerly in administrative regulation re: enrollment not requiring district residency. This agenda item was presented to the Board of Education on March 3, 2016, for information.

New language is provided in UPPER CASE.

Approval of this item supports the goals identified within the District's Strategic Plan.

RECOMMENDATION

It is recommended the Board of Education approve the new Board Policy 5111.1 Students – District Residency.

FISCAL IMPACT

None.

WMJ:JC:SJ:lmc

DISTRICT RESIDENCY

THE BOARD OF EDUCATION DESIRES TO ADMIT ALL STUDENTS WHO RESIDE WITHIN DISTRICT BOUNDARIES OR WHO FULFILL THE DISTRICT RESIDENCY REQUIREMENTS THROUGH OTHER MEANS AS ALLOWED BY LAW. THE SUPERINTENDENT OR DESIGNEE SHALL DEVELOP PROCEDURES TO FACILITATE THE RECEIPT AND VERIFICATION OF STUDENTS' PROOF OF RESIDENCY.

(cf. 5116 - School Attendance Boundaries)

THE SUPERINTENDENT OR DESIGNEE SHALL ANNUALLY NOTIFY PARENTS/GUARDIANS OF ALL EXISTING ATTENDANCE OPTIONS AVAILABLE IN THE DISTRICT, INCLUDING, BUT NOT LIMITED TO, ALL OPTIONS FOR MEETING RESIDENCY REQUIREMENTS FOR SCHOOL ATTENDANCE. (EDUCATION CODE 48980)

(cf. 5116.1 - Intradistrict Open Enrollment)
(cf. 5117 - Interdistrict Attendance)
(cf. 5145.6 - Parental Notifications)

THE SUPERINTENDENT OR DESIGNEE SHALL REQUIRE PARENTS/GUARDIANS TO PROVIDE DOCUMENTATION OF THE STUDENT'S RESIDENCY UPON ADMISSION TO A DISTRICT SCHOOL. A COPY OF THE DOCUMENT OR WRITTEN STATEMENT OFFERED AS VERIFICATION OF RESIDENCY SHALL BE MAINTAINED IN THE STUDENT'S MANDATORY PERMANENT RECORD. (5 CCR 432)

(cf. 5111 - Admission)
(cf. 5125 - Student Records)

WHEN ESTABLISHING A STUDENT'S RESIDENCY FOR ENROLLMENT PURPOSES, THE SUPERINTENDENT OR DESIGNEE SHALL NOT INQUIRE INTO A STUDENT'S CITIZENSHIP OR IMMIGRATION STATUS.

A STUDENT'S ENROLLMENT MAY BE DENIED WHEN THE SUBMITTED DOCUMENTATION IS INSUFFICIENT TO ESTABLISH DISTRICT RESIDENCY. IN ANY SUCH CASE, THE SUPERINTENDENT OR DESIGNEE SHALL NOTIFY THE PARENT/GUARDIAN IN WRITING, INCLUDING SPECIFIC REASONS FOR THE DENIAL.

INVESTIGATION OF RESIDENCY

WHEN THE SUPERINTENDENT OR DESIGNEE REASONABLY BELIEVES THAT A STUDENT'S PARENT/GUARDIAN HAS PROVIDED FALSE OR UNRELIABLE EVIDENCE OF RESIDENCY, HE/SHE MAY MAKE REASONABLE EFFORTS TO DETERMINE THAT THE STUDENT MEETS DISTRICT RESIDENCY REQUIREMENTS.

DISTRICT RESIDENCY (cont.)

AN INVESTIGATION MAY BE INITIATED WHEN THE SUPERINTENDENT OR DESIGNEE IS ABLE TO IDENTIFY SPECIFIC, ARTICULABLE FACTS SUPPORTING THE BELIEF THAT THE PARENT/GUARDIAN HAS PROVIDED FALSE OR UNRELIABLE EVIDENCE OF RESIDENCY. (EDUCATION CODE 48204.1, 48204.2)

THE SUPERINTENDENT OR DESIGNEE MAY ASSIGN A TRAINED DISTRICT EMPLOYEE TO CONDUCT THE INVESTIGATION. THE INVESTIGATION MAY INCLUDE THE EXAMINATION OF RECORDS, INCLUDING PUBLIC RECORDS, AND/OR INTERVIEWS OF PERSONS WHO MAY HAVE KNOWLEDGE OF THE STUDENT'S RESIDENCY.

IF NECESSARY, THE SUPERINTENDENT OR DESIGNEE MAY EMPLOY THE SERVICES OF A PRIVATE INVESTIGATOR TO CONDUCT THE INVESTIGATION. BEFORE HIRING A PRIVATE INVESTIGATOR, THE SUPERINTENDENT OR DESIGNEE SHALL MAKE OTHER REASONABLE EFFORTS TO DETERMINE WHETHER THE STUDENT RESIDES IN THE DISTRICT. (EDUCATION CODE 48204.2)

THE INVESTIGATION SHALL NOT INCLUDE THE SURREPTITIOUS COLLECTION OF PHOTOGRAPHIC OR VIDEOGRAPHIC IMAGES OF PERSONS OR PLACES SUBJECT TO THE INVESTIGATION. HOWEVER, THE USE OF TECHNOLOGY IS NOT PROHIBITED IF DONE IN OPEN AND PUBLIC VIEW. (EDUCATION CODE 48204.2)

ANY EMPLOYEE OR CONTRACTOR ENGAGED IN THE INVESTIGATION SHALL TRUTHFULLY IDENTIFY HIMSELF/HERSELF AS AN INVESTIGATOR TO INDIVIDUALS CONTACTED OR INTERVIEWED DURING THE COURSE OF THE INVESTIGATION. (EDUCATION CODE 48204.2)

APPEAL OF ENROLLMENT DENIAL

IF THE SUPERINTENDENT OR DESIGNEE, UPON INVESTIGATION, DETERMINES THAT A STUDENT DOES NOT MEET DISTRICT RESIDENCY REQUIREMENTS AND DENIES THE STUDENT'S ENROLLMENT IN THE DISTRICT, HE/SHE SHALL PROVIDE THE STUDENT'S PARENT/GUARDIAN AN OPPORTUNITY TO APPEAL THAT DETERMINATION. (EDUCATION CODE 48204.2)

THE SUPERINTENDENT OR DESIGNEE SHALL SEND THE STUDENT'S PARENT/GUARDIAN WRITTEN NOTICE SPECIFYING THE BASIS FOR THE DISTRICT'S DETERMINATION. THIS NOTICE SHALL ALSO INFORM THE PARENT/GUARDIAN THAT HE/SHE MAY, WITHIN 10 SCHOOL DAYS, APPEAL THE DECISION AND PROVIDE NEW EVIDENCE OF RESIDENCY.

DISTRICT RESIDENCY (cont.)

THE BURDEN SHALL BE ON THE PARENT/GUARDIAN TO SHOW WHY THE DISTRICT'S DETERMINATION TO DENY ENROLLMENT SHOULD BE OVERRULED. (EDUCATION CODE 48204.2)

A STUDENT WHO IS CURRENTLY ENROLLED IN THE DISTRICT SHALL BE ALLOWED TO REMAIN IN ATTENDANCE AT HIS/HER SCHOOL PENDING THE RESULTS OF THE APPEAL. A STUDENT WHO IS NOT CURRENTLY ENROLLED IN THE DISTRICT SHALL NOT BE PERMITTED TO ATTEND ANY DISTRICT SCHOOL UNLESS HIS/HER APPEAL IS SUCCESSFUL.

IN AN APPEAL OF THE SUPERINTENDENT'S DETERMINATION THAT DISTRICT RESIDENCY REQUIREMENTS WERE NOT MET, THE BOARD SHALL REVIEW ANY EVIDENCE PROVIDED BY THE PARENT/GUARDIAN OR OBTAINED DURING THE DISTRICT'S INVESTIGATION AND SHALL MAKE A DECISION AT ITS NEXT REGULARLY SCHEDULED MEETING FOLLOWING THE PARENT/GUARDIAN'S REQUEST FOR THE APPEAL. THE BOARD'S DECISION SHALL BE FINAL.

ENROLLMENT NOT REQUIRING DISTRICT RESIDENCY

WHEN APPROVED BY THE BOARD AND THE APPROPRIATE AGENCY, THE DISTRICT MAY ENROLL STUDENTS FROM OTHER COUNTRIES WHO ARE IN THE UNITED STATES ON AN F-1 VISA OR ARE PARTICIPATING IN AN INTERNATIONAL EXCHANGE PROGRAM UNDER THE SPONSORSHIP OF A GOVERNMENT-APPROVED AGENCY.

(cf. 5111.2 - Nonresident Foreign Students)
(cf. 6145.6 - International Exchange)

THE DISTRICT MAY ENROLL A NONRESIDENT STUDENT LIVING IN AN ADJOINING STATE OR FOREIGN COUNTRY IN ACCORDANCE WITH EDUCATION CODE 48050-48052.

DISTRICT RESIDENCY IS NOT REQUIRED FOR ENROLLMENT IN A REGIONAL OCCUPATIONAL CENTER OR PROGRAM IF THERE ARE OPENINGS IN THE PROGRAM OR CLASS. (EDUCATION CODE 52317)

(cf. 6178.2 - Regional Occupational Center/Program)

DISTRICT RESIDENCY (cont.)

Legal Reference:

EDUCATION CODE

220 Prohibition of discrimination
35160.5 Intradistrict open enrollment
35351 Assignment of students to particular schools
46600-46611 Interdistrict attendance permits
48050-48054 Nonresidents
48200-48208 Compulsory education law, especially:
48204 Residency requirements
48204.1-48204.2 Evidence of residency
48300-48316 Student attendance alternatives, school district of choice program
48350-48361 Open Enrollment Act transfers
48852.7 Education of homeless students; immediate enrollment
48853.5 Education of foster youth; immediate enrollment
48980 Notifications at beginning of term
52317 Regional occupational program, admission of persons including nonresidents

FAMILY CODE

6550-6552 Caregivers

GOVERNMENT CODE

6205-6210 Confidentiality of residence for victims of domestic violence

CODE OF REGULATIONS, TITLE 5

432 Retention of student records

UNITED STATES CODE, TITLE 42

11431-11435 McKinney-Vento Homeless Assistance Act

COURT DECISIONS

Katz v. Los Gatos-Saratoga Joint Union High School District, (2004) 117 Cal.App.4th 47

Management Resources:

CALIFORNIA SCHOOL BOARDS ASSOCIATION PUBLICATIONS

Legal Guidance Regarding International Student Exchange Placement Organizations, April 2014

OFFICE FOR CIVIL RIGHTS, U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

Information on the Rights of All Children to Enroll in School: Questions and Answers for States, School Districts and Parents, 2012

WEBSITES

California School Boards Association: www.csba.org

California Department of Education: www.cde.ca.gov

California Secretary of State, Safe at Home Program: www.sos.ca.gov/safeathome

U.S. Department of Education, Office for Civil Rights: www2.ed.gov/ocr

Chino Valley Unified School District

POLICY ADOPTED:

CHINO VALLEY UNIFIED SCHOOL DISTRICT

Our Motto:

Student Achievement • Safe Schools • Positive School Climate
Humility • Civility • Service

DATE: March 17, 2016
TO: Members, Board of Education
FROM: Wayne M. Joseph, Superintendent
PREPARED BY: Gregory J. Stachura, Asst. Supt., Facilities, Planning, and Operations
SUBJECT: PURCHASE ORDER REGISTER

=====

BACKGROUND

Board Policy 3310 Business and Noninstructional Operations – Purchasing requires approval/ratification of purchase orders by the Board of Education. A purchase order is a legal contract between a district and vendor, containing a description of each item listed and/or a statement to the effect that supplies, equipment or services furnished herewith shall be in accordance with specifications and conditions.

