



CHINO VALLEY
UNIFIED SCHOOL DISTRICT

Student Achievement • Safe Schools • Positive School Climate
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BOARD OF EDUCATION AGENDA

November 28, 2016

BOARD OF EDUCATION

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—◆◆—
SUPERINTENDENT
Wayne M. Joseph

5130 Riverside Drive. Chino. California 91710
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CHINO VALLEY UNIFIED SCHOOL DISTRICT
SPECIAL MEETING OF THE BOARD OF EDUCATION
5130 Riverside Drive, Chino, CA 91710
5:00 p.m. Special Meeting - November 28, 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 – 5:00 P.M.

1. Roll Call
2. Pledge of Allegiance

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

II. ACTION

II.A. ADMINISTRATION

II.A.1. Oxford Preparatory Academy Charter School Petition

Page 4

Recommend the Board of Education adopt Resolution No. 2016/2017-13 Adopting the Findings regarding the Oxford Preparatory Academy Charter School Petition pursuant to Education Code section 47605(b).

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

The proceedings of this meeting are being recorded.

November 28, 2016

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**II.A.2. Oxford Preparatory Academy Renewal
Page 110 Charter School Petition**

Recommend the Board of Education adopt Resolution No. 2016/2017-14 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 ___**

III. ADJOURNMENT

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

Date posted: November 25, 2016

CHINO VALLEY UNIFIED SCHOOL DISTRICT

Our Motto:

Student Achievement • Safe Schools • Positive School Climate
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DATE: November 28, 2016
TO: Members, Board of Education
FROM: Wayne M. Joseph, Superintendent
SUBJECT: OXFORD PREPARATORY ACADEMY CHARTER SCHOOL PETITION

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BACKGROUND

California Education Code section 47605 establishes the procedures and timelines for charter school petitions. Pursuant to section 47605, Oxford Preparatory Academy-Los Serranos submitted a charter school petition on September 23, 2016.

A public hearing was held on October 6, 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 Charter School Petition and the Oxford Preparatory Academy Charter School Petition’s Appendix A Budget.

RECOMMENDATION

It is recommended the Board of Education adopt Resolution No. 2016/2017-13 Adopting Findings regarding the Oxford Preparatory Academy 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 section 47605.

**CHINO VALLEY UNIFIED SCHOOL DISTRICT
RESOLUTION NO. 2016/2017-13 ADOPTING RECOMMENDED FINDINGS OF FACT
REGARDING THE OXFORD PREPARATORY ACADEMY – LOS SERRANOS
CHARTER SCHOOL PETITION**

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

WHEREAS, the OPA-Los Serranos charter petitioners submitted a charter petition to the District on September 23, 2016 for a grades K-8 charter school to be located at the District’s Los Serranos schoolsite located at 15650 Pipeline Ave., Chino Hills, California 91709 or at the District’s Chino Valley Adult School schoolsite located at 12970 Third Street, Chino, CA 91710.

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

WHEREAS, on November 14, 2016, the CVUSD requested in writing via electronic mail that under California Education Code section 47605(b), the OPA Board of Directors agree to a 30-day extension of the statutory timeline for the CVUSD to grant or deny the OPA-Los Serranos charter petition.

WHEREAS, on November 16, 2016, the OPA Board of Directors held a special Board meeting to consider the CVUSD’s request under California Education Code section 47605(b) for a 30-day extension of the statutory timeline for the CVUSD to grant or deny the OPA-Los Serranos charter petition

WHEREAS, on November 17, 2016, OPA Executive Director Barbara Black notified the CVUSD by electronic mail that at the November 16, 2016 special Board meeting the OPA Board of Directors voted to accept the Chino Valley Unified School District’s request for an extension of the statutory timeline for the CVUSD to grant or deny the OPA-Los Serranos charter petition under Education Code section 47605(b) for seven (7) days, until November 30, 2016.

WHEREAS, the California State Board of Education has developed criteria to be used for the review 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, during the regularly scheduled meeting of the CVUSD Board of Education on October 6, 2016, a public hearing on the OPA-Los Serranos charter petition was conducted in accordance with the provisions of Education Code section 47605(b), at which time the CVUSD Board of Education considered the level of public support for the OPA-Los Serranos charter petition by teachers employed by the CVUSD, other employees of the CVUSD, and parents as required by Education Code section 47605(b).

WHEREAS, there was no discernable public support for the OPA-Los Serranos charter 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-Los Serranos charter petition. One CVUSD teacher spoke in opposition to the OPA-Los Serranos charter petition because it would displace an essential alternative education program currently operating at the Los Serranos school site that serves vulnerable student subgroups, including foster youth, students with medical conditions, and other at-risk student populations. A majority of the public who spoke in support of the OPA-Los Serranos charter 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-Los Serranos charter petition, the OPA-Los Serranos Budget, the Onisko and Scholz, LLP Certified Public Accountants Review and Analysis of the OPA Charter School Petition and Budget, the November 22, 2016 FCMAT Extraordinary Audit of OPA, and this Resolution.

WHEREAS, in reviewing the OPA-Los Serranos charter 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 reviewing the OPA-Los Serranos charter petition, CVUSD staff, working with Superintendent Wayne M. Joseph, with CVUSD's legal counsel, and with the Onisko & Scholz, LLP Certified Public Accountants firm have reviewed and analyzed all of the information presented by the OPA-Los Serranos charter petition and the OPA-Los Serranos Budget ("OPA-LS Budget"), including materials related to the operation and potential effects of the proposed OPA-Los Serranos charter school.

WHEREAS, on August 5, 2016, San Bernardino County Superintendent of Schools Ted Alejandro informed OPA Executive Director Barbara Black and Board Members of the Oxford Preparatory Academy by letter that "*the San Bernardino County Superintendent of Schools ("SBCSS") authorized initiation of an audit pursuant to Education Code section 1241.5(c) for "purposes of investigating allegations of fraud, fiscal mismanagement and conflicts of interest in the governance and operation of OPA-Chino" to be conducted by "the Fiscal Crisis and Management Assistance Team."*

WHEREAS, on November 22, 2016, Fiscal Crisis and Management Assistance Team Chief Executive Officer Joel D. Montero notified San Bernardino County Superintendent of Schools Ted Alejandro by letter of the completion of the FCMAT Extraordinary Audit of the Oxford Preparatory Academy School.

Because the CVUSD staff review finds that granting the OPA-Los Serranos charter petition is not consistent with sound educational practice, CVUSD staff have made a recommendation to the CVUSD Board of Education in the form of this Resolution that the September 23, 2016 OPA-Los Serranos charter 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 the September 23, 2016 OPA-Los Serranos charter petition, hereby **denies** the OPA-Los Serranos charter petition pursuant to Education Code section 47605(b) and finds that granting the OPA-Los Serranos charter petition is not consistent with sound educational practice based upon the following factual findings specific to the September 23, 2016 OPA-Los Serranos charter petition:

- I. The OPA-Los Serranos charter petitioners are demonstrably unlikely to successfully implement the program set forth in the OPA-Los Serranos charter petition. [Education Code section 47605(b)(2)];**
- II. The OPA-Los Serranos charter petition fails to contain the number of signatures required by subdivision (a) [Education Code section 47605(b)(3)];**
- III. The OPA-Los Serranos charter 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**
- IV. The OPA-Los Serranos charter 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-LOS SERRANOS CHARTER PETITIONERS ARE DEMONSTRABLY UNLIKELY TO SUCCESSFULLY IMPLEMENT THE PROGRAM SET FORTH IN THE OPA-LOS SERRANOS CHARTER 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.”*

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

1. *The OPA-Los Serranos Charter Petition Fails To Adequately Describe The Structure For Providing Administrative Services As Evidenced By The November 22, 2016 FCMAT Extraordinary Audit Of The Oxford Preparatory Academy Charter School*

California Code of Regulations, title 5, section 11967.5.1(c)(3)(A) 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 “*in the area of administrative services.*”

California Code of Regulations, title 5, section 11967.5.1(c)(3)(A)(1) states:

“(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:

(A) In the area of administrative services, the charter or supporting documents do not adequately:

- 1. Describe the structure for providing administrative services, including, at a minimum, personnel transactions, accounting and payroll that reflects an understanding of school business practices and expertise to carry out the necessary administrative services, or a reasonable plan and time line to develop and assemble such practices and expertise.”*

On November 23, 2016, the Fiscal Crisis and Management Assistance Team (“FCMAT”) published the November 22, 2016 San Bernardino County Superintendent of Schools regarding the Oxford Preparatory Academy Charter School – Extraordinary Audit (“FCMAT Extraordinary Audit of OPA”). The FCMAT Extraordinary Audit of OPA is available online at <http://fcmat.org/wp-content/uploads/sites/4/2016/11/San-Bernardino-CSOS-OPA-final-report-1139.pdf> and is incorporated herein by this reference.

The November 22, 2016 FCMAT Extraordinary Audit of OPA states at page 1:

“Introduction

In June 2016, the Fiscal Crisis and Management Assistance Team (FCMAT) received a request from the San Bernardino County Superintendent of Schools Office for an Assembly Bill (AB) 139 extraordinary audit of the Oxford Preparatory Academy Charter School located in Chino, California. The county office had received allegations of multiple fiscal irregularities, questionable expenditures and inappropriate related-party transactions at the charter school. Concerned that these allegations may have violated serious government and education codes related to fraud and/or misappropriation of assets, the county superintendent initiated an investigation to determine whether sufficient evidence of criminal activity exists to report the matter to the local district attorney’s office for further investigation. Under the provisions of Education Code (EC) Section 1241, FCMAT entered into a contract with the county office to conduct an AB 139 extraordinary audit.”

At page 43, the November 22, 2016 FCMAT Extraordinary Audit of OPA concludes:

“Based on the evidence presented to FCMAT, there is sufficient documentation to demonstrate that fraud, mismanagement and misappropriation of the charter school funds and assets may have occurred. A significant material weakness exists in the charter school’s internal control environment, which increases the probability of fraud and/or abuse. These findings should be of a great concern to the Chino Valley Unified School District governing board.”

At page 44, the November 22, 2016 FCMAT Extraordinary Audit of OPA recommends that:

“Recommendation

The county superintendent should:

Notify the governing board of Oxford Preparatory Academy charter school, the governing board of the Chino Valley Unified School District, the State Controller, the Superintendent of Public Instruction, and the local district attorney that fraud, misappropriation of assets or other illegal activities may have occurred.”

The CVUSD Board of Education hereby specifically adopts the findings and recommendations of the November 22, 2016 FCMAT Extraordinary Audit of OPA and finds that the OPA-Los Serranos charter petition presents an unrealistic financial and operational plan for the for the proposed OPA-Los Serranos charter school because the FCMAT Extraordinary Audit of OPA finds that “*fraud, mismanagement and misappropriation of the charter school funds and assets may have occurred.*”

B. The OPA-Los Serranos Charter Petition Budget Presents An Unrealistic Financial and Operational Plan for the Proposed OPA-LS Charter School

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.

Due to discrepancies identified during the CVUSD staff’s review of the OPA-Los Serranos charter petition, the Certified Public Accountants firm of Onisko and Scholz, LLP was retained to prepare an independent Review and Analysis of the Oxford Preparatory Academy Charter School Petition and Budget. The Onisko and Scholz, LLP CPA Review and Analysis is attached as Exhibit A hereto and incorporated herein by this reference.

The Onisko and Scholz, LLP CPA 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 Onisko and Scholz, LLP CPA Review and Analysis of the Oxford Preparatory Academy Charter School Petition and Budget also states at page one:

SUMMARY

After a comprehensive review of the Oxford Preparatory Academy-Los Serranos charter petition and budget as submitted to the Chino Valley Unified School District, we conclude that the Oxford Preparatory Academy-Los Serranos charter petition’s budget presents an unrealistic financial and operational plan for the proposed Oxford Preparatory Academy-Los Serranos charter school, because:

- 1. The Oxford Preparatory Academy-Los Serranos charter petition budget presents unrealistic average daily attendance assumptions. OPA-LS’s budget presents projected student enrollment of 900 students however, the OPA-Los Serranos - November 1, 2016 Proposition 39 Facilities request contains only 222 student intent to enroll forms.*

Without full disclosure and explanation of all of OPA-Los Serranos enrollment and budget assumptions the only reliable enrollment and average daily attendance figures associated with the OPA-LS budget are the 222 student intent to enroll forms.

2. *The Oxford Preparatory Academy - Los Serranos charter petitioners have failed to identify any start-up costs, and failed to provide any detailed start-up costs budget notes and assumptions as required by California Code of Regulations, Title 5, section 11967.5.l(c)(3)(B); and therefore, OPA-LS's budget presents an unrealistic financial operational plan for the proposed OPA-LS charter school.*
3. *The Oxford Preparatory Academy-Los Serranos charter petition's budget fails to present detailed budget notes that clearly describe OPA-LS's financial budget projections for all budgeted years pursuant to California Code of Regulations, Title 5, section 11967.5.l(c)(3)(B). OPA-LS fails to provide supplementary information describing how the proposed OPA-Los Serranos charter school's revenues, costs, and cash flows were projected, either through historical data or comparative analytics from other charter schools or school districts of similar type, size and location.*
4. *The Oxford Preparatory Academy-Los Serranos charter petition's budget fails to specify the required criteria for the selection of contractors as required by California Code of Regulations, Title 5, section 11967.5.l(c)(3)(A). OPA-LS fails to specify how contractors and consulting services are to be selected and fails to identify whether any consultants are related parties.*

The OPA-LS budget identifies \$263,346 in expenditures for professional and consulting service providers. The OPA-LS budget notes fail to identify and present the names of and detailed descriptions of the services to be provided by the professional and consulting service providers, especially those vendors that may be affiliated or related to OPA-LS in any way.

OPA-LS also fails to identify special education encroachment costs or why encroachment costs are not budgeted, fails to provide health and welfare benefits details, and fails to explain how other budgeted costs will be allocated such as professional and consulting services or books and supplies.