Purchase orders represent a commitment of funds. No item on this register will be processed unless within budgeted funds. The actual payment for the services or materials is made with a warrant (check) and reported on the warrant register report.

Approval of this item supports the goals identified within the District’s Strategic Plan.

RECOMMENDATION

It is recommended the Board of Education approve/ratify the purchase order register, provided under separate cover.

FISCAL IMPACT

\$1,151,009.41 to all District funding sources.

WMJ:GJS:pw

CHINO VALLEY UNIFIED SCHOOL DISTRICT

Our Motto:

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Humility • Civility • Service

DATE: March 17, 2016
TO: Members, Board of Education
FROM: Wayne M. Joseph, Superintendent
PREPARED BY: Gregory J. Stachura, Asst. Supt., Facilities, Planning, and Operations
SUBJECT: AGREEMENTS FOR CONTRACTOR/CONSULTANT SERVICES

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BACKGROUND

All contracts between the District and outside agencies shall conform to standards required by law and shall be prepared under the direction of the Superintendent or designee. To be valid or to constitute an enforceable obligation against the District, all contracts must be approved and/or ratified by the Board of Education.

Approval of this item supports the goals identified within the District's Strategic Plan.

RECOMMENDATION

It is recommended the Board of Education approve/ratify the Agreements for Contractor/Consultant Services.

FISCAL IMPACT

As indicated.

WMJ:GJS:pw

MASTER CONTRACTS	FISCAL IMPACT
<p>MC-1516-113 Papachino's Grill & Greens. To provide catering services. Submitted by: Don Lugo HS/Purchasing Department Duration of Agreement: March 18, 2016 – June 30, 2018</p>	<p>Contract Amount: Per rate sheet Funding Source: ASB/PFA/PTA, Boosters</p>
<p>MC-1516-114 Happiness is Now. To provide dance assemblies. Submitted by: Canyon Hills JHS/Purchasing Department Duration of Agreement: March 18, 2016 – June 30, 2018</p>	<p>Contract Amount: Per rate sheet Funding Source: ASB/PFA/PTA, Boosters</p>
<p>MC-1516-115 Nothing Bundt Cakes. To provide baked goods for school fundraisers. Submitted by: Magnolia JHS/Purchasing Department Duration of Agreement: March 18, 2016 – June 30, 2018</p>	<p>Contract Amount: No cost to the District or school Funding Source: N/A</p>
<p>MC-1516-116 Oak Tree Lanes. To provide venue for field trip. Submitted by: Anna Borba ES/Purchasing Department Duration of Agreement: March 18, 2016 – June 30, 2018</p>	<p>Contract Amount: Per rate sheet Funding Source: ASB/PFA/PTA, Boosters</p>
<p>MC-1516-117 Segerstrom Center for the Arts. To provide Arts Teach assemblies. Submitted by: Anna Borba ES/Purchasing Department Duration of Agreement: March 18, 2016 – June 30, 2018</p>	<p>Contract Amount: Per rate sheet Funding Source: ASB/PFA/PTA, Boosters</p>

APPROVED CONTRACT TO BE AMENDED	AMENDMENT
<p>ES-1516-006 M1 My Therapy Company. To provide speech/language, occupational therapy, and special education teachers. Submitted by: Special Education Duration of Agreement: July 1, 2015 – June 30, 2016 Original Agreement Board Approved: June 25, 2015</p>	<p>Add psychologists to services provided. Funding Source: Special Education</p>

CHINO VALLEY UNIFIED SCHOOL DISTRICT

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DATE: March 17, 2016
TO: Members, Board of Education
FROM: Wayne M. Joseph, Superintendent
PREPARED BY: Gregory J. Stachura, Asst. Supt., Facilities, Planning, and Operations
SUBJECT: SURPLUS/OBSOLETE PROPERTY

=====

BACKGROUND

The Board of Education recognizes that the District may own personal property which is unusable, obsolete, or no longer needed by the District. The Superintendent or designee shall arrange for the sale or disposal of District personal property in accordance with Board policy and the requirements of Education Code 17545.

Lists of surplus items are emailed to the Facilities/Planning Department to be placed on an upcoming Board agenda. After Board approval, items may be picked up by District warehouse or a liquidation company for public auction. Proceeds of the sale are deposited into the General Fund.

Approval of this item supports the goals identified within the District’s Strategic Plan.

RECOMMENDATION

It is recommended the Board of Education declare the District property surplus/obsolete and authorize staff to sell/dispose of said property.

FISCAL IMPACT

Increase to the General Fund from proceeds of sale.

WMJ:GJS:pw

**CHINO VALLEY UNIFIED SCHOOL DISTRICT
SURPLUS/OBSOLETE PROPERTY
March 17, 2016**

<u>DESCRIPTION</u>	<u>MAKE/MODEL</u>	<u>I.D./SERIAL</u>	<u>DEPT/SITE</u>
Laptop Batteries	Dell		Assessment
Laptop	Dell	CVUSD 26663	Assessment
Wireless Keyboard	Microsoft 3000		Assessment
Adding Machine	Sharp	VX2183	Assessment
Adding Machine	Canon	P200DH	Assessment
Computer Monitor	Viewsonic	AQY022610343	Assessment
Printer	HP Laserjet 1200	CNFC53647Y	Assessment
Printer/Copier	HP Laserjet 800DB	10.40.55.206	Assessment
Desk and Chair			Assessment
File Cabinet (4 drawer)			Assessment
Latitude E5400	Dell	W321-tch-kberg	Liberty ES
Latitude E5400	Dell	W321-tch-jbrazy	Liberty ES
Latitude E5400	Dell	W321-teacher-01	Liberty ES
Latitude E5400	Dell	W321-tch-clark	Liberty ES
Latitude E5400	Dell	W321-tch-bdegro	Liberty ES
Latitude E5400	Dell	W321-TCH-34149	Liberty ES
Latitude E5400	Dell	W321-tch-kmccau	Liberty ES
Latitude E5400	Dell	W321-TCH-LIBLEE	Liberty ES
Latitude E5400	Dell	321-TCH-DPQM1P1	Liberty ES
Latitude E5400	Dell	W321-tch-tmemo	Liberty ES
Latitude E5400	Dell	321-TCH-5QRRM1P1	Liberty ES
Latitude E5400	Dell	W321-tch-pmoral	Liberty ES
Latitude E5400	Dell	W321-tch-002	Liberty ES
Latitude E5400	Dell	W321-TCH-SWHITE	Liberty ES
Latitude E5400	Dell	W321-TCJ-30090	Liberty ES
Latitude E5400	Dell	W321-tch-cworth	Liberty ES
Latitude E5400	Dell	W321TCH-WORTH	Liberty ES
Latitude E5400	Dell	W-321-TCH-021	Liberty ES
Latitude E5400	Dell	W-321-tch-torres	Liberty ES
Latitude E5420	Dell	W321-tch-011	Liberty ES
Optiplex 790	Dell	321-prin-dhutch	Liberty ES
Latitude E5420	Dell	W321-ofc-chinkle	Liberty ES
Optiplex 3020	Dell	321-ap-tmcelroy	Liberty ES
Latitude E5420	Dell	321-TCH-1F7ZK11	Liberty ES
Latitude E5400	Dell	321-tch-pduha	Liberty ES
Latitude E5400	Dell	CVUSD #: 29459	Liberty ES
Latitude E5400	Dell	W321-TCH-2FNZNH1	Liberty ES
Latitude D630	Dell	W321-TCH-CART4	Liberty ES

<u>DESCRIPTION</u>	<u>MAKE/MODEL</u>	<u>I.D./SERIAL</u>	<u>DEPT/SITE</u>
Latitude	Dell	W321-TCH-JOHNST	Liberty ES
Latitude E540	Dell	W321-tch-fgmhgx1	Liberty ES
Desks (24-30)			Briggs K-8

CHINO VALLEY UNIFIED SCHOOL DISTRICT

Our Motto:

Student Achievement • Safe Schools • Positive School Climate
Humility • Civility • Service

DATE: March 17, 2016

TO: Members, Board of Education

FROM: Wayne M. Joseph, Superintendent

PREPARED BY: Gregory J. Stachura, Asst. Supt., Facilities, Planning, and Operations
Martin Silveira, Director, Maintenance, Operations, and Construction

SUBJECT: NOTICE OF COMPLETION FOR CUPCCAA PROJECTS

=====

BACKGROUND

On May 9, 2013, the Board of Education adopted Resolution 2012/2013-71, Adoption of California Uniform Public Construction Cost Accounting Act (CUPCCAA). Per Public Contract Code 22030, the adoption of CUPCCAA allows the use of alternate bidding procedures for projects under \$175,000.00, while still ensuring the District receives the lowest pricing possible from responsible vendors and contractors. Utilizing CUPCCAA, the District has completed the projects listed below.

CUPCCAA Project	Project Description	Contractor	Original Quotation	Change Order	Total	Funding Source
CC2016-21	Installation of Drainage Pump at Chino HS	WCCR Construction, Inc.	\$17,540.00	N/A	\$17,540.00	25
CC2016-22	Re-roofing at District Office	Cabral Roofing and Waterproofing	\$122,331.00	N/A	\$122,331.00	25
CC2016-23	Relocation and Setup of Portables at Adult School	WCCR Construction, Inc.	\$165,414.00	N/A	\$165,414.00	25
CC2016-24	Boys and Girls Restroom Renovation at Oxford Preparatory Academy	WCCR Construction, Inc.	\$56,472.00	N/A	\$56,472.00	25

Documentation indicating satisfactory completion and compliance with specifications has been obtained from school site administrators; Bill Childress, Maintenance and Operations Supervisor; and Martin Silveira, Director, Maintenance, Operations, and Construction.

Staff recommends approval of the Notice of Completion for these projects.

Approval of this item supports the goals identified within the District's Strategic Plan.

RECOMMENDATION

It is recommended the Board of Education approve the Notice of Completion for CUPCCAA Projects.

FISCAL IMPACT

\$361,757.00 to Capital Facilities Fund 25.

WMJ:GJS:MS:pw

CHINO VALLEY UNIFIED SCHOOL DISTRICT

Our Motto:

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DATE: March 17, 2016

TO: Members, Board of Education

FROM: Wayne M. Joseph, Superintendent

PREPARED BY: Gregory J. Stachura, Asst. Supt., Facilities, Planning, and Operations
Martin Silveira, Director, Maintenance, Operations & Construction

**SUBJECT: CHANGE ORDER FOR BID 14-15-06, REPLACEMENT OF
TRANSPORTATION DEPARTMENT LIFTS**

=====

BACKGROUND

On May 7, 2015, the Board of Education awarded Bid 14-15-06, Replacement of Transportation Department Lifts to Autolift Services, Inc. During the course of construction, modifications to the original approved plans were made due to unforeseen conditions, revisions, or amended project scope. The following change order has been reviewed and recommended for approval by District staff; and project engineers, TMAD Taylor & Gaines.

Change Order	Contractor	Amount
2	Autolift Services, Inc.	\$33,020.42
	Previously Approved Change Order(s);	\$42,693.14
	Starting Total Project Bid:	\$672,900.00
	Revised Total Project Amount:	\$748,613.56

This change order results in a net increase of \$33,020.42 to the construction cost and an additional 110 days of contract time. The revised total project cost, including all change orders, is \$748,613.56. Approval of the change order allows for compensation to the contractor to perform the additional work as described.

The total change order amounts exceed the legal limit of 10% of the total contract amount. Upon approval of these change orders by the Board of Education, San Bernardino County Superintendent of Schools District Financial Services personnel are prepared to process payments to the contractors.

Approval of this item supports the goals identified within the District's Strategic Plan.

RECOMMENDATION

Recommended the Board of Education approve the change order for Bid 14-15-06, Replacement of Transportation Department Lifts.

FISCAL IMPACT

\$33,020.42 to Capital Facilities Fund 25.

WMJ:GJS:MS:pw

CHINO VALLEY UNIFIED SCHOOL DISTRICT



Maintenance, Operations & Construction Department
5130 Riverside Drive
Chino, CA 91719
Telephone: 909.628.1201 x1450 FAX: 909.590.1639

C H A N G E O R D E R # 2

DATE: March 8, 2016

PROJECT / BID #: Replacement of Transportation Department Lifts, Bid No. 14-15-06

DSA APPLICATION #: N/A

DSA FILE #: N/A

OWNER: Chino Valley Unified School District

ARCHITECT/ENGINEER: TMAD Taylor & Gaines


CONTRACTOR: Autolift Services Inc.

THE CONTRACTOR IS HEREBY AUTHORIZED TO DO THE FOLLOWING:

Item 2.1: Remediation and disposal of oil contaminated soil, including additional concrete fill and encasement. Requested by: District Reason: Removal and proper disposal of additional oil contaminated soil required by code / EPA.	\$ 68,020.42
Item 2.2: Use of hazardous materials disposal allowance Requested by: District Reason: Removal and proper disposal of additional oil contaminated soil required by code / EPA.	(35,000.00)
Item 2.3: Lost work days (10) due to rainy weather.	0.00

The original contract amount was:	\$ 672,900.00
Previously approved change orders: Change Order #1	\$ 42,693.14
The contract amount will be increased by this Change Order:	\$ 33,020.42
The new contract amount including this Change Order will be:	\$ 748,613.56
The contract time will be increased by 110 days.	

APPROVED BY:


GENERAL CONTRACTOR

3/9/16
DATE

DSA INSPECTOR OF RECORD

DATE

CVUSD CONSTRUCTION COORDINATOR

DATE


CVUSD DIRECTOR OF MAINTENANCE, OPERATIONS & CONSTRUCTION

3/9/16
DATE

OWNER (authorized agent)

3/9/16
DATE


ARCHITECT/ENGINEER/CONSULTANT

3/9/16
DATE

CHINO VALLEY UNIFIED SCHOOL DISTRICT
Our Motto:
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DATE: March 17, 2016

TO: Members, Board of Education

FROM: Wayne M. Joseph, Superintendent

PREPARED BY: Grace Park, Ed.D., Assistant Superintendent, Human Resources
Lea Fellows, Director, Human Resources
Richard Rideout, Director, Human Resources

SUBJECT: CERTIFICATED/CLASSIFIED PERSONNEL ITEMS

=====

BACKGROUND

Board approval of personnel transactions is required by Board Bylaw 9324 Bylaws of the Board - Minutes and Recordings and Education Code 35163. Included are new hires based on need, which includes replacements, growth, and class size reduction.

Approval of this item supports the goals identified within the District's Strategic Plan.

RECOMMENDATION

It is recommended the Board of Education approve/ratify the certificated/classified personnel items.

FISCAL IMPACT

All personnel assignments are within the approved staffing ratio for the appropriate school year budget.

WMJ:GP:LF:RR:jaf

CERTIFICATED PERSONNEL

<u>NAME</u>	<u>POSITION</u>	<u>LOCATION</u>	<u>EFFECTIVE DATE</u>
<u>HIRED AT APPROPRIATE PLACEMENT ON THE CERTIFICATED SALARY SCHEDULE AND APPROPRIATE CREDENTIAL FOR THE 2015/2016 SCHOOL YEAR</u>			
FILLHART, Gregory	Computer Teacher	Townsend JHS	03/18/2016
MARNIEN, Michael	Special Ed. Teacher	Chino Hills HS	03/18/2016
HOLLINGSWORTH, Amanda	School Nurse	Health Services	03/18/2016
LITTLETON, Leslie	ESL Teacher	Adult School	03/18/2016
PALACIOS, Cynthia	ESL Teacher	Adult School	03/18/2016

APPOINTMENT – EXTRA DUTY

BRULE, Beverly	Band Director	Cal Aero K-8	02/05/2016
BRULE, Beverly	Vocal Music	Cal Aero K-8	02/05/2016
MONTGOMERY, Sarah (NBM)	Color Guard (B)	Canyon Hills JHS	03/18/2016
COLE, Michael (NBM)	Baseball (GF)	Boys Republic HS	03/18/2016
TORRES, Peter (NBM)	Track & Field (B)	Chino HS	03/18/2016
GRADILLA, Miguel (NBM)	Track & Field (B)	Chino Hills HS	03/18/2016
STRONG Sr., Frank J. (NBM)	Golf (B)	Chino Hills HS	03/18/2016

RETIREMENTS

DiGIOVANNI, Rudy	Elementary Teacher	Liberty ES	06/11/2016
STRYCUDA, Bill	PE Teacher	Townsend JHS	07/01/2016
HULME, Nancy	Communication Therapist	Special Ed.	06/10/ 2016

APPOINTMENT OF CERTIFICATED SUBSTITUTES EFFECTIVE AUGUST 17, 2015, THROUGH JUNE 30, 2016

COOK, Nicole	REITER III, Francis
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CLASSIFIED PERSONNEL

<u>NAME</u>	<u>POSITION</u>	<u>LOCATION</u>	<u>EFFECTIVE DATE</u>
--------------------	------------------------	------------------------	------------------------------

**HIRED AT THE APPROPRIATE PLACEMENT ON THE CLASSIFIED MANAGEMENT/
CONFIDENTIAL SALARY SCHEDULE**

LAYGO, Allison	Occupational Therapist (SELPA/GF)	Special Ed.	03/21/2016
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**HIRED AT THE APPROPRIATE PLACEMENT ON THE CLASSIFIED SALARY
SCHEDULE**

APPOINTMENT

GALVAN, Mike	Custodian I (GF)	Chino HS	03/18/2016
REYNOSA, Rhonda	IA/SPED/RSP (SELPA/GF)	Chino Hills HS	03/18/2016
SPEAR, Tamara	IA/SPED/SH (SELPA/GF)	Don Lugo HS	03/18/2016

PROMOTION

PETERSON, Maria	FROM: School Secretary I (GF) 8 hrs./215 work days TO: School Secretary II (GF) 8 hrs./215 work days	Walnut ES Don Lugo HS	03/18/2016
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CHANGE IN ASSIGNMENT

SMOUSE, Coleen	FROM: IA/Computer Assisted Instruction (C) 3 hrs./180 work days TO: IA/SPED/RSP (SELPA/GF) 5 hrs./181 work days	Liberty ES Rhodes ES/ Dickson ES	03/18/2016
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RETIREMENT

GONZALES, Mary Ann (28 years of service)	Custodian II (GF)	Borba ES	03/01/2016
SCHELLINGER, Kirsten (23 years of service)	School Secretary I (GF)	Newman ES	03/07/2016

CLASSIFIED PERSONNEL (cont.)

<u>NAME</u>	<u>POSITION</u>	<u>LOCATION</u>	<u>EFFECTIVE DATE</u>
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APPOINTMENT OF SHORT TERM EMPLOYEES EFFECTIVE JANUARY 1, 2016, THROUGH JUNE 30, 2016

STICKLES, Valerie	IA/SPED/Collaborative	Dickson ES	
LANTER, Donald	IA/SPED/SH	Woodcrest JHS	
HIGUERA, Ana	IA/Bilingual-Biliterate	Chino HS	

APPOINTMENT OF CLASSIFIED SUBSTITUTES EFFECTIVE JULY 1, 2015, THROUGH JUNE 30, 2016

CHAVEZ, Christopher	GONZALEZ, Melanie	GRAY, Bernice
HALL, Richard	KLUCK, Kathleen	MISSERI, Monica
MURRIETTA, Pamela	POMEPHIMKHAM, Liane	SANCHEZ, Anamaria
SILVA, Rayleen	SUAZO, Fernando	

(504) = Federal Law for Individuals with Handicaps	(MH) = Mental Health – Special Ed.
(ACE) = Ace Driving School	(NBM) = Non-Bargaining Member
(ASB) = Associated Student Body	(ND) = Neglected and Delinquent
(ASF) = Adult School Funded	(NS) = Nutrition Services Budget
(ATE) = Alternative to Expulsion	(OPPR) = Opportunity Program
(B) = Booster Club	(PFA) = Parent Faculty Association
(BTSA) = Beginning Teacher Support & Assessment	(R) = Restricted
(C) = Categorically Funded	(ROP) = Regional Occupation Program
(CAHSEE) = California High School Exit Exam	(SAT) = Saturday School
(CC) = Children’s Center (Marshall)	(SB813) = Medi-Cal Admin. Activities Entity Fund
(CDF) = Child Development Fund	(SELPA) = Special Education Local Plan Area
(CSR) = Class Size Reduction	(SOAR) = Students on a Rise
(CVLA) = Chino Valley Learning Academy	(SPEC) = Spectrum Schools
(CWY) = Cal Works Youth	(SS) = Summer School
(E-rate) = Discount Reimbursements for Telecom.	(SWAS) = School within a School
(G) = Grant Funded	(VA) = Virtual Academy
(GF) = General Fund	(WIA) = Workforce Investment Act
(HBE) = Home Base Education	
(MM) = Measure M – Fund 21	
(MAA) = Medi-Cal Administrative Activities	

CHINO VALLEY UNIFIED SCHOOL DISTRICT

Our Motto:

Student Achievement • Safe Schools • Positive School Climate
Humility • Civility • Service

DATE: March 17, 2016
TO: Members, Board of Education
FROM: Wayne M. Joseph, Superintendent
PREPARED BY: Grace Park, Ed.D., Assistant Superintendent, Human Resources
Lea Fellows, Director, Human Resources
Richard Rideout, Director, Human Resources
SUBJECT: REVISION OF BOARD POLICY 4119.11, 4219.11, 4319.11 ALL PERSONNEL – SEXUAL HARASSMENT

=====
BACKGROUND

Board policies, administrative regulations, and bylaws of the Board are routinely developed and revised as a result of changes in law, mandates, federal regulations, and current practice. Board Policy 4119.11, 4219.11, 4319.11 All Personnel – Sexual Harassment is being revised in accordance with AR 4030 Nondiscrimination in Employment. This item was presented to the Board of Education on March 3, 2016, for information.

New language is provided in UPPER CASE.

Approval of this item supports the goals identified within the District’s Strategic Plan.

RECOMMENDATION

It is recommended the Board of Education approve the revision of Board Policy 4119.11, 4219.11, 4319.11 All Personnel – Sexual Harassment.

FISCAL IMPACT

None.

WMJ:GP:LF:RR:jaf

All Personnel

BP 4119.11(a)
BP 4219.11(a)
BP 4319.11(a)

SEXUAL HARASSMENT

The Board of Education prohibits sexual harassment of District employees and job applicants. The Board also prohibits retaliatory behavior or action against District employees or other persons who complain, testify or otherwise participate in the complaint process established pursuant to this policy and administrative regulation.

(cf. 0410 - Nondiscrimination in District Programs and Activities)
(cf. 4030 - Nondiscrimination in Employment)

The Superintendent or designee shall take all actions necessary to ensure the prevention, investigation, and correction of sexual harassment, including but not limited to:

1. Providing training to employees in accordance with law and administrative regulation.
2. Publicizing and disseminating the District's sexual harassment policy to staff.

(cf. 4112.9 - Employee Notifications)

3. Ensuring prompt, thorough and fair investigation of complaints.
4. Taking timely and appropriate corrective/remedial action(s), which may require interim separation of the complainant and the alleged harasser and subsequent monitoring of developments.

All complaints and allegations of sexual harassment shall be kept confidential to the extent necessary to carry out the investigation or to take other subsequent necessary actions. (5 CCR 4964)

Any District employee or job applicant who feels that he/she has been sexually harassed or who has knowledge of any incident of sexual harassment by or against another employee, job applicant or a student, shall immediately report the incident to his/her supervisor, principal, District administrator or Superintendent.