5. *Because the Oxford Preparatory Academy-Los Serranos charter petition and budget fails to present a cash flow analysis which includes detailed cash flow budget notes describing the OPA-LS charter petitioners' cash flow assumptions, the OPA-LS charter petition budget fails to comply with CCR, Title 5, section 11967.5.l(c)(3)(B). This omission demonstrates that the OPA-LS charter petitioners have not documented their understanding of the timing of OPA-LS's revenues and expenditures. Therefore, the OPA-LS charter petition and budget present an unrealistic financial and operational plan for the proposed OPA-LS charter school.*

The CVUSD Board of Education hereby specifically adopts the findings of the Onisko and Scholz, LLP CPA Review and Analysis of the OPA-Los Serranos Charter Petition and Budget and finds that the OPA-Los Serranos charter petitioners are demonstrably unlikely to successfully implement the program set forth in the OPA-Los Serranos charter petition because the OPA-Los Serranos charter petition and budget present an unrealistic financial and operational plan for the proposed OPA-Los Serranos charter school.

II. THE OPA-LOS SERRANOS CHARTER PETITION FAILS TO CONTAIN THE REQUIRED NUMBER OF SIGNATURES [Education Code section 47605(b)(3)]

Education Code section 47605(b)(3) requires that the OPA-Los Serranos charter petitioners obtain and provide a statutorily required number of parent, legal guardian, or teacher signatures prior to submitting the OPA-Los Serranos charter petition to the CVUSD's governing board.

Education Code section 47605(a) states, in relevant part:

“(1) The petition may be submitted to the governing board of the school district for review after either of the following conditions is met:

(A) The petition is signed by a number of parents or legal guardians of pupils that is equivalent to at least one-half of the number of pupils that the charter school estimates will enroll in the school for its first year of operation.

(B) The petition is signed by a number of teachers that is equivalent to at least one-half of the number of teachers that the charter school estimates will be employed at the school during its first year of operation.”

California Code of Regulations, title 5, section 11967.5.1(d) states:

“For purposes of Education Code 47605(b)(3), a charter petition that ‘does not contain the number of signatures required by subdivision (a)’ of Education Code section 47605 shall be a petition that did not contain the requisite number of signatures at the time of the submission of the original charter to a school district governing board pursuant to Education Code section 47605(a).”

Appendix P – Meaningfully Interested Teachers of the OPA-Los Serranos charter petition contains eight (8) pages of signatures containing twenty-four (24) sets of names, signatures, dates, phone contacts, credential types, and credential expiration dates.

As submitted to the District on September 23, 2016, the OPA-Los Serranos charter petition's *“Oxford Preparatory Academy – OPA-Los Serranos K-8 Petition 2017-18 Payroll & Staffing Detail – 2017/18 Fiscal Year”* projects that 27 Teachers, 3 Lead teachers, 1 Teacher on assignment, 1 Teacher on Assignment – Dean, 2 Special Education Teachers, and 1 Substitute Teacher will be employed at the proposed OPA-Los Serranos charter school during its first year of operation, for a total of 35 teachers.

Therefore, to meet the signature requirement of Education Code section 47605(a)(1)(B), the OPA-Los Serranos charter petitioners must provide teacher signatures totaling at least half of 35, or 18 valid and verifiable signatures.

However, as of November 21, 2016, the names and expiration dates of credentials for six of the twenty four entries could not be located on the California Commission on Teacher Credentialing “*Search for an Educator’s Credential, Certificate and/or Permit Public Search*” website as outlined in Chart 1 below:

Chart 1 - Results for Verification of Meaningfully Interested Teachers Provided in Appendix P Non-matching Names and Credential Expiration Dates				
Name	Provided Credential Type	Provided Expiration Date	Credential Type associated with Name	Credential Expiration Date associated with Name
William Lopez	“Multi-Subject”	“7-1-2021”	Multiple Subject Teaching Credential	6/1/2020 (William R. Lopez)
			Single Subject Teaching Credential	6/1/2021 (William Julius Lopez)
Jaime Riff Vezina	“Multiple – Subject/ Administrative Credential”	“2-1-2021”	Multiple Subject Teaching Credential	2/1/2020
Kellie Rahe Cisneros	“Multiple Subject”	“2-1-2017”	Multiple Subject Teaching Credential	3/1/2017
Anna V. Cervantes	“M.S. Clear”	“6/2018”	Multiple Subject Teaching Credential	9/1/2018
Jonathan Dressel	“Single Subject Clear”	“6/2019”	Certificate of Clearance	1/1/2018
Jae Uk Lee	“Multiple Subject”	“June 2021”	Multiple Subject Teaching Credential	7/1/2021

Additionally, the District could not verify the information for “*Sarah Riley*” as no credential expiration date was provided.

In 78 Opinions Attorney General 297 (1995), the California Attorney General considered the validity of signatures from teachers at an already existing charter school for purposes of submitting a petition for the establishment of a charter school, and concluded that:

“For purposes of submitting a petition for the establishment of a charter school, a petitioner may not collect signatures from teachers at an already existing charter school.”

...

In light of such declarations of legislative intent, we do not view teachers at an existing charter school as being eligible to submit a petition for the establishment of another charter school.” (78 Ops. Cal. Atty. Gen. 297.)

Consistent with the 1995 California Attorney General’s Opinion, the District has identified the following information as relating to OPA teachers:

- **Danielle McLeod:** The 2012 OPA Charter Renewal Petition identifies Mrs. McLeod, formerly known as Danielle Daly, as “a second grade teacher at Oxford Preparatory Academy, Chino Valley.”
- **Sarai Pluimer:** The Oxford Preparatory Academy – South Orange County “Professors and Universities” webpage identifies Ms. Pluimer as “Professor Pluimer, Choir and Music Theory, University of Southern California, sarai.pluimer@oxfordchampions.com.”
- **Ariana Dana:** The Oxford Preparatory Academy – South Orange County “Professors and Universities” webpage identifies Ms. Dana as: Professor Dana, Independent Study, University of North Carolina, ariana.dana.@oxfordchampions.com.”

Because these three individuals are OPA teachers and therefore are “*teachers at an already existing charter school*,” their signatures do not count as support for the establishment of the OPA-Los Serranos charter school, and these three signatures are invalid for the purposes of Education Code section 47605(b)(3).

Therefore, although the OPA-Los Serranos charter petitioners were required to provide at least eighteen (18) signatures of meaningfully interested teachers, only fourteen (14) of the twenty-four (24) signatures provided by OPA-Los Serranos charter petitioners are verifiable and valid for the purposes of Education Code section 47605(b)(3).

The CVUSD Board of Education therefore finds the OPA-Los Serranos charter petition failed to contain the statutorily required number of signatures at the time of the submission of the original OPA-Los Serranos charter petition to the CVUSD on September 23, 2016.

III. THE OPA-LOS SERRANOS CHARTER 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-Los Serranos charter 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).

A 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 hereby finds that the OPA-Los Serranos charter 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-Los Serranos charter 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) states 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.”

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

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

1. The OPA-Los Serranos Charter Petition Fails To Provide A Reasonably Comprehensive Description Of The Proposed OPA-Los Serranos Charter School’s Target Student Population [California Code of Regulations, title 5, section 11967.5.1(f)(1)(A)]

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 page 28 of the OPA-Los Serranos charter petition asks, “*Whom Will OPA Serve*” and includes a chart of “*predominant ethnic groups*,” the OPA-Los Serranos charter petition fails to contain a reasonably comprehensive description of the proposed OPA-Los Serranos charter school’s target student population’s “*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-Los Serranos charter petition fails to identify its target student population, the OPA-Los Serranos charter petition cannot specify a framework for instructional design that is aligned with the needs of the pupils identified as OPA-LS's target population.

In fact, OPA-Los Serranos' own admissions policies contradict OPA's claims at page 113 of the OPA-Los Serranos charter school petition that OPA-Los Serranos will "*make it a goal to dynamically recruit a diverse student population, including low-income and academically low achieving students, reflective of similar racial and ethnic backgrounds of those residing in the District.*"

Page 115 of the OPA-Los Serranos charter petition states:

*"Admissions preferences in the case of a public random lottery will be given to the following students **in the order below**:*

- a. Currently enrolled students (exempt from lottery);*
- b. Children of OPA staff and children of Founding Members combined (will not exceed 10% of total enrollment);*
- c. Siblings of current students;*
- d. If the Charter School is physically located in the attendance area of a District public elementary school in which at least 50% of the enrollment is eligible for free and reduced price lunch, then students currently enrolled in that school and students who reside in that elementary school attendance area will be given preference in accordance with Education Code Section 47605.3; and*
- e. Children residing within the District."*

As submitted, OPA's lottery preferences act to ensure that OPA-Los Serranos' student population will remain consistent rather than becoming "*a diverse student population*" because OPA-Los Serranos' "*currently enrolled students,*" the "*children of OPA staff and Founding Members combined,*" and "*siblings of current students*" will always be admitted prior to any students representing "*a diverse student population, including low-income and academically low achieving students.*"

Further, in stating at page 28 that "*The new OPA-Los Serranos charter's enrollment is expected to closely reflect the average demographic makeup of Chino Valley USD,*" the OPA-Los Serranos charter petitioners ignore the fact that, since being chartered by the CVUSD in 2010-2011, OPA-Chino has never been able to "*closely reflect the average demographic makeup of Chino Valley USD.*"

Using one measure of “*the average demographic makeup of the Chino Valley USD,*” the percentage of students enrolled at OPA-Chino who are eligible for free or reduced price lunch (22%) substantially differs from that of the CVUSD (46%). Therefore, over twice as many CVUSD students qualified for free or reduced price lunch at CVUSD schools.

This fact was pointed out by San Bernardino County Board of Education Member Mr. Sherman Garnett at the June 10, 2016 San Bernardino County Board of Education Public Hearing on the January 25, 2016 OPA-Chino charter renewal appeal.

It is noteworthy that OPA-Chino only recently applied for the National School Lunch program after Mr. Garnett’s comments. Page 60 of the OPA-Los Serranos charter petition states that OPA will “*Offer the National School Lunch Program (Pending Approval).*” (Emphasis added.)

Similarly, the overall “*Parent Education Level*” of OPA-Chino students as reported in the 2016 Smarter Balanced Assessment Consortium (“SBAC”) data, otherwise known as the California Assessment of Student Performance and Progress (“CAASPP”) data, substantially differs from that of the CVUSD:

Chart 2 - Comparing Parent Education Level of Students With Scores on SBAC Testing				
	2014-2015		2015-2016	
	OPA	CVUSD	OPA	CVUSD
Parent Education – Not a High School Graduate	.2%	9%	.5%	9%
Parent Education – High School Graduate	4%	18%	4%	17%
Parent Education – Some College (Includes AA degree)	38%	21%	23%	22%
Parent Education – College Graduate	38%	27%	69%	42%
Parent Education – Graduate School/Postgraduate	31%	14%	30%	14%

*Source: CAASPP Test Results for English Language Arts/Literacy and Mathematics

The differences in OPA-Chino’s Parent Education Level as compared to the CVUSD’s are significant. In 2015-2016, the percentage of OPA students whose parent attended graduate school/postgraduate is twice that of the Districts, while the percentage of OPA students whose parent graduated college is 27 percentage points, or 64% more, than that of CVUSD students.

The above free and reduced price lunch data and Chart 2 demonstrate that, not only did the OPA-Los Serranos charter petitioners fail to identify OPA-Los Serranos’ target student population, but the OPA-Los Serranos charter petitioners also have misrepresented that *“The new OPA-Los Serranos charter’s enrollment is expected to continue to closely reflect the average demographic makeup of Chino Valley USD,”* especially in light of OPA-Chino’s failure to 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 USD even after OPA-Chino’s seven years of operations.

Another measure by which the demographics of OPA’s existing charter school in the District can be compared to *“the average demographic makeup of the Chino Valley USD”* is the percentage of the District’s English learners attributable to a specific language group.

Chart 3 below compares the percentage of OPA’s English learners among OPA-Chino’s three largest language groups (*Spanish, Mandarin, and Gujarati*) to the CVUSD’s:

Chart 3 – Comparing OPA-Chino’s Top Three English Learner Language Groups to the CVUSD			
Language Group	OPA-Chino (2015-2016)	CVUSD (2015-2016)	Difference between CVUSD and OPA-Chino
Spanish	48.9%	75.3%	CVUSD has 26.4% more than OPA-Chino
Mandarin (Putonghua)	19.6%	11.6%	OPA-Chino has 8% more than CVUSD
Gujarati	6.5%	0.5%	OPA-Chino has 6% more than CVUSD

*Source: CDE DataQuest English Learner (EL) Data

Therefore, OPA-Chino’s enrollment of English learners neither reflects the District’s enrollment of English learners, generally, in terms of English learner enrollment as a percentage of total enrollment nor, specifically, in terms of specific language groups.

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

B. The OPA-Los Serranos Charter Petition Fails To Contain A Reasonably Comprehensive Description Of The Proposed OPA-Los Serranos Charter School’s Governance Structure [Education Code section 47605(b)(5)(D)]

Education Code section 47605(b)(5)(D) requires that the OPA-Los Serranos charter 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-Los Serranos charter school petition fails to provide a reasonably comprehensive description of the governance structure of the proposed OPA-Los Serranos charter school because:

1. The OPA-Los Serranos Charter Petition Fails To Disclose OPA’s Affiliation With The Academies Of Oxford Prep

The OPA-Los Serranos charter petition states at page 92 that: *“The governing body for OPA is the Oxford Preparatory Academy Board of Directors.”*

At pages 93 and 94, the OPA-Los Serranos charter petition outlines *“[t]he decision-making line of command, current Organizational Chart, for Oxford Preparatory Academy”* as flowing from the OPA Board of Directors directly to OPA Executive Director Barbara Black.

Under the proposed OPA-Los Serranos charter school’s governance structure, OPA Executive Director Barbara Black takes direction from, answers to, and owes a duty of loyalty to the OPA Board of Directors.

However, the OPA-Los Serranos charter petition fails to disclose or to contain any information about OPA’s affiliation and related party transactions with the Academies of Oxford Prep, a non-profit corporation formed in 2012, and whose original agent for service of process was OPA Founder Sue Roche.

The Academies of Oxford Prep operated OPA-North San Diego, an OPA charter school chartered by the Borrego Springs Unified School District on May 29, 2013.

That the Academies of Oxford Prep is affiliated with OPA is evidenced by:

- The 2013 and 2014 Academies of Oxford Prep’s IRS Form 990’s (*available online at Guidestar*), which state:

- The Academies of Oxford Prep’s “*doing business as*” address as 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 as Sue Roche, 5862 C Street, Chino, CA 9110 (*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 as Sue Roche.
 - The Academies of Oxford Prep website as www.oxfordchampions.org (*a website formerly shared by OPA-Chino and OPA-SOC and that now automatically redirects to https://oxfordpreparatoryacademy.com, OPA’s current website*).
- The 2015 Academies of Oxford Prep’s IRS Form 990 (*available online*), which states:
- A website at www.oxfordpreparatoryacademy.org, a website belonging to a similarly named charter school in Jacksonville, Florida;
 - The name and address of the Academies of Oxford Prep’s principal officer as Barbara Black, 23001 La Palma Avenue Suite 210, Yorba Linda, CA 92887 (*the name of OPA’s current Executive Director and the former address of OPA’s corporate office*);
 - That OPA Founder, OPA Executive Director, and AOP Executive Director Sue Roche received **\$93,000** in “*Reportable compensation from the organization (W-2/1099-MISC)*” and \$2,160 in “*Estimated amount of other compensation from the organization and related organization*” while working an “*Average hours per week*” of 40 hours;
 - That then OPA Interim Executive Director and AOP Interim Executive Director Barbara Black received \$0 in “*Reportable compensation from the organization (W-2/1099-MISC)*” while working an “*Average hours per week*” of 40 hours; and
 - That current Edlighten Learning Solutions Board of Directors Member Mike Churchill was at that time the Chairman of the Academies of Oxford Prep Board of Directors.

Financial records obtained by the District from OPA on May 11, 2016 show that OPA made several purchases from the Academies of Oxford Prep in December 2015, including:

- 32 Chromebooks for **\$5,119.68**;
- An undisclosed number of “Textbooks” for **\$3,657.20**;
- An undisclosed amount of “Furniture and Electronics” for **\$2,000**;
- “Speakers” for \$120; additional “Furniture” for **\$1,625**; and
- Additional “Textbooks” for \$6,399.24, for a total of **\$18,921.13**.

Additionally, financial records obtained by the District from OPA on July 15, 2016 show that OPA paid the Academies of Oxford Prep the following amounts in 2016:

- **\$5,600** on February 1, 2016 for “*Instruction – Instrument Purchase*”;
- **\$125,112** on February 26, 2016 to “*Reimburse for Special Ed Money Incorrectly De*”;
- **\$1,943.16** on February 29, 2016 for “*Instructional Library; Media & Technology – IT S*”; and
- **\$639.34** on June 7, 2016 for “*Cash Refund of Credit: Memo Balance*.”

In total, between December 2015 and June 7, 2016, **\$152,215.63** has been paid by OPA to the Academies of Oxford under the supervision of the current OPA administration.

The November 22, 2016 FCMAT Extraordinary Audit of OPA explains the organizational relationships that exist between OPA and affiliated organizations, such as AOP, and how OPA’s failure to disclose OPA’s relationships with OPA’s affiliated organizations affect the District’s ability to effectively exercise its statutorily required oversight over OPA-Chino:

“Related Parties and Affiliates

The organizational relationships associated with Oxford Preparatory Academy Schools are complex. FCMAT establishes that the nonprofit and for-profit entities created to support Oxford Preparatory Academy and other Oxford Preparatory Academy entities are affiliated organizations and related parties that have a material or significant common control and economic interest.”
(Page 9)

...

“The executive management of OPA [has] the responsibility to document in detail and fully disclose to the auditors, governing board, the district as the oversight agency, and [state] for purposes of conflict of interest and full disclosure reporting requirements any and all potential related party transactions to comply with Generally Accepted Accounting Principles (GAAP). Failure to disclose related party transactions may be a departure from GAAP that could result in a qualified or adverse audit opinion and the potential for civil and criminal prosecution.” (Page 9)

...

“This report provides sufficient evidence that affiliated and/or related party organizations were intentionally created to divert and launder funds from Oxford Preparatory Academy and conceal the use of these funds from the oversight agency, Chino Valley Unified School District, (district), the independent auditor of Oxford Preparatory Academy (OPA), and all others that relied [on] the financial statements and independent financial audits.” (Page 10)

...

“Presenting the affiliated entities and related parties as simply vendors circumvented the district’s agreements contained in the charter petition and memorandum of understanding. It also prevented the district and auditor from performing their due diligence; fiscal oversight responsibilities; and prevented all concerned from seeing the true financial picture of OPA.” (Page 10)

...

“Evidence from internal and external documents, contracts, and tax returns provides that OPA, TAOP, and OPAS are affiliated and related parties with common management that have a significant economic interest in each other. Furthermore, the founder and current principal of OPAS has significant control over all the entities as both the CMO and a sole statutory member. The relationships between the related entities becomes more defined as OPAS evolves, changing its name to OPA-Alliance and finally ELS.

FCMAT examined transactions between both TAOP and OPA, which showed on March 28, 2016, check numbers 10096 and 10097, each for \$33,000, were prepared by TAOP to OPA and deposited into OPA's bank account for an Employee Lease Agreement. (The ELS section of this report identifies this employee as the founder and former executive director.)" (Page 15)

...

"This report has demonstrated that OPA, TAOP, OPAS and ELS are related parties, and these entities have an economic interest in each other." (Page 39)

The OPA-Los Serranos charter petition's failure to disclose the above related party transactions between OPA and AOP and OPA's affiliation to AOP raises serious concerns as to how and to what extent the CVUSD can conduct its statutory oversight of OPA when OPA has and continues to use various affiliated entities, including out-of-state for-profit entities.

Therefore, the OPA-Los Serranos charter petition fails to provide a reasonably comprehensive description of the governance structure of the proposed OPA-Los Serranos charter school by failing to disclose the Academies of Oxford Prep's affiliation to OPA, despite clear evidence of the OPA-AOP affiliation in the November 22, 2016 FCMAT Extraordinary Audit of OPA, in official government documents and in OPA's own financial records.

2. The OPA-Los Serranos Charter Petition Fails To Disclose OPA Executive Director Barbara Black's Employment As The Executive Director Of The Academies Of Oxford Prep.

Additionally, the OPA-Los Serranos charter petition fails to disclose Mrs. Black's employment with the Academies of Oxford Prep as Executive Director, as evidenced by the approved minutes for the June 29, 2015 Oxford Preparatory Academy Regular Meeting of the Board of Directors held at the OPA-Borrego Springs/North San Diego's "Oceanside campus located at 4000 Mystra Way, Oceanside, California" (*see attached as Exhibit B*), which state:

"Robert Elder, Presiding Chairman, reconvened the regular meeting of the Board of Directors at 12:17 p.m. The Board met in closed session from 11:56 a.m. to 12:17 p.m. regarding public employment for Interim Executive Director. The Board took action to approve hiring Barbara Black, Executive Vice President as the Interim Executive Director. A roll call vote was taken on the following action:

Roll Call Vote for hiring Interim Executive Director:

AYES Paul Vargas, Robert Elder, Chris Fuji
NOES: 0
ABSTAIN: 0
ABSENT: Larry Moore, Mike Churchill.”

The approved minutes for the June 29, 2015 Oxford Preparatory Academy Regular Meeting of the Board of Directors held “at the South Orange County campus located at 23000 Via Santa Maria, Mission Viejo, California” (see attached as Exhibit C) state:

“Bob Lehmeyer, Presiding Chairman, reconvened the regular meeting of the Board of Directors at 8:00 p.m. The Board met in closed session from 7:31 p.m. to 8:00 p.m. regarding public employment for Interim Executive Director. The Board took action to approve hiring Barbara Black, Executive Vice President as the Interim Executive Director and the Public Employee Performance Evaluation. A roll call vote was taken on the following action:

Roll Call Vote for hiring Interim Executive Director:

AYES: Greg Maddex, Bob Lehmeyer, Michael Delgado,
Albert Chang
NOES: 0
ABSTAIN: 0
ABSENT: Bob Kuhnert.”

Further, several official documents from various state and federal government agencies identify Mrs. Black’s continuing role as Executive Director of AOP, including:

- The Statement of Information for the Academies of Oxford Prep filed with the California Secretary of State on **June 30, 2016** identifies Mrs. Black as Chief Executive Officer (see attached as Exhibit D).

The same **June 30, 2016** Academies of Oxford Prep Statement of Information form identifies Michael Deluca as AOP’s manager and as the individual completing the Statement of Information.

In addition to the connection established by the June 30, 2016 the Academies of Oxford Prep Statement of Information between Mrs. Black as AOP’s Chief Executive Officer, and Michael Deluca as AOP’s manager and the individual completing the AOP Statement of Information, the Edlighten Learning Solutions’ Statement of Information as filed on November 23, 2015 (see attached as Exhibit E) identifies Michael Deluca as Edlighten Learning Solutions’ Chief Financial Officer and as the individual completing Edlighten Learning Solutions’ Statement of Information.

In fact, the November 22, 2016 FCMAT Extraordinary Audit of OPA states at page 38 that: “During FCMAT’s interview of Barbara Black, executive director of OPA, Black wanted to make sure that FCMAT knew she had been paid \$10,000 by ELS for services. The services for ELS were described as establishing ELS structure, bylaws, and other miscellaneous tasks.”

Mrs. Black has never disclosed that she received compensation from Edlighten Learning Solutions to the District in any of her responses to the Districts multiple requests for information or otherwise.

Edlighten Learning Solutions’ Statement of Information as filed on September 23, 2016 (see attached as Exhibit F) also identifies Michael Deluca as Edlighten Learning Solutions’ Chief Executive Officer and as the individual completing the Statement of Information.

- The 2014 Internal Revenue Service Form 990 “Return of Organization Exempt From Income Tax” for the Academies of Oxford Prep filed on May 5, 2016 by Mrs. Black as Executive Director identifies Mrs. Black as Interim Executive Director for the “tax year beginning 07-01-2014 and ending 06-30-2015” (available online).
- The California Department of Education California School Directory entry for “Oxford Preparatory Academy – San Diego County” identifies Mrs. Black as the administrator (see attached as Exhibit G).

As of November 18, 2016, the California Secretary of State Business Entity Detail for the Academies of Oxford Prep lists the entity’s status as “ACTIVE” (see attached as Exhibit H). The above documents evidence that Mrs. Black presently continues her employment as Executive Director of the Academies of Oxford Prep.

The OPA-Los Serranos charter petition’s failure to disclose Mrs. Black’s simultaneous employment as both the Executive Director of OPA and the Executive Director of AOP, is similar to the January 25, 2016 OPA-Chino charter renewal petition’s failure to disclose that Sue Roche was the Executive Director of OPA, the Executive Director of AOP, and the President/CEO of ELS:

- Academy of Oxford Prep’s IRS Form 990 for the tax year beginning on 07-01-2014 and ending 06-30-2015 states that Mrs. Roche received **\$93,000** in “Reportable compensation from the organization (W-2/1099-MISC)” and **\$2,160** in “Estimated amount of other compensation from the organization and related organizations” and worked an “Average hours per week” of 40 hours as the Academies of Oxford Prep’s Executive Director.

- Oxford Preparatory Academy's IRS Form 990 for the tax year beginning on 07-01-2014 and ending 06-30-2015 (*available online at Guidestar*) states that Mrs. Roche received an additional **\$194,022** in "Reportable compensation from the organization (W-2/1099-MISC)" and **\$38,211** in "Estimated amount of other compensation from the organization and related organizations" and worked an "Average hours per week" of 40 hours as OPA's Executive Director.
- Edlighten Learning Solutions IRS Form 990 for 2014 (*available online at Guidestar*) states that Mrs. Roche received an additional **\$55,971** in "Reportable compensation from the organization (W-2/1099-MISC)" and worked an "Average hours per week" of 40 hours as Edlighten Learning Solution's CEO/President.

In total, Mrs. Roche received a disclosed amount of **\$381,204** and allegedly worked an average of **120 hours per week** between the three organizations, dollar amounts of compensation and totals of hours allegedly worked that Mrs. Black was aware of because she signed AOP's 2014 IRS Form 990 and as part of her duties as OPA's Executive Director when OPA's 2014 IRS Form 990 was prepared and filed.

In signing the 2014 AOP IRS 990, Mrs. Black declared under the penalty of perjury that she has "*examined this return, including accompanying schedules and statements, and to the best of my knowledge and belief, it is true, correct, and complete,*" meaning that Mrs. Black affirmed under the penalty of perjury that Mrs. Roche worked an average of 40 hours per week for the Academies of Oxford Prep.

Additionally, in signing the 2014 AOP IRS 990, Mrs. Black affirmed that she, herself, worked 40 hours per week for AOP as AOP's Executive Director, while she was also employed as the Interim Executive Director of OPA and overseeing both OPA-Chino and OPA-South Orange County.

Concerning the duty owed by former OPA Executive Director Sue Roche and current OPA Executive Director Barbara Black to the OPA Board of Directors, the November 22, 2016 FCMAT Extraordinary Audit of OPA states at page 7:

"While the governing board and all employees in OPA have some responsibility for internal controls, the founder/former executive director and family members and close associates holding key administrative positions have a higher ethical standard, fiduciary duty and responsibility to safeguard the assets of OPA and fully disclose all related-party or affiliated organizations and companies to the school's auditor and district." (Emphasis added.)