A supervisor, principal or District administrator who receives a harassment complaint shall promptly notify the Superintendent or designee.

Complaints of sexual harassment shall be filed in accordance with Administrative Regulation 4030 - NONDISCRIMINATION IN EMPLOYMENT. An employee may bypass his/her supervisor in filing a complaint where the supervisor is the subject of the complaint.

SEXUAL HARASSMENT (cont.)

(cf. 4031 - Complaints Concerning Discrimination in Employment)

Any District employee who engages or participates in the sexual harassment or who aids, abets, incites, compels, or coerces another to commit sexual harassment against a District employee, job applicant, or student is in violation of this policy and is subject to disciplinary action, up to and including dismissal.

(cf. 4117.4 - Dismissal)

(cf. 4118 - Suspension/Disciplinary Action)

(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination on the basis of sex

GOVERNMENT CODE

12900-12996 Fair Employment and Housing Act, especially:

12940 Prohibited discrimination

12950.1 Sexual harassment training

LABOR CODE

1101 Political activities of employees

1102.1 Discrimination: sexual orientation

CODE OF REGULATIONS, TITLE 2

7287.8 Retaliation

7288.0 Sexual harassment training and education

CODE OF REGULATIONS, TITLE 5

4900-4965 Nondiscrimination in elementary and secondary education programs receiving state financial assistance

UNITED STATES CODE, TITLE 42

2000d-2000d-7 Title VI, Civil Rights Act of 1964

2000e-2000e-17 Title VII, Civil Rights Act of 1964, as amended

2000h-2-2000h-6 Title IX, 1972 Education Act Amendments

CODE OF FEDERAL REGULATIONS, TITLE 34

106.9 Dissemination of policy

COURT DECISIONS

Department of Health Services v. Superior Court of California, (2003) 31 Cal.4th 1026

Faragher v. City of Boca Raton, (1998) 118 S.Ct. 2275

Burlington Industries v. Ellreth, (1998) 118 S.Ct. 2257

Gebser v. Lago Vista Independent School District, (1998) 118 S.Ct. 1989

Oncale v. Sundowner Offshore Serv. Inc., (1998) 118 S.Ct. 998

Meritor Savings Bank, FSB v. Vinson et al., (1986) 447 U.S. 57

Management Resources:

Office of Civil Rights and National Association of Attorneys General

Protecting Students from Harassment and Hate Crime, January, 1999

BP 4119.11(c)
BP 4219.11(c)
BP 4319.11(c)

SEXUAL HARASSMENT (cont.)

WEBSITES

California Department of Fair Employment and Housing: www.dfeh.ca.gov

Equal Employment Opportunity Commission: www.eeoc.gov

U.S. Department of Education, Office for Civil Rights: www.ed.gov/about/offices/list/ocr/index.html

Chino Valley Unified School District

Policy adopted: November 16, 1995

Revised: March 23, 2000

Revised: November 17, 2011

REVISED:

Chino Valley Unified School District

Our Motto:

Student Achievement • Safe Schools • Positive School Climate
Humility • Civility • Service

DATE: March 17, 2016
TO: Members, Board of Education
FROM: Wayne M. Joseph, Superintendent
PREPARED BY: Jeanette Chien, Ed.D., Asst. Superintendent, Educational Services
SUBJECT: REVISION OF BOARD POLICY AND NEW ADMINISTRATIVE REGULATION 0460 PHILOSOPHY, GOALS, OBJECTIVES, AND COMPREHENSIVE PLANS – LOCAL CONTROL AND ACCOUNTABILITY PLAN

=====

BACKGROUND

Board policies, administrative regulations, and bylaws of the Board are routinely developed and revised as a result of changes in law, mandates, federal regulations, and current practice. The revision of Board Policy and new Administrative Regulation 0460 Philosophy, Goals, Objectives, and Comprehensive Plans – Local Control and Accountability Plan is being updated to reflect new Title 5 Regulations which (1) present a template for the local control and accountability plan (LCAP); (2) define and give examples of the means by which districts may consult with students when developing the LCAP; (3) address the composition of the parent advisory committee and English learner parent advisory committee; and (4) require the County Superintendent of Schools to review district descriptions, if any, of districtwide or schoolwide services provided with local control funding formula (LCFF) supplemental or concentration funds. The Administrative Regulation addresses the requirement for districts receiving LCFF supplemental or concentration funds to increase or improve services for unduplicated students and reflects Title 5 Regulations which specify the method for determining the percentage by which services for unduplicated students must be increased or improved above services provided to all students.

New language is provided in UPPER CASE while old language to be deleted is ~~lined through~~.

Consideration of this item supports the goals identified within the District’s Strategic Plan.

RECOMMENDATION

It is recommended the Board of Education receive for information the revision of Board Policy and new Administrative Regulation 0460 Philosophy, Goals, Objectives, and Comprehensive Plans – Local Control and Accountability Plan.

FISCAL IMPACT

None.

WMJ:JC:lmc

LOCAL CONTROL AND ACCOUNTABILITY PLAN

The Board of Education desires to ensure the most effective use of available state funding to improve outcomes for all students. A community-based, comprehensive, data-driven planning process shall be used to identify annual goals and specific actions ~~aligned with state and local priorities~~ and to facilitate continuous improvement of District practices.

(cf. 0000 - Concepts and Roles)
(cf. 0200 - Goals for the School District)

The Board shall adopt a districtwide Local Control and Accountability Plan (LCAP); ~~FOLLOWING using the template provided IN 5 CCR 15497.5, by the State Board of Education, which addresses the state priorities specified in Education Code 52060 AND ANY LOCAL PRIORITIES ADOPTED BY THE BOARD. The LCAP shall be UPDATED ON OR BEFORE JULY 1 OF EACH YEAR AND, LIKE THE DISTRICT BUDGET, SHALL COVER THE NEXT FISCAL YEAR AND SUBSEQUENT TWO FISCAL YEARS effective for three years and shall be updated on or before July 1 of each year. (Education Code 52060) In addition, the LCAP shall address any local priorities adopted by the Board.~~

(cf. 3100 - Budget)

The LCAP shall focus on improving outcomes for all students, particularly those who are "unduplicated students" and other underperforming students.

Unduplicated students include students who are eligible for free or reduced-price meals, English learners, and foster youth and are counted only once for purposes of the local control funding formula. (Education Code 42238.02)

(cf. 3553 - Free and Reduced Price Meals)
(cf. 6173.1 - Education for Foster Youth)
(cf. 6174 - Education for English Language Learners)

~~THE LCAP SHALL ALSO BE ALIGNED WITH To minimize duplication of effort and provide clear direction for program implementation, the LCAP and other district and school plans shall be aligned to the extent possible IN ORDER TO MINIMIZE DUPLICATON OF EFFORT AND PROVIDE CLEAR DIRECTION FOR PROGRAM IMPLEMENTATION.~~

(cf. 0400 - Comprehensive Plans)
(cf. 0440 - District Technology Plan)
(cf. 0450 - Comprehensive Safety Plan)
(cf. 5030 - Student Wellness)
(cf. 6171 - Title I Programs)
(cf. 7110 - Facilities Master Plan)

LOCAL CONTROL AND ACCOUNTABILITY PLAN (cont.)

The Superintendent or designee shall review the Single Plan for Student Achievement (SPSA) submitted by each District school pursuant to Education Code 64001 to ensure that the specific actions included in the LCAP or the annual update are consistent with strategies included in the SPSA. (Education Code 52062)

(cf. 0420 - School Plans/Site Councils)

Any complaint that the District has not complied with legal requirements pertaining to the LCAP may be filed pursuant to AR 1312.3 - Uniform Complaint Procedures. (Education Code 52075)

(cf. 1312.3 - Uniform Complaint Procedures)

Plan Development

The Superintendent or designee shall gather data and information needed for effective and meaningful plan development and present it to the Board and community. Such data and information shall include, but not be limited to, data regarding the numbers of students in various student subgroups, disaggregated data on student achievement levels, and information about current programs and expenditures.

The Superintendent or designee shall consult with teachers, principals, administrators, other school personnel, and employee bargaining units, parents/guardians, and students in developing the LCAP. CONSULTATION WITH STUDENTS SHALL ENABLE UNDUPLICATED STUDENTS AND OTHER NUMERICALLY SIGNIFICANT STUDENT SUBGROUPS TO REVIEW AND COMMENT ON LCAP DEVELOPMENT AND MAY INCLUDE SURVEYS OF STUDENTS, STUDENT FORUMS, STUDENT ADVISORY COMMITTEES, AND/OR MEETINGS WITH STUDENT GOVERNMENT BODIES OR OTHER GROUPS REPRESENTING STUDENTS. (Education Code 52060; 5 CCR 15495) (Education Code 52060)

(cf. 1220 - Citizen Advisory Committees)

(cf. 4140/4240/4340 - Bargaining Units)

(cf. 4143/4243 - Negotiations/Consultation)

(cf. 6020 - Parent Involvement)

Public Review and Input

The Board shall establish ~~the following committee(s) to review and comment on the LCAP: (Education Code 52063)~~ a parent advisory committee TO REVIEW AND COMMENT ON THE LCAP. THE COMMITTEE SHALL BE COMPRISED OF A MAJORITY OF PARENTS/GUARDIANS AND SHALL include at least one parent/guardian of AN unduplicated student as defined above. (Education Code 52063; 5 CCR 15495)

LOCAL CONTROL AND ACCOUNTABILITY PLAN (cont.)

WHENEVER DISTRICT ENROLLMENT INCLUDES AT LEAST 15 PERCENT ENGLISH LEARNERS WITH ~~An English Learner parent advisory committee whenever district enrollment includes at least 15 percent English Learners and~~ at least 50 students who are English Learners, THE BOARD SHALL ESTABLISH AN ENGLISH LEARNER PARENT ADVISORY COMMITTEE COMPOSED OF A MAJORITY OF PARENTS/GUARDIANS OF ENGLISH LEARNERS. (Education Code 52063; 5 CCR 15495)

The Superintendent or designee shall present the LCAP ~~or the annual update~~ to the committee(s) before it is submitted to the Board for adoption, and shall respond in writing to comments received from the committee(s). (Education Code 52062)

The Superintendent or designee shall notify members of the public of the opportunity to submit written comments regarding the specific actions and expenditures proposed to be included in the LCAP ~~or the annual update to the LCAP~~. The notification shall be provided using the most efficient method of notification possible, which may not necessarily include producing printed notices or sending notices by mail. All written notifications related to the LCAP ~~or the annual update~~ shall be provided in the primary language of parents/guardians when required by Education Code 48985. (Education Code 52062)

(cf. 5145.6 - Parental Notifications)

The Board shall hold at least one public hearing to solicit the recommendations and comments of members of the public regarding the specific actions and expenditures proposed to be included in the LCAP ~~or the annual update~~. The public hearing shall be held at the same meeting as the public BUDGET hearing required PURSUANT TO ~~prior to the adoption of the District budget in accordance with~~ Education Code 42127 and AR 3100 - Budget. (Education Code 42127, 52062)

(cf. 9320 - Meetings and Notices)

Adoption of the Plan

THE BOARD SHALL ADOPT THE LCAP prior to adopting the District budget, but at the same public meeting ~~the Board shall adopt the LCAP or the annual update~~. This meeting shall be held after the public hearing described above, but not on the same day as the hearing. (Education Code 52062)

The Board may adopt revisions to the LCAP at any time during the period in which the plan is in effect, provided the Board follows the process to adopt the LCAP pursuant to Education Code 52062 and the revisions are adopted in a public meeting. (Education Code 52062)

LOCAL CONTROL AND ACCOUNTABILITY PLAN (cont.)**Submission of Plan to County Superintendent of Schools**

Not later than five days after adoption of the LCAP ~~or the annual update to the LCAP~~, the Board shall file the LCAP ~~or the annual update~~ with the County Superintendent of Schools. (Education Code 52070)

If the County Superintendent sends, by August 15, a written request for clarification of the contents of the LCAP ~~or the annual update~~, the Board shall respond in writing within 15 days of the request. If the County Superintendent then submits recommendations for amendments to the LCAP within 15 days of receiving the Board's response, the Board shall consider those recommendations in a public meeting within 15 days of receiving the recommendations. (Education Code 52070)

Monitoring Progress

The Superintendent or designee shall report to the Board, at least annually in accordance with the timeline and indicators established by him/her and the Board, regarding the District's progress toward attaining each goal identified in the LCAP. Evaluation data shall be used to recommend any necessary revisions to the LCAP.