Because Mrs. Black owed this same duty to the Academies of Oxford Prep as AOP's Executive Director, her dual employment by OPA and AOP adversely impacted her "*higher ethical standard, fiduciary duty and responsibility to safeguard the assets of OPA.*"

3. The OPA-Los Serranos Charter Petition Contains Omissions And Material Misrepresentations Of Fact That Are Within OPA-Los Serranos Executive Director Mrs. Black’s “Knowledge And Belief”

At page 5 of the OPA-Los Serranos charter petition, OPA’s Executive Director and Lead Petitioner Barbara Black certifies that:

“As the authorized lead petitioner and Executive Director, I, Barbara Black, hereby certify that the information submitted in this petition for the establishment of a California public school named Oxford Preparatory Academy-Los Serranos (OPA or the ‘Charter School’), and located within the boundaries of the Chino Valley Unified School District (the ‘District’) is true to the best of my knowledge and belief. I also certify that this petition does not constitute the conversion of a private school to the status of a public charter school; and further, I understand that if awarded a charter, the Charter School will follow any and all federal, state, and local laws and regulations that apply to the Charter School, including but not limited to ...”

Despite Mrs. Black’s explicit certification that the “*information submitted in this petition ... is true to the best of my knowledge and belief,*” the OPA-Los Serranos charter petition contains omissions and material misrepresentations of fact that are within Mrs. Black’s “*knowledge and belief.*”

This is because Mrs. Black’s resume, as included at *Appendix B – Resumes* with the OPA-Los Serranos charter petition, completely omits Mrs. Black’s employment by the Academies of Oxford Prep (“AOP”) as AOP’s Executive Director completely from 2015 to the present date.

This omission is significant as Mrs. Black has consistently represented to the District, to the San Bernardino County Board of Education, and to the California State Board of Education that OPA was not required to disclose Edlighten Learning Solutions or the Academies of Oxford Prep (*along with Educational Excellence, LLC and Collegiate Learning Group, LLC*) as affiliated entities in OPA’s in OPA’s Consolidated Audit Reports.

Similarly, the resume submitted with the OPA-Los Serranos charter petition for Mr. Jared McLeod as OPA Chief Operations Officer omits and mischaracterizes Mr. McLeod’s employment with Edlighten Learning Solutions as Edlighten Learning Solutions’ Orange County Charter School Developer.

Mr. McLeod’s resume, as previously submitted to the District on May 11, 2016 as part of OPA’s response to the District’s April 11, 2016 request for information, identified Mr. McLeod as having been employed by Edlighten Learning Solutions “*July 2015-Present.*”

However, Mr. McLeod's resume, as submitted with the September 23, 2016 OPA-Los Serranos charter petition, now states that Mr. McLeod was employed by Oxford Preparatory Academy Charter Schools from "July 2015 – Present."

After OPA terminated Edlighten Learning Solutions' sole statutory membership on the OPA Board of Directors on April 11, 2016 and the OPA-ELS business relationship on May 26, 2016, OPA submitted its "2016-17 Charter School Budget Report – Alternative Form" dated June 23, 2016 to the District.

Upon review of OPA's June 23rd "2016-2017 Charter School Budget Report," District staff identified an **\$881,797** dollar increase, or a 27.24% increase, from OPA's 2015-2016 estimated certificated salary costs.

The size - **\$881,797** - and timing – soon after the termination of the OPA-Edlighten business relationship suggests that the **\$881,797** increase in OPA's certificated hiring costs may have resulted from OPA's hiring of several former ELS employees.

a. Despite Mrs. Black's Affirmation That Charter School Will Follow Any And All Federal, State, And Local Laws And Regulations, The OPA-Los Serranos Charter Petitioners Have Failed To Comply With the California Constitution and With California State Laws.

i. The OPA-Los Serranos Charter School Petition Fails To Comply With The California Constitution's Free School Guarantee And With The California Education Code

The OPA-Los Serranos charter petition fails to comply with the California Constitution, Article IX, Section 5 and with Education Code section 49010.

Page 107 of the OPA-Los Serranos charter petition states:

"Students will be required to adhere to an established dress code, which will be clearly communicated through the Oxford Preparatory Academy Informational Handbook."

Although the "Oxford Preparatory Academy Informational Handbook" was not included in the Appendices of the OPA-Los Serranos charter petition, the 2016-2017 OPA-Chino Parent Handbook and the 2015-2016 OPA-SOC Parent Handbook (*available online*) contain information about OPA's student dress code.

OPA's student dress code as set forth in the 2016-2017 OPA-Chino Parent Handbook *requires* all OPA students to wear uniforms, including "Formal Attire" at school on Monday and either "Formal Attire" or other OPA uniform pieces such as plaid shorts, polo shirts, and skorts at school on Tuesday through Friday.

The 2016-17 OPA-Chino Parent Handbook states on page 29:

“All uniform pieces will be purchased from OPA’s designated uniform company, Vicki Marsha Uniforms, located in Huntington Beach, California, to ensure consistency in style, durability, dye lots, and the very essence of a uniform.” (Emphasis added.)

The California Constitution, Article IX, Section 5 states:

*“The Legislature shall provide for a system of common schools by which a **free school** shall be kept up and supported in each district.”*

Also known as the “*Free School Guarantee*,” California Constitution, Article IX, Section 5 provision entitles the youth of the state to be educated at the public’s expense.

Education Code section 49010 restates the “*Free School Guarantee*”:

*“(a) ‘Educational activity’ means 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.*

(b) ‘Pupil fee’ means a fee, deposit, or other charge imposed on pupils, or a pupil’s parents or guardians, in violation of Section 49011 and Section 5 of Article IX of the California Constitution, which require educational activities to be provided free of charge to all pupils without regard to their families’ ability or willingness to pay fees or request special waivers, as provided for in Hartzell v. Connell (1984) 35 Cal.3d 899. A pupil fee includes, but is not limited to, all of the following:”

...

*“(2) A security deposit, or other payment, that a pupil is required to make to obtain a lock, locker, book, class apparatus, musical instrument, **uniform**, or other materials or equipment.*

*(3) A purchase that a pupil is required to make to obtain materials, supplies, equipment, or **uniforms associated with an educational activity.**”* (Emphasis added.)

Additionally, Education Code section 49011 states:

“(a) A pupil enrolled in a public school shall not be required to pay a pupil fee for participation in an educational activity.

(b) All of the following requirements apply to the prohibition identified in subdivision (a):

(1) All supplies, materials, and equipment needed to participate in educational activities shall be provided to pupils free of charge.

(2) A fee waiver policy shall not make a pupil fee permissible.”

(3) School districts and schools shall not establish a two-tier educational system by requiring a minimal educational standard and also offering a second, higher educational standard the pupils may only obtain through payment of a fee or purchase of additional supplies that the school or district or school does not provide.”

Education Code section 49010, in defining “*educational activity*” explicitly prohibits charter schools and school districts from charging pupil fees for participation in educational activities.

Although Education Code section 35183(b) permits the governing school board of any school district to “*adopt or rescind a reasonable dress code policy that requires pupils to wear a schoolwide uniform,*” the governing school board may only do so if it “*determines that the policy is necessary for the health and safety of the school environment.*”

While Education Code section 35183(b) allows uniforms only for “*the health and safety of the school environment,*” the OPA Parent Handbook instead concerns itself with “*style, durability, dye lots, and the very essence of a uniform.*”

Further, Education Code section 35183(e) requires that “*the governing board shall provide a method whereby parents may choose not to have their children comply with an adopted school uniform policy.*”

Neither the 2016-2017 OPA-Chino Parent Handbook nor the 2015-2016 OPA-South Orange County Parent Handbook provide parents an opportunity to opt out of OPA’s adopted uniform policy.

The “*Guidance for Charter Schools Regarding Legally Permissible Pupil Fees and Charges*” publication by Young, Minney & Corr, LLP, a charter school law firm, dated June 13, 2013 advises charter schools against requiring the purchase of school-specific uniforms, stating:

“AB 1575 specifically prohibits requiring purchases of uniforms associated with ‘educational activities,’ which also likely prohibits uniform purchases for extracurricular activities.”

...

“However, school districts may adopt reasonable dress code policies (Education Code Section 35138)”

...

“AB 1575 likely prohibits schools from requiring families to make specific purchases of uniforms with school logos, for example.”

The OPA website contains a quick link (<http://vickimarsha.com/oxford-preparatory-academy-chino-valley.html>) for OPA students in each grade to purchase uniform pieces, many **embroidered with OPA’s logo**, from Vicki Marsha Uniforms.

The Vicki Marsha Uniforms website identifies multiple components of boys’ and girls’ uniforms as *“Required Formal Attire”* and lists the corresponding prices for required OPA uniform pieces.

For example, a 5th grade girl student at OPA is required to purchase:

- OPA GIRLS OXFORD BLOUSE: SHORT SLEEVE WITH EMBROIDERED LOGO **Required Formal Attire** *Choice of Short or Long Sleeve...* \$23.75
- OPA GIRLS OXFORD BLOUSE: LONG SLEEVE WITH EMBROIDERED LOGO: **Required Formal Attire** *Choice of Short or Long Sleeve...*\$25.75
- PLAID PREP TIE **Required Formal Attire** *Choice of style...*\$11.50
- PLAID SELF ~ FOUR-IN-HAND TIE **Required Formal Attire** *Choice of Style ...* \$16.50
- 2-PLEAT SKIRT **Required Formal Attire** ... \$43.00
- OPA LETTERMAN SWEATER **Required Formal Attire** ...\$42.75
- Several other uniform pieces labeled “Daily Wear,” such as plaid shorts, polo shirts, and skirts, are also listed on the Vicki Marsha website and must be purchased in addition to the required uniform pieces unless the OPA student wears the required OPA Formal Attire every day.

By requiring uniform embroidered with OPA's logo that can only be purchased at Vicki Marsha Uniforms, the uniform policy proposed by the OPA-Los Serranos charter petition is in clear violation of California's Free School Guarantee and Education Code sections 49010 and 49011 prohibiting pupil fees.

Because OPA students must purchase expensive uniforms in order to attend OPA, OPA students are deprived of their right under the California Constitution to a free public school education.

The OPA-Los Serranos charter petition indicates on page 60 that Socioeconomically Disadvantaged students will receive free uniforms:

“OPA will address the unique needs of socioeconomically disadvantaged students in a sensitive and confidential way [by]:”

...

“Supply gently-used uniforms.”

California Education Code section 49010 expressly provides that “educational activities [must] be provided free of charge to all pupils without regard to their families’ ability or willingness to pay fees or request special waivers.”

Even if OPA-Los Serranos will “*supply gently-used uniforms*” to socioeconomically disadvantaged students, OPA-Los Serrano’ proposed uniform policy still creates a “*two-tier educational system*” prohibited by Education Code section 49011(b)(3) because one tier of OPA-Los Serranos students can afford to purchase new the required OPA uniforms and accessories, while the other tier of OPA-Los Serranos students is relegated to “*gently-used uniforms*” that OPA supplies.

In fact, OPA offers at least forty-three (43) different uniform items for 5th grade girls, including twenty-one (21) varieties of OPA headwear, and sixteen (16) different uniform items for boys. In addition to creating two tiers based on the new or used condition of uniform, OPA-Los Serranos’ proposed uniform policy creates a “*two-tier educational system*” of OPA-Los Serranos students that can afford to and OPA-Los Serranos students that cannot afford to mix and match their required OPA uniforms.

Therefore, the OPA-Los Serranos charter petition’s offer of financial assistance to Socioeconomically Disadvantaged students who cannot afford uniforms does not make OPA-Los Serranos’ proposed pupil fee for required uniforms permissible.

ii. ***The OPA-Los Serranos Charter Petitioners Have Failed To Comply With The Brown Act***

The OPA-Los Serranos charter petition states at page 93:

“Oxford Preparatory Academy, Inc. will conduct all operations of the School, including Board meetings, in accordance with the Ralph M. Brown Act as set forth in California Government Code section 54950 et seq., and applicable provisions of the Education Code.

The Board of Directors meet several times throughout the year for the purpose of organization, appointment of officers, and the transaction of such other business as may properly be brought before the meeting. These meetings are held at a time, date, and place as noticed by the Board of Directors in accordance with the Brown Act. The charter school pledges that meetings not held within District boundaries will have an agenda posted within the District and a facility equipped to allow parent access in District boundaries by teleconference. Meeting locations rotate between the territorial jurisdictions of each OPA charter school. Staff at each site facilitate public participation at each of the sites.”

...

“Members of the Board of Directors may participate in teleconference meetings so long as all of the requirements in the Brown Act are complied with in accordance with the bylaws.”

However, the operational history of the OPA-Los Serranos charter petitioners at OPA Board of Directors meetings demonstrates the OPA Board of Director’s non-compliance with the Brown Act.

The Brown Act’s intent, as codified in Government Code section 54950, states:

“In enacting this chapter, the Legislature finds and declares that the public commissions, boards and councils and the other public agencies in this State exist to aid in the conduct of the people’s business. It is the intent of the law that their actions be taken openly and that their deliberations be conducted openly.

The people of this State do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created.”

The Minutes of the OPA Board of Directors’ August 9, 2016 Regular Meeting evidence that the OPA Board of Directors took final action on OPA Executive Director Barbara Black’s compensation in closed session in violation of Government Code section 54957.6, because OPA’s own Minutes of the August 9, 2016 Regular Meeting of the Board of Directors state:

“Report Closed Session Action

Vice-Chairman Chang reconvened the special meeting of the Board of Directors at 9:37 p.m. Vice-Chairman reported out that Barbara Black was appointed Executive Director for Saddleback Valley and her contract will be revised to reflect the split between three school sites, there will be no other changes at this time. The Board ratified a bonus for Mrs. Black, received last December for the completion of the Saddleback MOU, as well as approving a bonus of 10% of Mrs. Black’s contract amount for accomplishments during the 2015-2016 school year.”

Government Code section 54957.6 prohibits a legislative body of a local agency from taking “*final action on the proposed compensation of one or more unrepresented employees.*”

Therefore, the OPA Board of Directors violated Government Code section 54957.6 by taking action to ratify a bonus for OPA Executive Director Barbara Black and approved a second bonus of 10% of Mrs. Black’s contract amount for accomplishments during the 2015-2016 school year during the OPA Board of Directors’ August 9, 2016 closed session.