(cf. 0500 - Accountability)

Technical Assistance/Intervention

When it is in the best interest of the District, the Board may submit a request to the County Superintendent for technical assistance, including, but not limited to: (Education Code 52071)

1. Assistance in the identification of District strengths and weaknesses in regard to state priorities and review of effective, evidence-based programs that apply to the District's goals.
2. Assistance from an academic expert, team of academic experts, or another district in the county in identifying and implementing effective programs to improve the outcomes for student subgroups.
3. Advice and assistance from the California Collaborative for Educational Excellence established pursuant to Education Code 52074.

In the event that the County Superintendent requires the District to receive technical assistance pursuant to Education Code 52071, the Board shall review all recommendations received from the County Superintendent or other advisor and shall consider revisions to the LCAP as appropriate in accordance with the process specified in Education Code 52062.

LOCAL CONTROL AND ACCOUNTABILITY PLAN (cont.)

If the Superintendent of Public Instruction (SPI) identifies the District as needing intervention pursuant to Education Code 52072, the District shall cooperate with any action taken by the SPI or any academic advisor appointed by the SPI, which may include one or more of the following:

1. Revision of the District's LCAP.
2. Revision of the District's budget in accordance with changes in the LCAP.
3. A determination to stay or rescind any District action that would prevent the District from improving outcomes for all student subgroups, provided that action is not required by a collective bargaining agreement.

Legal Reference:EDUCATION CODE

17002 State School Building Lease-Purchase Law, including definition of good repair

41020 Audits

42127 Public hearing on budget adoption

42238.01-42238.07 Local control funding formula

44258.9 County superintendent review of teacher assignment

48985 Parental notices in languages other than English

51210 Course of study for grades 1-6

51220 Course of study for grades 7-12

52052 Academic Performance Index; numerically significant student subgroups

52060-52077 Local control and accountability plan

52302 Regional occupational centers and programs

52372.5 Linked learning pilot program

54692 Partnership academies

60119 Sufficiency of textbooks and instructional materials; hearing and resolution

60605.8 California Assessment of Academic Achievement; Academic Content Standards Commission

60811.3 Assessment of language development

64001 Single plan for student achievement

99300-99301 Early Assessment Program

UNITED STATES CODE, TITLE 20

6312 Local educational agency plan

6826 Title III funds, local plans

Management Resources:CALIFORNIA SCHOOL BOARDS ASSOCIATION PUBLICATIONS

Impact of Local Control Funding Formula on Board Policies, November 2013

Local Control Funding Formula 2013, Governance Brief, August 2013

State Priorities for Funding: The Need for Local Control and Accountability Plans, Fact Sheet, August 2013

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

California School Accounting Manual

WEBSITESCalifornia School Boards Association: www.csba.orgCalifornia Department of Education: www.cde.ca.gov**Chino Valley Unified School District**

Policy adopted: August 7, 2014

REVISED:

LOCAL CONTROL AND ACCOUNTABILITY PLAN

GOALS AND ACTIONS ADDRESSING STATE AND LOCAL PRIORITIES

THE DISTRICT'S LOCAL CONTROL AND ACCOUNTABILITY PLAN (LCAP) SHALL INCLUDE, FOR THE DISTRICT AND EACH DISTRICT SCHOOL: (EDUCATION CODE 52060)

1. A DESCRIPTION OF THE ANNUAL GOALS ESTABLISHED FOR ALL STUDENTS AND FOR EACH NUMERICALLY SIGNIFICANT SUBGROUP AS DEFINED IN EDUCATION CODE 52052, INCLUDING ETHNIC SUBGROUPS, SOCIOECONOMICALLY DISADVANTAGED STUDENTS, ENGLISH LEARNERS, STUDENTS WITH DISABILITIES, FOSTER YOUTH, AND HOMELESS STUDENTS. THE LCAP SHALL IDENTIFY GOALS FOR EACH OF THE FOLLOWING STATE PRIORITIES:

- A. THE DEGREE TO WHICH DISTRICT TEACHERS ARE APPROPRIATELY ASSIGNED IN ACCORDANCE WITH EDUCATION CODE 44258.9 AND FULLY CREDENTIALLED IN THE SUBJECT AREAS AND FOR THE STUDENTS THEY ARE TEACHING; EVERY DISTRICT STUDENT HAS SUFFICIENT ACCESS TO STANDARDS-ALIGNED INSTRUCTIONAL MATERIALS AS DETERMINED PURSUANT TO EDUCATION CODE 60119; AND SCHOOL FACILITIES ARE MAINTAINED IN GOOD REPAIR AS SPECIFIED IN EDUCATION CODE 17002

(cf. 1312.4 - Williams Uniform Complaint Procedures)

(cf. 3517 - Facilities Inspection)

(cf. 4112.2 - Certification)

(cf. 4113 - Assignment)

(cf. 6161.1 - Selection and Evaluation of Instructional Materials)

- B. IMPLEMENTATION OF THE ACADEMIC CONTENT AND PERFORMANCE STANDARDS ADOPTED BY THE STATE BOARD OF EDUCATION (SBE), INCLUDING HOW THE PROGRAMS AND SERVICES WILL ENABLE ENGLISH LEARNERS TO ACCESS THE COMMON CORE STATE STANDARDS AND THE ENGLISH LANGUAGE DEVELOPMENT STANDARDS FOR PURPOSES OF GAINING ACADEMIC CONTENT KNOWLEDGE AND ENGLISH LANGUAGE PROFICIENCY

(cf. 6011 - Academic Standards)

(cf. 6174 - Education for English Language Learners)

LOCAL CONTROL AND ACCOUNTABILITY PLAN (cont.)

- C. PARENT/GUARDIAN INVOLVEMENT, INCLUDING EFFORTS THE DISTRICT MAKES TO SEEK PARENT/GUARDIAN INPUT IN DISTRICT AND SCHOOL SITE DECISION MAKING AND HOW THE DISTRICT WILL PROMOTE PARENT/GUARDIAN PARTICIPATION IN PROGRAMS FOR UNDUPLICATED STUDENTS, AS DEFINED IN EDUCATION CODE 42238.02 AND BOARD POLICY

(cf. 3553 - Free and Reduced Price Meals)
(cf. 6020 - Parent Involvement)
(cf. 6173.1 - Education for Foster Youth)

- D. STUDENT ACHIEVEMENT, AS MEASURED BY ALL OF THE FOLLOWING AS APPLICABLE:
- (1) STATEWIDE ASSESSMENTS OF STUDENT ACHIEVEMENT
 - (2) ACADEMIC PERFORMANCE INDEX
 - (3) THE PERCENTAGE OF STUDENTS WHO HAVE SUCCESSFULLY COMPLETED COURSES THAT SATISFY THE REQUIREMENTS FOR ENTRANCE TO THE UNIVERSITY OF CALIFORNIA AND THE CALIFORNIA STATE UNIVERSITY, OR CAREER TECHNICAL EDUCATION SEQUENCES OR PROGRAMS OF STUDY THAT SATISFY SPECIFIED REQUIREMENTS AND ALIGN WITH SBE-APPROVED CAREER TECHNICAL EDUCATION STANDARDS AND FRAMEWORKS, INCLUDING, BUT NOT LIMITED TO, THOSE DESCRIBED IN EDUCATION CODE 52302, 52372.5, OR 54692
 - (4) THE PERCENTAGE OF ENGLISH LEARNERS WHO MAKE PROGRESS TOWARD ENGLISH PROFICIENCY AS MEASURED BY THE SBE-CERTIFIED ASSESSMENT OF ENGLISH PROFICIENCY
 - (5) THE ENGLISH LEARNER RECLASSIFICATION RATE
 - (6) THE PERCENTAGE OF STUDENTS WHO HAVE PASSED AN ADVANCED PLACEMENT EXAMINATION WITH A SCORE OF 3 OR HIGHER
 - (7) THE PERCENTAGE OF STUDENTS WHO PARTICIPATE IN AND DEMONSTRATE COLLEGE PREPAREDNESS IN THE EARLY ASSESSMENT PROGRAM PURSUANT TO EDUCATION CODE 99300-99301

(cf. 0500 - Accountability)
(cf. 6141.5 - Advanced Placement)
(cf. 6162.5 - Student Assessment)
(cf. 6162.51 - State Academic Achievement Tests)
(cf. 6178 - Career Technical Education)

LOCAL CONTROL AND ACCOUNTABILITY PLAN (cont.)

- E. STUDENT ENGAGEMENT, AS MEASURED BY SCHOOL ATTENDANCE RATES, CHRONIC ABSENTEEISM RATES, MIDDLE SCHOOL DROPOUT RATES, HIGH SCHOOL DROPOUT RATES, AND HIGH SCHOOL GRADUATION RATES, AS APPLICABLE

(cf. 6146.1 - High School Graduation Requirements)
(cf. 5113.1 - Chronic Absence and Truancy)
(cf. 5147 - Dropout Prevention)

- F. SCHOOL CLIMATE, AS MEASURED BY STUDENT SUSPENSION AND EXPULSION RATES AND OTHER LOCAL MEASURES, INCLUDING SURVEYS OF STUDENTS, PARENTS/GUARDIANS, AND TEACHERS ON THE SENSE OF SAFETY AND SCHOOL CONNECTEDNESS, AS APPLICABLE

(cf. 5137 - Positive School Climate)
(cf. 5144 - Discipline)
(cf. 5144.1 - Suspension and Expulsion/Due Process)
(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))

- G. THE EXTENT TO WHICH STUDENTS HAVE ACCESS TO AND ARE ENROLLED IN A BROAD COURSE OF STUDY THAT INCLUDES ALL OF THE SUBJECT AREAS DESCRIBED IN EDUCATION CODE 51210 AND 51220, AS APPLICABLE, INCLUDING THE PROGRAMS AND SERVICES DEVELOPED AND PROVIDED TO UNDUPLICATED STUDENTS AND STUDENTS WITH DISABILITIES, AND THE PROGRAMS AND SERVICES THAT ARE PROVIDED TO BENEFIT THESE STUDENTS AS A RESULT OF SUPPLEMENTAL AND CONCENTRATION FUNDING PURSUANT TO EDUCATION CODE 42238.02 AND 42238.03

(cf. 6143 - Courses of Study)
(cf. 6159 - Individualized Education Program)

- H. STUDENT OUTCOMES, IF AVAILABLE, IN THE SUBJECT AREAS DESCRIBED IN EDUCATION CODE 51210 AND 51220, AS APPLICABLE

- 2. ANY GOALS IDENTIFIED FOR ANY LOCAL PRIORITIES ESTABLISHED BY THE BOARD.

(cf. 0200 - Goals for the School District)

LOCAL CONTROL AND ACCOUNTABILITY PLAN (cont.)

3. A DESCRIPTION OF THE SPECIFIC ACTIONS THE DISTRICT WILL TAKE DURING EACH YEAR OF THE LCAP TO ACHIEVE THE IDENTIFIED GOALS, INCLUDING THE ENUMERATION OF ANY SPECIFIC ACTIONS NECESSARY FOR THAT YEAR TO CORRECT ANY DEFICIENCIES IN REGARD TO THE STATE AND LOCAL PRIORITIES SPECIFIED IN ITEMS #1-2 ABOVE. SUCH ACTIONS SHALL NOT SUPERSEDE PROVISIONS OF EXISTING COLLECTIVE BARGAINING AGREEMENTS WITHIN THE DISTRICT.