Government Code section 54953(b)(3), states:

*“If the legislative body of a local agency elects to use teleconferencing locations and conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body of a local agency. **Each teleconference location shall be accessible to the public ... The agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3 at each teleconference location.**”*

OPA Board of Directors meeting agendas also evidence that during 2016 several OPA Board meetings have been teleconferenced to distant locations inaccessible to the Chino Valley public including, in violation of OPA’s own Bylaws and the Brown Act:

- **The Villa Zaccardi – Hotel – Circonvallazione Gianicolense 226, Rome, Italy**
(April 11, 2016 Special Meeting of the OPA Board of Directors);
- **3571 East Sunset Rd, Suite #300, Las Vegas, NV 89120**
(May 10, 2016 OPA Special Meeting of the OPA Board of Directors; May 26, 2016 Special Meeting of the OPA Board of Directors; June 23, 2016 Regular Meeting of the OPA Board of Directors; July 18, 2016 Special Meeting of the OPA Board of Directors; August 9, 2016 Regular Meeting of the OPA Board of Directors; and September 8, 2016 Regular Meeting of the OPA Board of Directors);
- **Building J, 14th Floor, No. 175, Section 3, Zhongyang Road, Taipei, Taiwan**
(June 23, 2016 Regular Meeting of the OPA Board of Directors);
- **23 Lobito, Lobito, Abashiri, Japan 099-2492**
(July 8, 2016 Special Meeting of the OPA Board of Directors); and
- **A gas station located at 65845 Cima Road, Nipton, CA 92364**
(September 29, 2016 Special Meeting of the OPA Board of Directors).

Also, despite the OPA-Los Serranos charter petition’s “pledge” that meetings not held within District boundaries will have “a facility equipped to allow parent access in District boundaries by teleconference,” citizens attending OPA Board meetings have observed that OPA is not properly equipped to conduct teleconference meetings that allow meaningful interaction between parents and board members. In fact, on several occasions, persons attending OPA Board meetings observed OPA Board members and OPA administrators participating in the teleconferenced meeting through an OPA administrator’s cell phone.

4. The OPA-Los Serranos Charter Petition Fails To Provide Evidence That The Proposed OPA-Los Serranos Charter School’s Governance Structure Reflects A Seriousness of Purpose Necessary To Ensure That The Charter School Will Become And Remain A Viable Enterprise [California Code Of Regulations, title 5, Section 11967.5.1(f)(4)(B)(1)]

California Code of Regulations, title 5, Section 11967.5.1(f) states:

“(4) The governance structure of the school, including, but not limited to, the process to be followed by the school to ensure parental involvement in supporting the school’s effort on behalf of the school’s pupils, as required by Education Code section 47605(b)(5)(D), at a minimum:”

...

“(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.”

The OPA-Los Serranos Charter Petition states at page 92:

“Oxford Preparatory Academy, Inc. is a nonprofit public benefit corporation governed in accordance with applicable California Corporations Code Sections and its adopted bylaws.”

Article VII Section 1 of the Seventh Amended Bylaws of the Oxford Preparatory Academy included in *Appendix F – Bylaws* states:

*“Section 1. GENERAL POWERS. Subject to the provisions and limitations of the California Nonprofit Public Benefit Corporation Law and any other applicable laws and subject to any limitations of the articles of incorporation or bylaws, **the corporation’s activities and affairs shall be managed, and all corporate powers shall be exercised under the discretion 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.**”*

However, neither the OPA-Los Serranos charter petition nor the OPA Board of Directors’ agendas or minutes provide any evidence that the submission of the September 23, 2016 OPA-Los Serranos charter petition was authorized by the OPA Board of Directors.

By comparison, the Agenda item II.A.1 for the September 29, 2016 Special meeting of the Board of Directors states:

1. Approve the Submission of Oxford Preparatory Academy’s Revised Renewal Petition to the Chino Valley Unified School District Board of Education

In accordance with the correspondence from the State Board of Education dated September 23, 2016, Oxford Preparatory Academy will submit a revised renewal petition to the Chino Valley Unified School District Board of Education.

Item II.B.1 – Recommend the Board of Directors approve the Submission of Oxford Preparatory Academy’s revised renewal petition to the Chino Valley Unified School District Board of Education.	Motion: ____ Second: ____ Action: ____ Roll Call: ____ Vote: ____
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By identifying the OPA Board of Directors as the governing body for the proposed OPA-Los Serranos charter school but failing to provide evidence that the OPA Board of Directors in authorized the submission of the OPA-Los Serranos charter petition, the OPA-Los Serranos charter petitioners have violated Article VII section 1 of OPA’s own bylaws.

Therefore, the OPA-Los Serranos charter petition fails to “*evidence the organizational and technical designs of the governance structure reflect a seriousness of purpose necessary to ensure that the charter school will become and remain a viable enterprise.*”

5. The OPA-Los Serranos Charter Petition Fails To Provide A Reasonably Comprehensive Description Of The Process To Be Followed By The Proposed Charter School To Ensure Parent Involvement [Education Code section 47605(D)]

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.*”

California Code of Regulations, title 5, section 11967.5.1(B)(2) requires “*active and effective representation of interested parties, including, but not limited to parents (guardians).*”

As submitted to the CVUSD on September 23, 2016, the OPA-Los Serranos charter 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) because:

- Article VII of The Seventh Amended Bylaws of Oxford Preparatory Academy at Appendix F – Bylaws of the OPA-Los Serranos charter petition states:

“Section 3. DESIGNATED DIRECTORS AND TERMS. The number of directors shall be no less than three (3) and no more than seven (7), unless changed by amendments to these bylaws. All directors shall have full voting rights, including any representative appointed by the charter authorizer as consistent with Education Code Section 47604(b). All directors shall be nominated and elected by the existing Board of Directors.” (Emphasis added.)

...

“Section 6. NOMINATIONS BY COMMITTEE. The Chairman of the Board of Directors of, if none, the President will appoint a committee to designate qualified candidates for election to the Board of Directors at least thirty (30) days before the date of any election of directors. The nominating committee shall make its report at least seven (7) days before the election or at such other time as the Board of Directors may set and the Secretary shall

forward to each Board member, with the notice of meeting required by these bylaws, a list of all candidates nominated by committee.” (Emphasis added.)

...

“Section 11. REMOVAL OF DIRECTORS. Any director may be removed, with or without cause by a vote of the majority of the members of the entire Board of Directors ... Any vacancy caused by the removal of a director shall be filled as provided in Section 12.

Section 12. VACANCIES FILLED BY BOARD. Vacancies on the Board of Directors may be filled by nomination and election of the Board of Directors or, if the number of directors then in office is less than a quorum, by (a) the affirmative vote of a majority of the directors then in office at a regular or special meeting of the Board or (b) a sole remaining director.” (Emphasis added.)

The OPA Bylaws vest all authority to determine the composition of the OPA Board of Directors in the existing OPA Board of Directors because:

- The OPA Board of Directors nominates its own “*qualified candidates*”;
- The OPA Board of Directors votes on and elects its own directors; and
- The OPA Board of Directors may remove with or without cause members of the OPA Board of Directors.

Therefore, the OPA Bylaws fail to provide any means for OPA parents to determine or affect the composition of the OPA Board of Directors.

Although the OPA-Los Serranos charter petition refers to strategies for engaging parents, OPA’s governance structure actually diminishes the nature and quality of the parental involvement required by Education Code section 47605(D) because only one OPA Board of Directors, whose members according to page 93 of the OPA-Los Serranos charter petition are elected by the existing OPA Board of Directors such that the composition of the OPA Board does not require any OPA parental approval, makes all financial and policy decisions for all three existing OPA charter schools that impact students and parents at all three OPA charter schools located in three different geographically and demographically diverse areas.

The OPA-Los Serranos charter petition identifies at pages 97 through 99 the following groups as “*providing parents enormous opportunities for input on schoolwide operations and school involvement activities*”: the OPA Founding Members Group, the OPA English Learner Advisory Committee, and the OPA Honour Society.

However, absent from OPA’s description of any of these parent groups are any direct means for the parents of OPA’s students to influence or to access the OPA Board of Directors, including any procedures allowing OPA parents to evaluate the OPA Board of Directors or to address OPA parent’s concerns regarding the actions of the OPA Board of Directors.

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

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

Education Code section 47605(b)(5)(E) requires that the OPA-Los Serranos charter 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.)

Within OPA-Los Serranos’ administrative job categories, the Chancellor is listed as a “key” position.

The OPA-Los Serranos charter petition lists additional qualifications for the Chancellor in *Appendix N – Job Descriptions* 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;

Must have a valid California Teaching Credential;

*Master's degree from an accredited college/university **preferred**;*

*Administrative credential is **preferred**.”*

However, the November 1, 2011 OPA-Chino charter renewal petition requires the Chancellor/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 N – Job Descriptions* of the OPA-Los Serranos charter 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,” the OPA-Los Serranos charter petition fails to specify any objective academic qualifications for an OPA Chancellor, such as a minimal level of education, even though the November 1, 2011 OPA-Chino charter renewal petition does specify such objective academic qualifications.

The OPA-Los Serranos charter petition also sets a lower expectation of OPA Chancellors than the November 1, 2011 OPA-Chino charter renewal petition in that an “*administrative credential and master's degree from an accredited college/university*” is merely preferred instead of required, and despite the Chancellor being the “*educational leader*” and being “*accountable... for the quality of teaching, curriculum, instruction and achievement of students*” at the proposed OPA-Los Serranos charter school, no teaching credential is required.

Further, the OPA-Los Serranos charter petition also fails to provide a reasonably comprehensive description of additional qualifications for the following key positions:

- **The OPA-LS Dean** is not required by the OPA-LS charter petition to have an administrative credential or a teaching credential despite listed responsibilities of “*assist[ing] the chancellor as an educational leader of the school*” and “[*being*] *accountable to the Executive Director for the **quality of teaching, curriculum, instruction, and the achievement of students,***”
- **The OPA-LS Managing Director** is not required by the OPA-LS charter petition to possess a high school or college degree despite listed responsibilities which include “*project management, business, administration, information technology, facilities, and human resources and has the responsibility for overseeing the smooth operation of Oxford Preparatory Academy charter school sites, including administrative oversight.*”

- **The OPA-LS Chief Academic Officer** is not required by the OPA-LS charter petition to possess a high school or college degree, teaching credentials, or administrative credentials despite listed responsibilities of *“serv[ing] as the chief instructional officer to the Executive Director,”* and *“provid[ing] administrative oversight of day-to-day functions of the charter school organization’s academic programs and state testing.”*
- **The OPA-LS Chief Operations Officer** is not required by the OPA-LS charter petition to possess a high school or college degree despite listed responsibilities of *“plan[n]g], organiz[ing], manag[ing], and direct[ing] all aspects of the charter schools’ facilities, planning, and operation.”*

The OPA-Los Serranos charter petition’s failure to require college degrees of several key members of OPA’s Executive Leadership team is incompatible with OPA’s vision, as stated at page 10 of the OPA-Los Serranos charter petition, to *“establish a center for higher learning in Chino Valley Unified School District where students from transitional kindergarten (TK) to eight grade are inspired to pursue university level academic studies”* and to *“create a collegiate-inspired atmosphere that supports [OPA’s] vision.”*

The OPA-Los Serranos charter petition also fails to require a college degree of many of its senior administrators, or a teaching credential and/or administrative credential of several senior OPA administrators that are responsible for OPA’s curriculum.

The OPA-Los Serranos charter petition lists the following staff to be employed at the proposed charter school at page 102:

“[O]ne (1) Principal (Chancellor); one (1) Dean; thirty (30) teachers for grades TK-8; five (5) Music/Band, Choir, Physical Education, Computers Lab Instructor, Science Lab Instructor; four (4) part-time World Language Instructors; one (1) Office Manager; one (1) Office Assistant; one (1) Attendance Clerk; one (1) Health Technician; part-time (0.5) Receptionist; four (4) part-time Playground Proctors; one (1) Facilities Manager; and three (3) Custodians. Additional teachers and non-teaching staff may be retained at the school, as needed, and dependent on student enrollment.”

Additionally, page 102 of the OPA-Los Serranos charter petition identifies the following employees to be shared by all OPA schools:

“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 Academic Officer; one (1) part-time Chief Operations Officer; one (1) part-time Chief Financial Officer; and additional support staff (i.e. coordinators).”

The OPA-Los Serranos charter petition fails to describe how support staff will “*support all schools within the organization,*” including how shared support staff will be utilized by all OPA charter schools, and how the same support staff that previously supported three OPA charter schools can now efficiently support four OPA charter schools.

“*Appendix A – Budget*” of the OPA-Los Serranos charter petition states under “*Payroll & Staffing Detail*” that the 2017-18 Allocation for OPA-Los Serranos for several shared staff members identified at page 102 as 24.99%. However, *Appendix A – Budget* of the OPA-Chino renewal charter petition as submitted on September 30, 2016, does not identify any shared staff cost allocation for OPA-Los Serranos.

As submitted on September 23, 2016, the OPA-Los Serranos charter petition states that OPA-Los Serranos would be responsible for 24.99% of shared employee costs.

As submitted on September 30, 2016, the OPA-Chino charter renewal petition states that OPA-Chino would be responsible for 45.39% of shared employee costs, OPA-South Orange County would be responsible for 32.58% of shared employee costs, and OPA-Saddleback Valley would be responsible for 22.03% of shared employee costs.

Therefore, between the OPA-Los Serranos charter petition and OPA-Chino charter renewal petition, all four OPA charter schools would be responsible for **124.99%** of OPA’s shared employee costs.

Additionally, the OPA-Los Serranos charter petition, as submitted, fails to identify the general qualifications for the following eleven (11) positions identified in the Oxford Preparatory Academy Organizational Chart at page 94 and by the OPA website as OPA’s “*Executive Administration Team*”:

- OPA’s Coordinator of Communication and Public Relations;
- OPA’s Coordinator of Business Services;
- OPA’s Coordinator of Attendance;
- OPA’s Coordinator of Human Resources;
- OPA’s Coordinator of Multimedia Design and Digital Communication;
- OPA’s Coordinator of Educational Programs;
- OPA’s Coordinator of Independent Study;
- OPA’s Coordinator of Administrative Services;
- OPA’s Coordinator of World Language;

- OPA’s Coordinator of Facilities; and
- OPA’s Teacher on Special Assignment.