FOR PURPOSES OF THE DESCRIPTIONS REQUIRED BY ITEMS #1-3 ABOVE, THE BOARD MAY CONSIDER QUALITATIVE INFORMATION, INCLUDING, BUT NOT LIMITED TO, FINDINGS THAT RESULT FROM ANY SCHOOL QUALITY REVIEWS CONDUCTED PURSUANT TO EDUCATION CODE 52052 OR ANY OTHER REVIEWS. (EDUCATION CODE 52060)

FOR ANY LOCAL PRIORITIES ADDRESSED IN THE LCAP, THE BOARD AND SUPERINTENDENT OR DESIGNEE SHALL IDENTIFY AND INCLUDE IN THE LCAP THE METHOD FOR MEASURING THE DISTRICT'S PROGRESS TOWARD ACHIEVING THOSE GOALS. (EDUCATION CODE 52060)

TO THE EXTENT PRACTICABLE, DATA REPORTED IN THE LCAP SHALL BE REPORTED IN A MANNER CONSISTENT WITH HOW INFORMATION IS REPORTED ON A SCHOOL ACCOUNTABILITY REPORT CARD. (EDUCATION CODE 52060)

(cf. 0510 - School Accountability Report Card)

INCREASE OR IMPROVEMENT IN SERVICES FOR UNDUPLICATED STUDENTS

THE LCAP SHALL DEMONSTRATE HOW THE DISTRICT WILL INCREASE OR IMPROVE SERVICES FOR UNDUPLICATED STUDENTS AT LEAST IN PROPORTION TO THE INCREASE IN FUNDS APPORTIONED ON THE BASIS OF THE NUMBER AND CONCENTRATION OF UNDUPLICATED STUDENTS. (5 CCR 15494-15496)

WHEN THE DISTRICT EXPENDS SUPPLEMENTAL AND/OR CONCENTRATION FUNDS ON A DISTRICTWIDE OR SCHOOLWIDE BASIS DURING THE YEAR FOR WHICH THE LCAP IS ADOPTED, THE DISTRICT'S LCAP SHALL: (5 CCR 15496)

1. IDENTIFY THOSE SERVICES THAT ARE BEING FUNDED AND PROVIDED ON A DISTRICTWIDE OR SCHOOLWIDE BASIS
2. DESCRIBE HOW SERVICES ARE PRINCIPALLY DIRECTED TOWARDS, AND ARE EFFECTIVE IN, MEETING THE DISTRICT'S GOALS FOR UNDUPLICATED STUDENTS IN THE STATE PRIORITY AREAS AND ANY LOCAL PRIORITY AREAS

LOCAL CONTROL AND ACCOUNTABILITY PLAN (cont.)

3. IF THE ENROLLMENT OF UNDUPLICATED STUDENTS IS LESS THAN 55 PERCENT OF DISTRICT ENROLLMENT OR LESS THAN 40 PERCENT OF SCHOOL ENROLLMENT, DESCRIBE HOW THESE SERVICES ARE THE MOST EFFECTIVE USE OF THE FUNDS TO MEET THE DISTRICT'S GOALS FOR ITS UNDUPLICATED STUDENTS IN THE STATE PRIORITY AREAS AND ANY LOCAL PRIORITY AREAS. THE DESCRIPTION SHALL PROVIDE THE BASIS FOR THIS DETERMINATION, INCLUDING, BUT NOT LIMITED TO, ANY ALTERNATIVES CONSIDERED AND ANY SUPPORTING RESEARCH, EXPERIENCES, OR EDUCATIONAL THEORY. (5 CCR 15496)

ANNUAL UPDATES

ON OR BEFORE JULY 1 OF EACH YEAR, THE LCAP SHALL BE UPDATED USING THE TEMPLATE IN 5 CCR 15497.5 AND SHALL INCLUDE ALL OF THE FOLLOWING: (EDUCATION CODE 52061)

1. A REVIEW OF ANY CHANGES IN THE APPLICABILITY OF THE GOALS DESCRIBED IN THE EXISTING LCAP PURSUANT TO THE SECTION "GOALS AND ACTIONS ADDRESSING STATE AND LOCAL PRIORITIES" ABOVE
2. A REVIEW OF THE PROGRESS TOWARD THE GOALS INCLUDED IN THE EXISTING LCAP, AN ASSESSMENT OF THE EFFECTIVENESS OF THE SPECIFIC ACTIONS DESCRIBED IN THE EXISTING LCAP TOWARD ACHIEVING THE GOALS, AND A DESCRIPTION OF CHANGES TO THE SPECIFIC ACTIONS THE DISTRICT WILL MAKE AS A RESULT OF THE REVIEW AND ASSESSMENT
3. A LISTING AND DESCRIPTION OF THE EXPENDITURES FOR THE FISCAL YEAR IMPLEMENTING THE SPECIFIC ACTIONS INCLUDED IN THE LCAP AND THE CHANGES TO THE SPECIFIC ACTIONS MADE AS A RESULT OF THE REVIEWS AND ASSESSMENT REQUIRED BY ITEMS #1-2 ABOVE
4. A LISTING AND DESCRIPTION OF EXPENDITURES FOR THE FISCAL YEAR THAT WILL SERVE UNDUPLICATED STUDENTS AND STUDENTS REDESIGNATED AS FLUENT ENGLISH PROFICIENT

AVAILABILITY OF THE PLAN

THE SUPERINTENDENT OR DESIGNEE SHALL POST THE LCAP AND ANY UPDATES OR REVISIONS TO THE LCAP ON THE DISTRICT'S WEB SITE. (EDUCATION CODE 52065)

(cf. 1113 - District and School Websites)

Chino Valley Unified School District
REGULATION APPROVED:

Chino Valley Unified School District

Our Motto:

Student Achievement • Safe Schools • Positive School Climate
Humility • Civility • Service

DATE: March 17, 2016
TO: Members, Board of Education
FROM: Wayne M. Joseph, Superintendent
PREPARED BY: Jeanette Chien, Ed.D., Asst. Superintendent, Educational Services
Laurel Mullally, Ed.D., Director, Health Services/Child Development
**SUBJECT: REVISION OF BOARD POLICY AND ADMINISTRATIVE
REGULATION 5141.6 STUDENTS – SCHOOL HEALTH
SERVICES**

=====

BACKGROUND

Board policies, administrative regulations, and bylaws of the Board are routinely developed and revised as a result of changes in law, mandates, federal regulations, and current practice. The revision of Board Policy and Administrative Regulation 5141.6 Students – School Health Services is being updated to reflect legal requirement to provide service for substance abuse, and to submit an annual report as a condition of continued participation as a Medi-Cal provider.

New language is provided in UPPER CASE while old language to be deleted is ~~lined through~~.

Consideration of this item supports the goals identified within the District’s Strategic Plan.

RECOMMENDATION

It is recommended the Board of Education receive for information the revision of Board Policy and Administrative Regulation 5141.6 Students – School Health Services.

FISCAL IMPACT

None.

WMJ:JC:LM:lmc

SCHOOL HEALTH SERVICES

The Board of Education recognizes that good physical and mental health is critical to a student's ability to learn and believes that all students should have access to comprehensive health services. The District may provide access to health services at or near district schools through the establishment of a school health center and/or mobile van(s) that serve multiple campuses.

The Board and the Superintendent or designee shall collaborate with local and state agencies and health care providers to assess the health needs of students in district schools and the community. Based on THE RESULTS, this needs assessment and the availability of resources, the Superintendent or designee shall recommend for Board approval the types of health services to be provided by the District.

- (cf. 5131.6 - Alcohol and Other Drugs)
- (cf. 5131.61 - Drug Testing)
- (cf. 5131.62 - Tobacco)
- (cf. 5131.63 - Steroids)
- (cf. 5141 - Health Care and Emergencies)
- (cf. 5141.21 - Administering Medication and Monitoring Health Conditions)
- (cf. 5141.22 - Infectious Diseases)
- (cf. 5141.23 - Asthma Management)
- (cf. 5141.24 - Specialized Health Care Services)
- (cf. 5141.26 - Tuberculosis Testing)
- (cf. 5141.3 - Health Examinations)
- (cf. 5141.31 - Immunizations)
- (cf. 5141.32 - Health Screening for School Entry)
- (cf. 5141.33 - Head Lice)
- (cf. 5141.4 - Child Abuse Prevention and Reporting)
- (cf. 5141.52 - Suicide Prevention)
- (cf. 6145.2 - Athletic Competition)
- (cf. 6159 - Individualized Education Program)
- (cf. 6164.6 - Identification and Education under Section 504)

~~The Board may employ or contract with health care professionals or partner with community health centers to provide the services under the terms of a written contract or memorandum of understanding.~~

~~(cf. 3312 - Contracts)~~

Board approval shall be required for any proposed use of district resources and facilities to support school health services. The Superintendent or designee shall identify funding opportunities available through grant programs, private foundations, and partnerships with local agencies and organizations.

- (cf. 1260 - Educational Foundation)
- (cf. 1330.1 - Joint Use Agreement)
- (cf. 3100 - Budget)
- (cf. 7000 - Facilities Master Plan)

SCHOOL HEALTH SERVICES (cont.)

The Superintendent or designee shall coordinate the provision of school health services with other student wellness initiatives, including health education, ~~programs that address~~ nutrition and physical fitness PROGRAMS, and other activities designed to create a healthy school environment. The Superintendent or designee shall encourage joint planning and regular communications among health services staff, district administrators, teachers, counselors, other staff, and parents/guardians.

(cf. 3550 - Food Service/Child Nutrition Program)

(cf. 5030 - Student Wellness)

(cf. 6142.7 - Physical Education)

(cf. 6142.8 - Comprehensive Health Education)

(cf. 6164.2 - Counseling/Guidance Services)

Consent and Confidentiality

The Superintendent or designee shall obtain written parent/guardian consent prior to providing services to a student, except when the student is authorized to consent to the service pursuant to Family Code 6920-6929, HEALTH & SAFETY CODE 124260, or other applicable laws.

The Superintendent or designee shall maintain the confidentiality of student health records in accordance with law.

(cf. 5125 - Student Records)

Payment/Reimbursement for Services

The Board desires that costs not be a barrier to student access to services. Services may be provided free of charge or on a sliding scale in accordance with law.

The Superintendent or designee shall establish procedures for billing public and private insurance programs and other applicable programs for reimbursement of services as appropriate.

(cf. 5143 - Insurance)

The District shall serve as a Medi-Cal provider to the extent feasible, comply with all related legal requirements, and seek reimbursement of costs to the extent allowed by law.

SCHOOL HEALTH SERVICES (cont.)

To further encourage student access to health care services, the Superintendent or designee shall develop and implement ~~strategies to assist in~~ outreach STRATEGIES TO INCREASE ~~and~~ enrollment of eligible students from low-to-moderate income families in affordable, comprehensive state or federal health coverage programs and local health initiatives. Such strategies may include, but not be limited to, providing information about the Medi-Cal program on the application for free and reduced-price meals in accordance with law and providing students and parents/guardians with information about the low-cost Healthy Families insurance program.

(cf. 3553 - Free and Reduced Price Meals)

Program Evaluation

In order to continuously improve school health services, the Board shall evaluate the effectiveness of such services and the extent to which they continue to meet student needs.

The Superintendent or designee shall provide the Board with periodic reports that may include, but not necessarily be limited to, rates of participation in school health services; changes in student outcomes such as school attendance or achievement; feedback from staff and participants regarding program accessibility and operations, including accessibility to low-income and linguistically and culturally diverse students and families; and program costs and revenues.

(cf. 0500 - Accountability)

Legal Reference:EDUCATION CODE

8800-8807 Healthy Start support services for children

49073-49079 Privacy of student records

49423.5 Specialized physical health care services

49557.2-49558 Eligibility for free and reduced-price meals; sharing information with Medi-Cal

FAMILY CODE

6920-6929 Consent by minor for medical treatment

GOVERNMENT CODE

95020 Individualized family service plan

HEALTH AND SAFETY CODE

104830-104865 School-based application of fluoride or other tooth decay-inhibiting agent

121020 HIV/AIDS testing and treatment; parental consent for minor under age 12

123110 Minor's right to access health records

123115 Limitation on parent/guardian access to minor's health records

123800-123995 California Children's Services Act

124025-124110 Child Health and Disability Prevention Program

124172-124174.6 Public School Health Center Support Program

124260 Mental health services; consent by minors age 12 and older

130300-130317 Health Insurance Portability and Accountability Act (HIPAA)

SCHOOL HEALTH SERVICES (cont.)

WELFARE AND INSTITUTIONS CODE

14059.5 Definition of "medically necessary"

14100.2 Confidentiality of Medi-Cal information

14115 Medi-Cal claims process

14124.90 Third-party health coverage

14132.06 Covered benefits; health services provided by local educational agencies

14132.47 Administrative claiming process and targeted case management

CODE OF REGULATIONS, TITLE 10

2699.6500-2699.6905 Healthy Families Program

CODE OF REGULATIONS, TITLE 17

2951 Testing standards for hearing tests

6800-6874 Child Health and Disability Prevention Program

CODE OF REGULATIONS, TITLE 22

51009 Confidentiality

51050-51192 Definitions of Medi-Cal providers and services

51200 Requirements for providers

51231.2 Wheelchair van requirements

51270 Local educational agency provider; conditions for participation

51304 Limitations on specified benefits

51309 Psychology, physical therapy, occupational therapy, speech pathology, audiological services

51323 Medical transportation services

51351 Targeted case management services

51360 Local educational agency; types of services

51491 Local educational agency eligibility for payment

51535.5 Reimbursement to local educational agency providers

UNITED STATES CODE, TITLE 20

1232g Family Educational Rights and Privacy Act (FERPA)

UNITED STATES CODE, TITLE 42

1320c-9 Prohibition against disclosure of records

1397aa-1397jj State Children's Health Insurance Program

CODE OF FEDERAL REGULATIONS, TITLE 42

431.300 Use and disclosure of information on Medicaid applicants and recipients

CODE OF FEDERAL REGULATIONS, TITLE 45

164.500-164.534 Health Insurance Portability and Accountability Act (HIPAA)

Management Resources:

CALIFORNIA SCHOOL BOARDS ASSOCIATION PUBLICATIONS

Expanding Access to School Health Services: Policy Considerations for Governing Boards, Policy Brief, November 2008

Promoting Oral Health for California's Student: New Role, New Opportunities for Schools, Policy Brief, November 2008

Providing School Health Services in California: Perceptions, Challenges and Needs of District Leadership Teams, 2008

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Health Framework for California Public Schools, Kindergarten Through Grade Twelve, 2003

CALIFORNIA DEPARTMENT OF HEALTH CARE SERVICES PUBLICATIONS

LEA Medi-Cal Provider Manual

California School-Based Medi-Cal Administrative Activities Manual

DEPARTMENT OF HEALTH SERVICES POLICY LETTERS

00-06 Managed Care Plan Relationships with Local Education Agency Providers, December 11, 2000

SCHOOL HEALTH SERVICES (cont.)

NATIONAL ASSEMBLY ON SCHOOL-BASED HEALTH CARE PUBLICATIONS

A Guidebook for Evaluating School-Based Health Centers

NATIONAL CENTER FOR YOUTH LAW PUBLICATIONS

Minor Consent, Confidentiality, a Child Abuse Reporting in California, October 2006

WEBSITES

California School Boards Association: www.csba.org

California School Boards Association, PractiCal

Program: www.csba.org/Services/Services/DistrictServices/PractiCal.aspx; www.csba.org;

www.csba.org/Services/Services/DistrictServices/PractiCal.aspx

California County Superintendents Educational Services Association: www.ccsesa.org

California Department of Education, Health Services and School Nursing: www.cde.ca.gov/ls/he/hn

California Department of Health Care Services: www.dhcs.ca.gov

California Department of Public Health: www.cdph.ca.gov

California School Health Centers Association: www.schoolhealthcenters.org

California School Nurses Organization: www.csno.org

Center for Health and Health Care in Schools: www.healthinschools.org

Centers for Disease Control and Prevention, School Health Policies and Programs (SHPPS)

Study: www.cdc.gov/HealthyYouth/shpps

Centers for Medicare and Medicaid Services: www.cms.hhs.gov

Healthy Families Program: www.healthyfamilies.ca.gov

National Assembly on School-Based Health Care: www.nasbhc.org

National Center for Youth Law: www.youthlaw.org

Chino Valley Unified School District

Policy adopted: August 20, 2009

REVISED:

SCHOOL HEALTH SERVICES

~~Program Components~~ TYPES OF HEALTH SERVICES

~~The District's school health services program shall meet, or have a plan to meet, the following requirements: (Health and Safety Code 124174.6)~~

- ~~1. Strive to provide a comprehensive set of services including medical, oral health, mental health, health education, and related services in response to community needs~~
- ~~2. Provide primary and other health care services, provided or supervised by a licensed health care professional, which may include all of the following:~~

IN ACCORDANCE WITH STUDENT AND COMMUNITY NEEDS AND AVAILABLE RESOURCES, SCHOOL HEALTH SERVICES OFFERED BY THE DISTRICT MAY INCLUDE, BUT ARE NOT LIMITED TO:

1. Physical examinations, immunizations, and other preventive medical services

(cf. 5141.26 - Tuberculosis Testing)

(cf. 5141.3 - Health Examinations)

(cf. 5141.31 - Immunizations)

(cf. 5141.32 - Health Screening for School Entry)

2. ~~FIRST AID AND ADMINISTRATION OF MEDICATIONS Assessment, Diagnosis, and treatment of minor injuries and acute medical conditions~~

(cf. 5141.21 - Administering Medication and Monitoring Health Conditions)

3. DIAGNOSIS AND TREATMENT OF MINOR INJURIES AND ACUTE MEDICAL CONDITIONS

4. Management of chronic medical conditions

(cf. 5141.23 - Asthma Management)

5. Basic laboratory tests

6. Referrals to and follow-up for specialty care

7. EMERGENCY RESPONSE PROCEDURES

(cf. 5141 - Health Care and Emergencies)

SCHOOL HEALTH SERVICES (cont.)

8. Nutrition services

(cf. 3550 - Food Service/Child Nutrition Program)
(cf. 5030 - Student Wellness)

9. Oral health services that may include preventive services, basic restorative services, and referral to specialty services

(cf. 5145.6 - Parental Notifications)

10. Mental health services, provided or supervised by an appropriately licensed mental health professional, which may include assessments, crisis intervention, counseling, treatment, and referral to a continuum of services including emergency psychiatric care, community support programs, inpatient care, and outpatient programs

The Superintendent or designee shall collaborate with the county mental health department in planning and service delivery.

(cf. 1020 - Youth Services)
(cf. 5131.6 - Alcohol and Other Drugs)
(cf. 5141.52 - Suicide Prevention)
(cf. 6164.2 - Counseling/Guidance Services)

11. SUBSTANCE ABUSE PREVENTION AND INTERVENTION SERVICES

(cf. 5131.6 - Alcohol and Other Drugs)
(cf. 5131.62 - Tobacco)
(cf. 5131.63 - Steroids)

12. REPRODUCTIVE HEALTH SERVICES

13. SCREENING OF STUDENTS TO IDENTIFY THE NEED FOR PHYSICAL, MENTAL, AND ORAL HEALTH SERVICES

14. REFERRALS AND LINKAGE TO SERVICES NOT OFFERED ON-SITE

15. PUBLIC HEALTH AND DISEASE SURVEILLANCE

16. INDIVIDUAL AND FAMILY HEALTH EDUCATION

17. SCHOOL OR DISTRICTWIDE HEALTH PROMOTION

SCHOOL HEALTH SERVICES (cont.)

~~Work in partnership with the school nurse, to provide:~~

- ~~1. Individual and family health education~~
- ~~2. School or districtwide health promotion~~
- ~~3. First aid and administration of medications~~

~~(cf. 5141.21 - Administering Medication and Monitoring Health Conditions)~~

- ~~4. Facilitation of student enrollment in health insurance programs~~
- ~~5. Screening of students to identify the need for physical, mental, and oral health services~~
- ~~6. Referral and linkage to services not offered on-site~~
- ~~7. Public health and disease surveillance~~
- ~~8. Emergency response procedures~~

(cf. 5141 - Health Care and Emergencies)

18. Have a written contract or memorandum of understanding between the District and the health care provider or any other community provider that ensures coordination of services, confidentiality of health information consistent with applicable federal and state laws, and integration of services into the school environment

(cf. 3312 - Contracts)

19. Serve all students in the school regardless of ability to pay
20. Be open during all normal school hours, except that services may be provided on a more limited basis if resources are not available or on a more expansive basis if dictated by community needs and resources are available
21. Establish protocols for referring students to outside services when the school health center is closed
22. Facilitate transportation between the school and the health center if the health center is not located on school or district property

Medi-Cal Billing

In order to provide services as a Medi-Cal provider, the District shall enter into and maintain a contract with the California Department of Health Care Services (DHCS). (Welfare and Institutions Code 14132.06; 22 CCR 51051, 51270)

The Superintendent or designee shall ensure that all practitioners employed by or under contract with the District possess the appropriate license, certification, registration, or credential and provide only those services that are within their scope of practice. (22 CCR 51190.3, 51270, 51491)

SCHOOL HEALTH SERVICES (cont.)

The Superintendent or designee shall submit a claim for Medi-Cal reimbursement whenever the District provides a covered preventive, diagnostic, therapeutic, or rehabilitative service specified in 22 CCR 51190.4 or 51360 to a Medi-Cal-eligible student under age 22 and/or a member of his/her family. (Welfare and Institutions Code 14132.06; 22 CCR 51096, 51098, 51190.1, 51190.4, 51309, 51360, 51535.5)

(cf. 5141.24 - Specialized Health Care Services)
(cf. 6159 - Individualized Education Program)

The District shall maintain records AND SUPPORTING DOCUMENTATION including, but not limited to, records of the type and extent of services provided to a Medi-Cal beneficiary in accordance with law. (22 CCR 51270)

(cf. 3580 - District Records)
(cf. 5125 - Student Records)

Any federal funds received by the District as reimbursement for the costs of services under the Medi-Cal billing option shall be reinvested in services for students and their families as specified in Education Code 8804(g). The Superintendent or designee shall consult with a local school-linked services collaborative group, such as that defined in Education Code 8806, regarding decisions on reinvestment of federal funds. (22 CCR 51270)

Medi-Cal Administrative Activities

Designated school staff shall document, on a time survey form, the amount of time spent on activities identified by DHCS which are related to the administration of the Medi-Cal program. Such activities include, but are not be limited to, outreach, referral of health and mental health services, translation services, facilitation of applications, scheduling and arranging emergency and medical transportation of eligible individuals, contracting for services, program planning and policy development, claims administration, and general administration.

The Superintendent or designee shall, on a quarterly basis, submit an invoice to the local educational consortium or local governmental agency through which the District has contracted to receive reimbursement.

Staff responsible for completing the time survey shall annually participate in training regarding eligible activities and the time survey methodology, and shall receive additional training whenever there are changes or updates in administrative claiming categories and activities. New or reassigned staff shall receive training before beginning their duties completing time surveys.

SCHOOL HEALTH SERVICES (cont.)

The Superintendent or designee shall maintain an audit file containing original time survey documentation and other records specified by DHCS. Such documentation shall be kept for three years after the end of the quarter in which expenditures were incurred or, if an audit is in progress, until the completion of the audit.