OPA’s website identifies OPA’s “*Executive Administration Team*” (see attached as Exhibit I) as the largest of the three groups described as “*OPA’s Leadership Team*” serving all existing and proposed OPA charter schools.

However, the OPA-Los Serranos charter petition fails to provide the job descriptions and responsibilities of OPA’s “*Executive Administration Team*” even though from OPA’s organizational chart and the titles assigned to the members of OPA’s “*Executive Administration Team*,” show that each of the eleven positions impact both OPA’s general operations, as well as aspects of OPA’s administrative, instructional, instructional support, and non-instructional support.

Further, the OPA-Los Serranos charter petition at *Appendix A – Budget* fails to identify budgeted amounts for the compensation of more than half of OPA’s “*Executive Administration Team*” members, including OPA’s Coordinator of Attendance; OPA’s Coordinator of Human Resources; OPA’s Coordinator of Multimedia Design and Digital Communication; OPA’s Coordinator of Educational Programs; OPA’s Coordinator of Independent Study, and OPA’s Teacher on Special Assignment.

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

D. The OPA-Los Serranos Charter Petition Fails To Contain A Reasonably Comprehensive Description Of The Means By Which The Proposed OPA-Los Serranos 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.*”

The OPA-Los Serranos charter petition states at page 112 that “*Oxford Preparatory Academy will strive to have a broad representation of student demographics similar to that of the District.*”

The OPA-Los Serranos charter petition therefore fails to provide a reasonable comprehensive description of the means by which the proposed OPA-Los Serranos 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 because “*a broad representation of student demographics similar to that of the District*” is not the legal standard required by Education Code section 47605(b)(5)(G).

The OPA Board of Directors’ and the OPA administration’s recruiting efforts have failed to achieve demographics similar to the CVUSD at OPA-Chino and to the Capistrano Unified School District at OPA-South Orange County.

The following charts show the deficiencies of OPA-Chino’s efforts to achieve a racial and ethnic balance among its pupils that is reflective of the general population residing within the territorial jurisdiction of the CVUSD:

Chart 4 – Differences in Percentage of Student Enrollment (Ethnicity) between OPA-Chino and the CVUSD				
	Percentage difference compared to CVUSD in initial year	Percentage difference compared to district in 2015-2016	Net Change in percentage difference since chartered	Summary
Hispanic or Latino of Any Race	- 16.5%	-10%	6.5%	OPA-CV still has 10% less students who are “ <i>Hispanic or Latino of Any Race</i> ” than the CVUSD.
Filipino, Not Hispanic	+ 2.6%	+1.2%	1.4%	OPA-CV still has 1.2% more students who are “ <i>Filipino, Not Hispanic</i> ” than the CVUSD.
White, Not Hispanic	+ 6.4%	+4.8%	1.6%	OPA-CV still has 4.8% more students who are “ <i>White, Not Hispanic</i> ” than the CVUSD.

*Source: CDE DataQuest

The above chart demonstrates that well into OPA-Chino’s seventh year of operation the OPA Board of Directors and OPA’s administration have demonstrated a continuing inability to “*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, the same territorial jurisdiction that encompasses the proposed OPA-Los Serranos charter school.

A significant disparity exists between OPA-Chino’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-Los Serranos charter petition at page 28, OPA-Chino’s enrollment in 2015-2016 consisted of 47% students who are Hispanic. In comparison, the CVUSD K-8 schools enrollment consisted of 57% students who are Hispanic in 2015-2016.

Similarly, into OPA-Chino’s seventh year of operating in the CVUSD, the OPA Board of Directors and OPA’s administration have failed to enroll a percentage of Socioeconomically-Disadvantaged students at OPA-Chino that is reflective of the CVUSD:

Chart 5 – Comparing the Percentage of Socioeconomically Disadvantaged Enrollment at OPA-Chino to the CVUSD						
	2011-2012			2015-2016		
	OPA-CV	CVUSD	Difference	OPA-CV	CVUSD	Difference
Socioeconomically Disadvantaged	23.7%	41.9%	18.2%	25.2%	46.8%	21.6%

*Source: CDE DataQuest

In fact, although the percentage of OPA-Chino students categorized as Socioeconomically-Disadvantaged has increased by 23.7% since 2011-2012, the difference in percentage of students categorized as Socioeconomically-Disadvantaged at OPA-Chino as compared to the CVUSD has also increased from 18.2% to 21.6%.

There is also a marked difference in the percentage of Hispanic, Socioeconomically-Disadvantaged students at OPA-Chino as compared to those in the CVUSD:

Chart 6 – Comparing Socioeconomically-Disadvantaged, Hispanic Enrollment at OPA-Chino to the CVUSD for 2015-2016			
	Hispanic Enrollment	Socioeconomically-Disadvantaged, Hispanic Enrollment	Socioeconomically-Disadvantaged enrollment as a percentage of Hispanic Enrollment
OPA-Chino	567	197	34.7%
CVUSD	16,833	10,512	62.4%

*Source: CDE DataQuest

Additionally, OPA-Chino’s English learner enrollment still does not reflect that of the CVUSD:

Chart 7 – Comparing the Percentage of English Learner Enrollment at OPA-Chino to the CVUSD						
	2010-2011			2015-2016		
	OPA	CVUSD	Difference	OPA	CVUSD	Difference
English Learner	5.7%	19.5%	12.5%	7.7%	12.9%	5.2%

*Source: CDE DataQuest

There is also a marked difference in the percentage of Hispanic, English learners at OPA-Chino as compared to those in the CVUSD:

Chart 8 - Comparing English Learner, Hispanic Enrollment at OPA-Chino and in CVUSD for 2015-2016			
	Hispanic Enrollment	English Learner, Hispanic Enrollment	English Learners as a percentage of Hispanic Enrollment
OPA-Chino	567	45	7.9%
CVUSD	16,833	2,843	16.9%

*Source: CDE DataQuest

Therefore, in addition to having 5.2% less general English learner enrollment during the 2015-2016 school year as compared to the CVUSD, OPA-Chino also had 9% less Hispanic English Learners than the CVUSD.

Similar patterns exist at the second charter school established by the OPA Board of Directors, OPA-South Orange County, chartered by the Capistrano Unified School District in 2012.

After four years of operation of OPA-SOC, the OPA Board of Directors and OPA's administration have failed to "*achieve a racial and ethnic balance among its pupils that is reflective of the general population residing within the territorial jurisdiction*" of the Capistrano Unified School District as shown by the chart below:

Chart 9 - Differences in Percentage of Student Enrollment (Ethnicity) between OPA-SOC and the Capistrano Unified School District				
	Percentage difference compared to Capistrano Unified School District in initial year	Percentage difference compared to district in previous year	Change in percentage difference since chartered	Change in percentage since chartered
Hispanic or Latino of Any Race	-15.9%	-10.9%	5.0%	OPA-SOC still has 10.9 % less students who are "Hispanic or Latino of Any Race" than the Capistrano Unified SD.
White, Not Hispanic	11.1%	4.2%	6.9%	OPA-SOC still has 4.2% more students who are "White, Not Hispanic" than the Capistrano Unified SD.
Asian, Not Hispanic	3.4%	4.4%	1.0%	OPA-SOC increased the difference in the percentage of "Asian, Not Hispanic" students by 1% (29%).

*Source: CDE DataQuest

Further, OPA’s administration has failed to enroll a percentage of Socioeconomically-Disadvantaged students at OPA-SOC that is reflective of the Capistrano Unified School District (CUSD):

Chart 10 - Comparing the Percentage of Socioeconomically Disadvantaged Enrollment at OPA-SOC to the Capistrano Unified School District						
	2011-2012			2015-2016		
	OPA-SOC	CUSD	Difference	OPA-SOC	CUSD	Difference
Socioeconomically Disadvantaged	27.0%	24.6%	2.4%	10.7%	22.2%	11.5%

*Source: CDE DataQuest

In fact, although the percentage of Capistrano Unified School District students categorized as Socioeconomically-Disadvantaged has decreased by 4.4% from 24.6% in 2011-2012 to 22.2% in 2015-2016, the percentage of OPA-SOC students categorized as Socioeconomically-Disadvantaged has dramatically **decreased by 16.3%** from 27.0% in 2011-2012 to 10.7% in 2015-2016. Therefore, the difference in percentage of students categorized as Socioeconomically-Disadvantaged at OPA-SOC as compared to the Capistrano Unified School District has grown from 2.4% to 11.5%.

Similar to OPA-Chino, the OPA Board of Directors and the OPA administration’s efforts at OPA-SOC, there is a marked difference in the percentage of Hispanic, Socioeconomically-Disadvantaged students at OPA-SOC as compared to those in the Capistrano Unified School District:

Chart 11 - Comparing Socioeconomically-Disadvantaged, Hispanic Enrollment at OPA-SOC to the Capistrano Unified School District			
	Hispanic Enrollment	Socioeconomically-Disadvantaged, Hispanic Enrollment	Socioeconomically-Disadvantaged enrollment as a percentage of Hispanic Enrollment
OPA-SOC	133	32	24.0%
CUSD	14029	7987	56.9%

*Source: CDE DataQuest

Additionally, OPA-SOC’s English learner enrollment has yet to reflect that of the Capistrano Unified School District:

Chart 12 - Comparing the Percentage of English Learner Enrollment at OPA-SOC to the Capistrano Unified School District						
	2011-2012			2015-2016		
	OPA	CUSD	Difference	OPA	CUSD	Difference
English Learner	1.6%	14.7%	13.1%	4.9%	10.0%	5.1%

*Source: CDE DataQuest

There is also a marked difference of 22.8% in the percentage of Hispanic, English learners at OPA-SOC as compared to those in the Capistrano Unified School District:

Chart 13 - Comparing English Learner, Hispanic Enrollment at OPA-SOC to the Capistrano Unified School District			
	Hispanic Enrollment	English Learner, Hispanic Enrollment	English Learners as a percentage of Hispanic Enrollment
OPA-SOC	133	10	7.5%
CUSD	14,029	4252	30.3%

*Source: CDE DataQuest

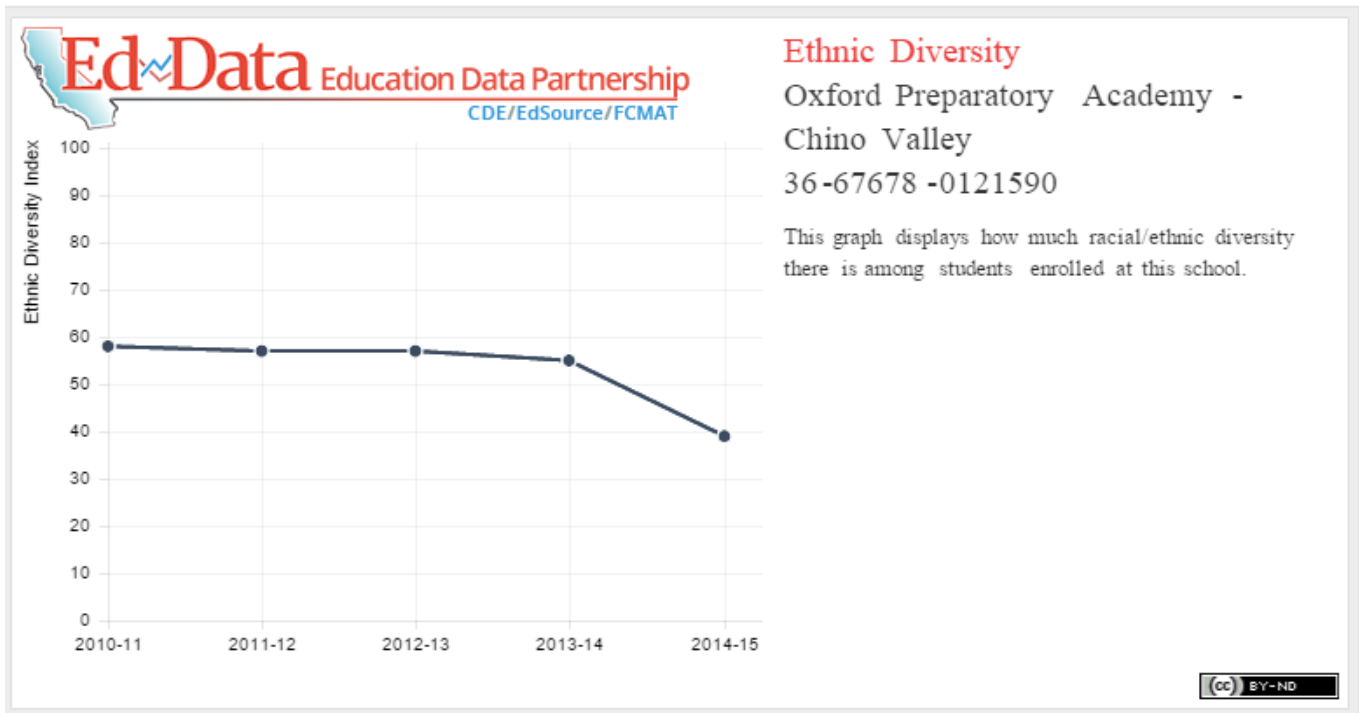
In other words, the Capistrano Unified School District’s English learners enrollment as a percentage of Hispanic Enrollment is more than **four times** that of OPA-SOC.

OPA-Chino’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 are also 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*” states as of November 22, 2016:

Graph 1 – Ed-Data’s Ethnic Diversity Index – Oxford Preparatory Academy



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-Los Serranos charter petition fails to explain how OPA-LS’s Public Random Drawing Admission Preferences at page 115 of the OPA-Los Serranos charter petition will allow OPA-LS to achieve a racial and ethnic balance reflective of the general population residing within the territorial jurisdiction of the CVUSD, when OPA-LS’s Public Random Drawing preferences prioritize the children of OPA-LS faculty and Founding Members over other students currently enrolled in or who reside in the attendance area of the proposed OPA-Los Serranos schoolsite if it is “*physically located in the attendance area of a public elementary school in which 55 percent or more of the pupil enrollment is eligible for free or reduced-price meals*” pursuant to Education Code section 47614.5(c)(2)(A), and over other students residing within the District.