Chino Valley Unified School District

Regulation approved: August 6, 2009

REVSIED:

CHINO VALLEY UNIFIED SCHOOL DISTRICT

Our Motto:

Student Achievement • Safe Schools • Positive School Climate
Humility • Civility • Service

DATE: March 17, 2016
TO: Members, Board of Education
FROM: Wayne M. Joseph, Superintendent
PREPARED BY: Grace Park, Ed.D., Assistant Superintendent, Human Resources
Lea Fellows, Director, Human Resources
Richard Rideout, Director, Human Resources
**SUBJECT: REVISION OF BOARD POLICY 4121 PERSONNEL –
TEMPORARY/SUBSTITUTE PERSONNEL**

=====
BACKGROUND

Board policies, administrative regulations, and bylaws of the Board are routinely developed and revised as a result of changes in law, mandates, federal regulations, and current practice. Board Policy 4121 Personnel – Temporary/Substitute Personnel is being updated to reflect new law AB 304 which amends the Healthy Workplaces, Healthy Families Act to authorize paid sick leave accrual on a basis other than one hour for each 30 hours worked. This clarifies that retired annuitants who have not reinstated to the applicable public retirement system are exempt from paid sick leave.

New language is provided in UPPER CASE under Paid Sick Leave Option 2.

Consideration of this item supports the goals identified within the District’s Strategic Plan.

RECOMMENDATION

It is recommended the Board of Education receive for information the revision of Board Policy 4121 Personnel – Temporary/Substitute Personnel.

FISCAL IMPACT

None.

WMJ:GP:LF:RR:jaf

TEMPORARY/SUBSTITUTE PERSONNEL

The Board of Education recognizes that substitute and temporary personnel perform an essential role in promoting student achievement and desires to employ highly qualified, appropriately credentialed employees to fill such positions.

(cf. 4112.2 - Certification)

Hiring

The Superintendent or designee shall recommend candidates for substitute or temporary positions for Board approval, and shall ensure that all substitute and temporary employees are assigned in accordance with law and the authorizations specified in their credential.

(cf. 4113 - Assignment)

Substitute personnel may be employed on an on-call, day-to-day basis.

In addition, after September 1 of any school year, the Board may employ substitute personnel for the remainder of the school year for positions for which no regular employee is available. The District shall first demonstrate to the Commission on Teacher Credentialing the inability to acquire the services of a qualified regular employee. (Education Code 44917)

(cf. 4117.14 - Postretirement Employment)

Permanent or probationary certificated employees who were laid off pursuant to Education Code 44955 and who have a preferred right of reappointment shall be given priority for substitute service in the order of their original employment. (Education Code 44956, 44957)

(cf. 4117.3 - Personnel Reduction)

Classification

At the time of initial employment and each July thereafter, the Board shall classify substitute and temporary employees as such. (Education Code 44915, 44916)

The Board may classify as substitute personnel a teacher hired to fill the position of a regularly employed person who is absent from service. (Education Code 44917)

To address the need for additional certificated employees when regular District employees are absent due to leaves or long-term illness, the Board may classify a teacher

TEMPORARY/SUBSTITUTE PERSONNEL (cont.)

who is employed for at least one semester and up to one complete school year as a temporary employee. Any person whose service begins in the second semester and before March 15 may be classified as a temporary employee even if employed for less than a semester. The Board shall determine the number of persons who shall be so employed, which shall not exceed the identified need based on the absence of regular employees. (Education Code 44920)

The Board also shall classify as temporary employees those certificated persons, other than substitute employees, who are employed to:

1. Serve from day to day during the first three months of any school term to teach temporary classes which shall not exist after that time or perform any other duties which do not last longer than the first three months of any school term (Education Code 44919)
2. Teach in special day and evening classes for adults or in schools of migratory population for not more than four months of the school term (Education Code 44919)

(cf. 6200 - Adult Education)

3. Serve in a limited assignment supervising student athletic activities provided such assignments have first been made available to teachers presently employed in the District (Education Code 44919)

(cf. 4127 - Temporary Athletic Team Coaches)

4. Serve in a position for a period not to exceed 20 working days in order to prevent the stoppage of District business during an emergency when persons are not immediately available for probationary classification (Education Code 44919)
5. Serve only for the first semester because the District expects a reduction in student enrollment during the second semester due to mid-year graduations (Education Code 44921)

For purposes of classifying employees pursuant to item #1 or #2 above, the school year shall not be divided into more than two school terms. (Education Code 44919)

Any employee hired to provide services in a categorically funded program or project may be employed for a period less than a full school year. He/she may be classified as a temporary employee if the period of employment will end at the expiration of that program or project. (Education Code 44909)

TEMPORARY/SUBSTITUTE PERSONNEL (cont.)

Salary and Benefits

The Board shall adopt and make public a salary schedule setting the daily or pay period rate(s) for substitute employees for all categories or classes of certificated employees of the District. (Education Code 44977, 45030)

Temporary employees shall participate in the health and welfare plans or other fringe benefits of the District.

(cf. 4154 - Health and Welfare Benefits)

Paid Sick Leave

The Superintendent or designee shall select either approach under Labor Code 246:

Option 1: Any temporary or substitute employee who works for 30 or more days within a year of his/her employment shall be entitled to one hour of paid sick leave for every 30 hours worked. Such employee may begin to use accrued paid sick days on the 90th day of his/her employment, after which he/she may use the sick days as they are accrued. Accrued paid sick days shall carry over to the following year of employment, up to a maximum of 48 hours. (Labor Code 246)

Or

Option 2: EXCEPT FOR A RETIRED ANNUITANT WHO IS NOT REINSTATED, any temporary or substitute employee who works for 30 or more days within a year of his/her employment shall be credited with 24 hours/3 days of paid sick leave for that year. Unused sick leave shall not carry over to the following year of employment. (Labor Code 246)

A temporary or substitute employee may use accrued sick leave for absences due to: (Labor Code 246.5)

1. The diagnosis, care, or treatment of an existing health condition of, or preventive care for, the employee or his/her family member as defined in Labor Code 245.5
2. Need of the employee to obtain or seek any relief or medical attention specified in Labor Code 230(c) and 230.1(a) for the health, safety, or welfare of the employee, or his/her child. When the employee has been a victim of domestic violence, sexual assault, or stalking

(cf. 4161.1 - Personal Illness/Injury Leave)

TEMPORARY/SUBSTITUTE PERSONNEL (cont.)

No employee shall be denied the right to use accrued sick days and the District shall not in any manner discriminate or retaliate against any employee for using or attempting to use sick leave, filing a complaint with the Labor Commissioner, or alleging District violation of Labor Code 245-249. The Superintendent or designee shall display a poster containing required information, provide notice to eligible employees of their sick leave rights, keep or records of employees' use of sick leave for three years, and comply with other requirements specified in Labor Code 245-249 and in AR 4161.1/4361.1 – Personal Illness/Injury Leave.

Release from Employment/Dismissal

The Board may dismiss a substitute employee at any time at its discretion. (Education Code 44953)

The Board may release a temporary employee at its discretion if the employee has served less than 75 percent of the number of days that District schools are maintained during one school year. After serving 75 percent of the number of days that District schools are maintained during one school year, a temporary employee may be released as long as he/she is notified, before the last day of June, of the District's decision not to reelect him/her for the following school year. (Education Code 37200, 44954)

(cf. 4112.9 - Employee Notifications)

Reemployment as a Probationary Employee

Unless released from employment pursuant to Education Code 44954, any person employed for one complete school year as a temporary employee shall, if reemployed for the following school year in a vacant position requiring certification qualifications, be classified as a probationary employee. With the exception of on-call, day-to-day substitutes, if a temporary or substitute employee performs the duties normally required of certificated employees for at least 75 percent of the number of days the regular schools of the District were maintained in that school year and is then employed as a substitute employee shall be credited as one year's employment as a probationary employee for purposes of acquiring permanent status. (Education Code 44917, 44918, 44920)

(cf. 4116 - Probationary/Permanent Status)

Vacant position means a position in which the employee is qualified to serve and which is not filled by a permanent or probationary employee. It shall not include a position which would be filled by a permanent or probationary employee except for the fact that such employee is on leave. (Education Code 44920, 44921)

TEMPORARY/SUBSTITUTE PERSONNEL (cont.)

A temporary employee hired pursuant to item #1 or #2 in the section "Classification" above shall be classified as a probationary employee if the duties continue beyond the time limits of the assignment. (Education Code 44919)

A person employed pursuant to item #5 in the section "Classification" above who is then continued in employment beyond the first semester shall be classified as a probationary employee for the entire school year and shall be reemployed to fill any vacant positions in the District for which he/she is certified. Preference for available positions shall be determined by the Board as prescribed by Education Code 44846 and 44846. (Education Code 44921)

With the exception of on-call, day-to-day substitutes, any temporary or substitute employee who was released pursuant to Education Code 44954 but who has nevertheless served in a certificated position in the District for at least 75 percent of each of two consecutive school years shall receive first priority if the District fills a vacant position for the subsequent school year at the grade level at which the employee served during either year. In the case of a departmentalized program, the employee shall have taught the subject matter in which the vacant position occurs. (Education Code 44918)

Legal Reference**EDUCATION CODE**

22455.5 provision of retirement plan information to potential members
 22515 Irrevocable election to join retirement plan
 37200 School calendar
 44252.5 State basic skills assessment required for certificated personnel
 44300 Emergency teaching or specialist permits
 44830 Employment of certificated persons; requirements of proficiency in basic skills
 44839.5 Employment of retirant
 44845 Date of employment
 44846 Criteria for reemployment preferences
 44909 Employees providing services through categorically funded programs
 44914 Substitute and probationary employment computation for classification as permanent employee
 44915 Classification of probationary employees
 44916 Time of classification; statement of employment status
 44917 Classification of substitute employees
 44918 Substitute or temporary employee deemed probationary employee; reemployment rights
 44919 Classification of temporary employees
 44920 Employment of certain temporary employees; classifications
 44921 Employment of temporary employees; reemployment rights (unified and high school districts)
 44953 Dismissal of substitute employees
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 44977 Salary schedule for substitute employees
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TEMPORARY/SUBSTITUTE PERSONNEL (cont.)

45042 Alternative method of computation of less than one school year
45043 Compensation for employment beginning in the second semester
46060-56063 Substitute teachers in special education

GOVERNMENT CODE

3540.1 Educational employment relations act, definitions
220 Sections inapplicable to public employees

LABOR CODE

230 Jury duty; legal actions by domestic violence, sexual assault and stalking victims, right to time off
230.1 Employers with 25 or more employees; domestic violence, sexual assault and stalking victims, right to time off
233 Illness of child, parent, spouse or domestic partner
234 Absence control policy
245-249 Healthy workplaces, healthy families act of 2014

CODE OF REGULATIONS, TITLE 5

5502 Filing of notice of physical examination for employment of retired person
5503 Physical examination for employment of retired persons
5590 Temporary athletic team coach
80025-80025.5 Emergency substitute teaching permits

COURT DECISIONS

McIntyre v. Sonoma Valley Unified School District (2012) 206 cal.app.4th 170
Stockton Teachers Association CTA/NEA v. Stockton Unified School District (2012) 204 cal.app.4th 446
Neily v. Manhattan Beach Unified School District, (2011) 192 cal.app.4th 187
California Teachers Association v. Vallejo City Unified School District, (2007) 149 cal.app.4th 135
Bakersfield Elementary Teachers Assn. v. Bakersfield City School District, (2006) 145 cal.app.4th 1260, 1277
Kavanaugh v. West Sonoma Union High School District, (2003) 29 cal.4th 911

Management Resources

WEBSITES

California School Boards Association: www.csba.org
Commission on Teacher Credentialing: www.ctc.ca.gov

Chino Valley Unified School District

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