That OPA has extended admission’s preferences to children of Founding Members at OPA-Chino into OPA-Chino’s *seventh year* of operation and at OPA-South Orange County into its *fifth year of operation*, violates the California Charter Schools Association’s recommendation 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.”

In fact, contrary to the OPA-Chino Valley Response to the CVUSD Recommended Findings of Fact submitted by OPA to the San Bernardino County Superintendent of Schools Office on April 15, 2016, which states at page 60 that “**No new Founding Members have been accepted since 2011,**” a claim repeated by former Edlighten Learning Solutions Orange County Charter School Developer and current Oxford Preparatory Academy Chief of Operations Jared McLeod at the June 10, 2016 San Bernardino County Board of Education Public Hearing, a comparison of the OPA Founding Members as stated in the November 1, 2011 OPA-Chino Charter Renewal Petition and as stated in the 2015-2016 OPA-Chino Valley Parent Handbook shows **six (6) new additional OPA Founding Members, including Curt Hagman, Jeff Meddock, Yvonne Meddock, Deanna O’Brien, Sue Roche, and Chris Trabert.**

Additionally, a May 30, 2012 letter signed by then OPA President/Executive Director Sue Roche on June 6, 2012 (*see attached as Exhibit J*) states:

“This letter serves as official documentation that Oxford Preparatory Academy – Chino Valley (OPA) has made an agreement with the Chino Valley Unified School District to be held accountable for complying with the federal non-regulatory guidance for conducting a public random drawing ... The lottery protocol in Appendix R has been revised to comply with the PCSGP grant funding requirements for one (1) lottery.”

...

“The Hierarchy of Exemptions and Preferences for Enrollment

- *Children of faculty;*
- *All enrollment exemptions or preferences for children of Founding Members expire July 1, 2012.”* (Emphasis added.)

Therefore, in fact the OPA-Chino administration has continued to extend an admissions preference to children of founding members at OPA-Chino through the expiration of the current OPA-Chino charter on June 30, 2017, four (4) years, eleven (11) months, and twenty-nine (29) days after OPA-Chino’s own agreed upon expiration date for “*exemptions or preferences for children of Founding Members.*”

Further, although the OPA-Los Serranos charter petition states at page 112 that “*OPA will use a multitude of free and volunteer strategies to communicate with local families, organizations, and community leaders in an effort to reach 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,*” neither the OPA-Los Serranos charter petition, the OPA website, nor OPA’s student recruitment history evidence a serious attempt at achieving racial and ethnic balance reflective of those residing within the CVUSD’s territorial jurisdiction, especially the Hispanic, English learner population.

Only two of the seven “*Parent Information Meetings*” scheduled at OPA-Chino Valley and three of the “*Parent Information Meetings*” scheduled at OPA-South Orange County, accommodate Spanish-speakers. Additionally, all three of the campus tours scheduled in the morning from 10:00 am – 10:30 am, during regular work hours, are conducted only in English, and, according to the OPA website, “*Space is extremely limited for our campus tours.*” Also, it does not appear that any of OPA’s three scheduled “*Information Webinars*” are presented in Spanish. Therefore, of the thirteen OPA parent information/student recruitment events scheduled between September 28, 2016 and October 24, 2016, only two OPA events accommodate Spanish-speakers.

Despite OPA’s clear failure to “*achieve a racial and ethnic balance*” at OPA-Chino or OPA-SOC, the OPA-Los Serranos charter petitioners have submitted an identical plan for “*achieving a racial and ethnic balance*” to the plan OPA previously submitted with the November 1, 2011 OPA-Chino charter renewal petition and with the 2016 OPA-Chino charter renewal petition.

The CVUSD Board of Education therefore finds that the OPA-Los Serranos charter petition fails to contain a reasonably comprehensive description of the method by which the proposed OPA-Los Serranos charter school will achieve a racial and ethnic balance among its pupils that is reflective of the general population residing within the CVUSD’s territorial jurisdiction.

E. The OPA-Los Serranos Charter Petition Fails To Contain A Reasonably Comprehensive Description Of The Proposed OPA Charter School’s Pupil 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 114 of the OPA-Los Serranos charter petition sets forth OPA’s open enrollment and application process.

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

However, the OPA-Los Serranos charter petition states the proposed OPA-Los Serranos charter school's admission preferences at page 115 as:

“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) If the Charter School is physically located in the attendance area of a District public elementary school in which at least 50% of the enrollment is eligible for free and reduced price lunch, then students currently enrolled in that school and students who reside in that elementary school attendance area will be given preference in accordance with Education Code Section 47605.3; and*
- e) Children residing within the District.”*

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

“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.”

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 47614.5(c)(2)(A) specifically provides for an admissions preference where:

“The charter schoolsite is located in the attendance area of a public elementary school in which 55 percent or more of the pupil enrollment is eligible for free or reduced-price meals and the charter schoolsite 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 schoolsite is located.”

Therefore, the decision to permit a lottery admission preference for children of OPA-Los Serranos “*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-Los Serranos charter petitioners.

The CVUSD Board of Education hereby declines to authorize any of the OPA-Los Serranos charter petitioners’ proposed admissions preferences that are not expressly provided for by the California Education Code.

The OPA-Los Serranos charter petition’s extension of admissions preferences first to children of OPA-Los Serranos faculty members and/or Founding Members, and 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.”

Under the OPA-Los Serranos charter petition’s illegal and unfair admissions preferences, students who reside in the district are denied admission preference in favor of other students including the children of OPA-LS faculty members, the children of OPA-LS Founding Members and the siblings of enrolled OPA-LS students.

The extension of admissions preferences to children of OPA-LS faculty members and/or OPA-LS Founding Members also violates Education Code section 49011(b)(4) because “*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.*”

OPA-LS Faculty members and OPA-LS Founding Members provide OPA-LS with goods or services by way of their employment with and/or other support of OPA-LS.

Further, *Appendix K* of the OPA-Los Serranos charter 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:”

...

“2. Children of Faculty members will be placed first in any openings

...

3. Siblings of currently enrolled students will be placed in remaining openings. When there are not enough openings to accommodate the siblings, students will be placed on the Sibling Priority List. The order on the Sibling Priority List will be determined by the students’ previous lottery number. These siblings will not be part of a random public drawing; the Sibling Priority List remains on-going and does not expire at the end of the year.”

The OPA-Los Serranos charter petition’s language concerning lottery preferences and *Appendix K’s “hierarchy of exemptions and preferences”* express a clear bias for children of OPA Founding Members and siblings of currently enrolled students over an admissions preference permitted under Education Code 47614.5(c)(2)(A) for “*students currently enrolled in [the attendance area of a District public elementary school in which at least 50% of the enrollment is eligible for free and reduced price lunch] and students who reside in that elementary school attendance area, and children residing within the District.*”

The practical results of OPA-Los Serranos charter petitioners’ “*hierarchy of exemptions and preferences*” as shown by the above DataQuest enrollment data for OPA-CV and OPA-SOC, are that Oxford Preparatory Academy charter schools have made only minimal progress towards achieving the statutorily required racial and ethnic balance reflective of the general population in the territorial jurisdiction of each OPA charter school’s respective school district.

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

F. The OPA-Los Serranos Charter 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-Los Serranos charter 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.

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-Los Serranos charter school’s suspension and expulsion policies fail to “*demonstrate an understanding of the rights of pupils with disabilities in regard to suspension and expulsion*” and deny OPA-Los Serranos’ pupils with disabilities their legal right to due process as required by California Code of Regulations, title 5, section 11967.5.1(f)(10) because the OPA-Los Serranos charter petition fails to “*provide for due process for all pupils and demonstrate an understanding of the rights of pupils with disabilities in regard to suspension and expulsion.*”

The OPA-Los Serranos charter petition states at page 129:

“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- Los Serranos charter school’s failure to provide pupils an opportunity to be heard on appeal clearly violates OPA-Los Serranos 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.

The proposed OPA-Los Serranos charter school’s suspension and expulsion policies also fail to “*demonstrate an understanding of the rights of pupils with disabilities in regard to suspension and expulsion*” and deny OPA-Los Serranos’ students with disabilities their legal right to due process as required by California Code of Regulations, title 5, section 11967.5.1(f)(10) because the OPA-Los Serranos charter petition fails to comply with federal law governing the procedures for a “*manifestation determination.*”

Code of Federal Regulations, title 34, sections 300.530(e)-(F) state:

“(e) Manifestation determination.

(1) Within 10 school days of any decision to change the placement of a child with a disability because of a violation of a code of student conduct, the LEA, the parent, and relevant members of the child's IEP Team (as determined by the parent and the LEA) must review all relevant information in the student's file, including the child's IEP, any teacher observations, and any relevant information provided by the parents to determine–

(i) If the conduct in question was caused by, or had a direct and substantial relationship to, the child's disability; or

(ii) *If the conduct in question was the direct result of the LEA's failure to implement the IEP.*

(2) *The conduct must be determined to be a manifestation of the child's disability if the LEA, the parent, and relevant members of the child's IEP Team determine that a condition in either paragraph (e)(1)(i) or (1)(ii) of this section was met.*

(3) *If the LEA, the parent, and relevant members of the child's IEP Team determine the condition described in paragraph (e)(1)(ii) of this section was met, the LEA must take immediate steps to remedy those deficiencies.”*

The OPA-Los Serranos charter petition, at page 130, fails to state that the proposed OPA-Los Serranos charter school will comply with the Code of Federal Regulations, title 34, section 300.530(e)(3)’s requirement that “*immediate steps*” must be taken “*to remedy [the] deficiencies*” of the LEA’s failure to implement the IEP.

Additionally, the OPA-Los Serranos charter petition fails to define “*serious bodily injury*” for the purposes of “*Special Procedures for the Consideration of Suspension and Expulsion of Students with Disabilities*” when it refers to “20 USC 145(k)(7)(D)” at page 131 because Code of Federal Regulations, title 20, section 145(k)(7)(D) **does not exist**.

The CVUSD Board of Education therefore finds that the OPA-Los Serranos charter petition’s pupil 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-Los Serranos charter petition therefore fails to contain a reasonably comprehensive description of the pupil suspension and expulsion policies and procedures to be used at the proposed OPA-Los Serranos charter school.

G. The OPA-Los Serranos Charter 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-Los Serranos charter petition fails to provide a reasonably comprehensive description of its dispute resolution procedures because the OPA-Los Serranos charter petition does not clearly define “*controversy*,” “*claim*” or “*dispute*” as the terms are used in the OPA-Los Serranos charter petition’s description of dispute resolution procedures.

Page 137 of the OPA-Los Serranos charter petition states: “*All internal disputes between faculty, staff, parents, administrators, and/ or Board members of the Charter School will be resolved by the school according to the school's own internal policies.*”

The OPA-Los Serranos charter 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 complaints constitute “*internal disputes*,” and fails to describe “*the school’s own internal policies*” that will be used to resolve such disputes.

Additionally, Education Code section 47605(b)(5)(N) requires the OPA-Los Serranos charter 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-Los Serranos charter petition states at page 136:

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

The OPA-Los Serranos charter 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.

Further, the OPA-Los Serranos charter petition states at page 136 that “*either party may request that matter[s] be resolved by mediation,*” but then states at page 137 that “*Any party who fails to submit to mediation will bear all costs and expenses incurred by such other party in compelling mediation of any controversy, claim, or dispute.*”

By stating that either party “*may request*” mediation, the OPA-Los Serranos charter petition suggests that participation in the mediation process is voluntary.

However, by next stating that “*any party who fails or refuses to submit to mediation will bear all costs and expenses incurred by such other party in compelling mediation of any controversy, claim, or dispute,*” the OPA-Los Serranos charter petition imposes financial penalties on the party refusing to submit to mediation, indicating that participation in mediation is instead mandatory.

Therefore, OPA-Los Serranos charter petition is internally inconsistent in describing “*Mediation for Non-Agreement*” as an element of the OPA-Los Serranos charter petition’s proposed dispute resolution procedures.

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

H. The OPA-Los Serranos Charter 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 138, the OPA-Los Serranos charter 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).”

Although California Code of Regulations, title 5, section 11962(a) requires a charter petition to designate *“a responsible entity to conduct closure-related activities,”* the OPA-Los Serranos charter petition fails to clearly designate *“a responsible entity to conduct closure related activities.”*

The OPA-Los Serranos charter 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-Los Serranos charter petition as submitted.

The CVUSD Board of Education therefore finds that the OPA-Los Serranos charter petition fails to contain a reasonably comprehensive description of the procedures for charter school closure as required by Education Code section 47605(b)(5)(O) to be used if the charter school closes.

IV. THE OPA-LOS SERRANOS CHARTER PETITION FAILS TO PROVIDE ALL OF 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-Los Serranos charter 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-Los Serranos charter petition Fails To Include A Clear, Unequivocal Affirmation That The Proposed OPA Charter School Will Admit All Students Who Wish To Attend the Charter School

While the OPA-Los Serranos charter petition contains an affirmation at page 5 that “[t]he Charter School will 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-Los Serranos charter 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-Los Serranos charter petition contains contradictory statements concerning the proposed charter school’s enrollment preferences.

The OPA-Los Serranos charter petition states at page 5:

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

However, the OPA-Los Serranos charter petition also states at page 115 that:

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

- a) Currently enrolled students (exempt from the lottery);*
- b) Children of OPA faculty or staff and children of Founding Members combined (will not exceed 10% of total enrollment);*
- c) Siblings of current students;*
- d) If the Charter School is physically located in the attendance area of a District public elementary school in which at least 50% of the enrollment is eligible for free and reduced price lunch, then students currently enrolled in that school and students who reside in that elementary school attendance area will be given preference in accordance with Education Code Section 47605.3; and*
- e) Children residing within the District.”*

Page 115 of the OPA-Los Serranos charter petition grants enrollment preference to children of OPA-Los Serranos faculty or staff, children of OPA Founding Members, and siblings of current OPA-Los Serranos 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-Los Serranos’ lottery preferences unlawfully favor certain students including those whose sibling(s) attend the proposed OPA-Los Serranos charter school and students whose parents are OPA-Los Serranos faculty members or OPA Founders.

Additionally, despite the May 30, 2012 letter signed by their OPA President/Executive Director Sue Roche, which states *“All enrollment exemptions or preferences for children of Founding Members expire July 1, 2012,”* the September 23, 2016 OPA-Los Serranos charter petition still contains an admission preference for children of Founding Members.

Further, the OPA-Los Serranos charter petition’s extension of an admissions preference to *“currently enrolled students”* also serves as a means for OPA to allow students participating in OPA’s independent study program to enter into OPA’s classroom-based program. This method permits OPA to evaluate the academic performance of independent study students as a screening measure prior to their admission to OPA’s classroom based program.

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

B. The OPA-Los Serranos Charter Petition Fails To Include A Clear Unequivocal Affirmation That The Proposed OPA Charter School Will Not Discriminate On The Basis Of The Characteristics Listed In Education Code Section 220.

Education Code section 220 states:

“No person shall be subjected to discrimination on the basis of disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or any other characteristic that is contained in the definition of hate crimes set forth in Section 422.55 of the Penal Code in any program or activity conducted by an educational institution that receives, or benefits from, state financial assistance or enrolls pupils who receive state student financial aid.”

Although the OPA-Los Serranos charter petition states under “*Affirmations/Assurances*” at page 5 that “*The Charter School will not discriminate on the basis of the characteristics listed in Education Code Section 220,*” this appears to be merely a “*general statement of intention to comply*” because the OPA-Los Serranos charter petition identifies three other different anti-discrimination policies.

At page 92 under “*Governance Structure,*” the OPA-Los Serranos charter petition states: “*Oxford Preparatory Academy does not discriminate against any employee on the basis of race, color, creed, age, sex, religion, national origin, disability, sexual orientation, or marital/partnership status.*”

OPA’s policy as stated on page 92 differs from Education Code section 220’s requirements in form, including in the ordering and the verbiage used in describing the characteristics, and in substance as there is no explicit guarantee that OPA will not discriminate against any employee on the basis of “*gender identity*” or “*gender expression.*”

At page 100, under “*Code of Professionalism,*” the OPA-Los Serranos charter petition states: “*OPA will not discriminate against any staff member on the basis of affiliations, political or religious acts or opinions, race, national origin, ancestry, gender, gender identity, marital status, physical disability, mental disability, medical condition, or age.*”

OPA policy as stated on page 100 substantively differs from Education Code section 220 by omitting “*sexual orientation,*” “*religion,*” and “*gender expression.*” Further, OPA’s policy articulated at page 100 differs from OPA’s policy articulated at page 92 by including “*political or religious acts or opinions*” and “*ancestry.*”

At page 109, under “*Anti-Discrimination and Harassment Policies and Procedures*,” the OPA-Los Serranos charter petition provides a fourth anti-discrimination policy, which states:

“OPA will be committed to providing a school that is free from discrimination and sexual harassment, as well as any harassment based upon the actual or perceived characteristics of race, religion, creed, color, gender identity, gender expression, nationality, natural origin, ancestry, ethnic group identification, genetic information, age, medical condition, marital status, sexual orientation, pregnancy, physical or mental disability, childbirth or related medical conditions, or on the basis of a person’s association with a person or group with one or more of these actual or perceived characteristics, or any other basis protected by federal, state, local law, ordinance or regulation.”

Therefore, because the OPA-Los Serranos charter petition contains four different anti-discrimination policies, two of which omit “*gender expression*” as a protected characteristic, the CVUSD Board of Education finds that the OPA-Los Serranos charter petition fails to provide a clear, unequivocal affirmation that the proposed charter school will not discriminate on the basis of the characteristics listed in Education Code section 220.

The CVUSD Board of Education therefore finds that evidence exists that the proposed OPA-Los Serranos charter petition fails to comply with the conditions described in Education Code section 47605(d) and that the OPA charter petition fails to provide an affirmation of each condition required by California State law pursuant to Education Code sections 47605(b)(4) and (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 September 23, 2016 OPA-Los Serranos charter 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 that each such finding, in and of itself, is a sufficient basis for denial.

The foregoing Resolution No. 2016/2017-13 was considered, passed and adopted by this Board at its special meeting of November 28, 2016.

DENYING THE SEPTEMBER 23, 2016 OPA – LOS SERRANOS CHARTER PETITION.

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 special meeting thereof held on the 28th of November 2016 and passed by a _____ vote of said Board.

IN WITNESS WHEREOF I have hereunto set my hand and seal this November 28, 2016.

Wayne M. Joseph
Secretary, Board of Education

Exhibit List for CVUSD Findings of Fact Regarding the Oxford Preparatory Academy – Los Serranos Charter Petition

- Exhibit A Onisko and Scholz, LLP CPA Review and Analysis of the Oxford Preparatory Academy-Los Serranos Charter Petition and Budget
- Exhibit B Approved Minutes for the June 29, 2015 Academies of Oxford Prep Board Meeting
- Exhibit C Approved Minutes for the June 29, 2015 OPA Board Meeting
- Exhibit D California Secretary of State Statement of Information - The Academies of Oxford Prep (filed June 30, 2016)
- Exhibit E California Secretary of State Statement of Information - Edlighten Learning Solutions (filed November 23, 2015)
- Exhibit F California Secretary of State Statement of Information - Edlighten Learning Solutions (filed September 23, 2016)
- Exhibit G California Department of Education School Directory – Oxford Preparatory Academy – San Diego County
- Exhibit H California Secretary of State Business Entity Detail – The Academies of Oxford Prep
- Exhibit I Oxford Preparatory Academy Executive Administrative Team
- Exhibit J Signed Sue Roche letter dated May 30, 2012

EXHIBIT A

Onisko and Scholz, LLP CPA Review and Analysis of the Oxford Preparatory Academy-Los Serranos Charter Petition and Budget

November 11, 2016

Members of the Chino Valley Unified School District Board of Education
Mr. Wayne Joseph
Superintendent
Chino Valley Unified School District
5130 Riverside Drive
Chino, CA 91710

Re: Review and Analysis of the Oxford Preparatory Academy – Los Serranos Charter Petition and Budget as Submitted on September 23, 2016

Dear Mr. Joseph and Members of the Chino Valley Unified School District Board of Education:

Thank you for providing the Oxford Preparatory Academy-Los Serranos (OPA-LS or School) September 23, 2016 charter school petition and budget for our review.

As you requested, we have reviewed OPA-LS's September 23, 2016 charter school petition and budget as submitted by the OPA-Los Serranos charter petitioners. Our findings are presented in this report.

SUMMARY

After a comprehensive review of the Oxford Preparatory Academy-Los Serranos charter petition and budget as submitted to the Chino Valley Unified School District, we conclude that the Oxford Preparatory Academy-Los Serranos charter petition's budget presents an unrealistic financial and operational plan for the proposed Oxford Preparatory Academy-Los Serranos charter school, because:

- 1) The Oxford Preparatory Academy-Los Serranos charter petition budget presents unrealistic average daily attendance assumptions. OPA-LS's budget presents projected student enrollment of 900 students however, the OPA-Los Serranos - November 1, 2016 Proposition 39 Facilities request contains only 222 student intent to enroll forms.

Without full disclosure and explanation of all of OPA-Los Serranos enrollment and budget assumptions the only reliable enrollment and average daily attendance figures associated with the OPA-LS budget are the 222 student intent to enroll forms.

- 2) The Oxford Preparatory Academy – Los Serranos charter petitioners have failed to identify any start-up costs, and failed to provide any detailed start-up costs budget notes and assumptions as required by California Code of Regulations, Title 5, section 11967.5.1(c)(3)(B); and therefore, OPA-LS's budget presents an unrealistic financial operational plan for the proposed OPA-LS charter school.
- 3) The Oxford Preparatory Academy-Los Serranos charter petition's budget fails to present detailed budget notes that clearly describe OPA-LS's financial budget projections for all budgeted years pursuant to California Code of Regulations, Title 5, section 11967.5.1(c)(3)(B). OPA-LS fails to provide supplementary information describing how the proposed OPA-Los Serranos charter school's revenues, costs, and cash flows were projected, either through historical data or comparative analytics from other charter schools or school districts of similar type, size and location.

- 4) The Oxford Preparatory Academy-Los Serranos charter petition's budget fails to specify the required criteria for the selection of contractors as required by California Code of Regulations, Title 5, section 11967.5.1(c)(3)(A).

OPA-LS fails to specify how contractors and consulting services are to be selected and fails to identify whether any consultants are related parties.

The OPA-LS budget identifies \$263,346 in expenditures for professional and consulting service providers. The OPA-LS budget notes fail to identify and present the names of and detailed descriptions of the services to be provided by the professional and consulting service providers of, especially those vendors that may be affiliated or related to OPA-LS in any way.

OPA-LS also fails to identify special education encroachment costs or why encroachment costs are not budgeted, fails to provide health and welfare benefits details, and fails to explain how other budgeted costs will be allocated such as professional and consulting services or books and supplies.

- 5) Because the Oxford Preparatory Academy-Los Serranos charter petition and budget fails to present a cash flow analysis which includes detailed cash flow budget notes describing the OPA-LS charter petitioners' cash flow assumptions, the OPA-LS charter petition budget fails to comply with CCR, Title 5, section 11967.5.1(c)(3)(B). This omission demonstrates that the OPA-LS charter petitioners have not documented their understanding of the timing of OPA-LS's revenues and expenditures. Therefore, the OPA-LS charter petition and budget present an unrealistic financial and operational plan for the proposed OPA-LS charter school.

CVUSD BOARD POLICY REGARDING REVIEWING THE OPA-LOS SERRANOS CHARTER PETITION AND BUDGET

Chino Valley Unified School District Board Policy 0420.4(d) states, *"In determining whether to grant or deny a charter, the Board shall carefully review the proposed charter as submitted and will not accept or consider any further petition or budget materials."*

CVUSD Board Policy 0420.4 cites the California Code of Regulations, Title 5, sections 11960-11969.

Education Code Section 47605(g) states, *"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 startup costs, and cash flow and financial projections for the first three years of operation."*

The California Code of Regulations ("CCR") identifies the critical importance in the charter petition review process of a charter school's budget, budget notes and assumptions at Title 5, Subchapter 19-Charter Schools, Article 2-General Provisions.

CCR, Title 5, section 11967.5.1(c)(3)(B) states that an unrealistic financial and operational plan for the proposed charter exists when the charter or supporting documents do not adequately include:

1. *"[A]t 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.”*

FINDINGS OF FACT

I. OPA-LS’s UNREALISTIC AVERAGE DAILY ATTENDANCE ASSUMPTIONS

The OPA-LS charter petition’s Average Daily Attendance (ADA) assumptions state, “The projected ADA is based on full enrollment of 900 students with a 96% ADA.” No other budget notes or assumptions are presented describing in detail how OPA-LS arrived at or will realize an enrollment of 900 students and budgeted revenue based on 864 ADA.

On November 1, 2016 the OPA-Los Serranos charter petitioners submitted to the Chino Valley Unified School District (CVUSD or District) a Proposition 39 Facilities request. Education Code Section 47614 requires that each school district shall make available, to each charter school operating in the school district, facilities sufficient for the charter school to accommodate all the charter school’s in-district students in conditions reasonably equivalent to those in which the students would be accommodated if they were attending other public schools of the district.

The methodology used in OPA-LS’s November 1, 2016 Proposition 39 Facilities request outlines the school’s ADA projections but fails to disclose and consider as part of its assumptions for the number of students intending to enroll the following:

- OPA-LS’s Proposition 39 Facilities request contains only 222 student intent to enroll forms, not intent to enroll forms for 900 students.

The OPA-LS’s facilities request fails to disclose that since August 5, 2016, Oxford Preparatory Academy-Chino Valley has been the subject of a Fiscal Crisis and Management Assistance Team (FCMAT) AB139 Extraordinary audit requested by the San Bernardino County Superintendent of Schools, and what effect, if any, the audit has had on parents intending to enroll their students in OPA-LS since the FCMAT audit began.

- At Page 5 of the OPA-LS’s November 1, 2016 facilities request the OPA-LS charter petitioners state, “Oxford Preparatory Academy schools have received clean audits...”; however, an OPA-LS’s advertisement placed in the October 29, 2016 Chino Champion newspaper announces that “OPA is conducting an internal forensic review of all financials dating back to 2012 and has also requested its independent auditor to reissue annual audits.”

Additionally, in a letter dated October 19, 2016 to the CVUSD Board of Education, OPA wrote, “OPA has also requested its independent auditor to reissue annual audits to reflect OPA and Edlighten Learning Solutions as “related entities for the years 2012-2016.”

Therefore, as early as October 19, 2016 and again on October 29, 2016, OPA has stated they are reissuing OPA's annual audits but the November 1, 2016 OPA-LS Proposition 39 Facilities request fails to address the fact that "OPA's schools" no longer have "clean audits." The OPA-Los Serranos charter petition fails to address how OPA's audit revisions could adversely affect the proposed OPA-Los Serranos charter school's enrollment and OPA's budget. The OPA-Los Serranos charter petition and budget also fail to describe the status of OPA's current 2015-2016 audit.

- The OPA-LS Proposition 39 Facilities request also fails to address if the OPA-LS charter petitioners were aware as of November 1, 2016 that the majority of OPA-LS's board members had resigned on October 26, 2016 and what effect the OPA board members' resignations could have on OPA parents enrolling their students at OPA-Los Serranos.
- OPA-LS's failure to disclose and consider any effects reissuing its prior year audits and the pending FCMAT audit may have on its enrollment projections and revenues, contributes to the OPA-LS charter petition and budget presenting an unrealistic financial and operational plan for the proposed OPA-LS charter school.

OPA-LS's LCFF revenues of \$7,165,533 are based on 900 students not 222 students.

The decrease from 900 students or 864 ADA, to 222 students or 213 ADA, represents 678 less students or 651 less ADA than presented in OPA-LS's budget. 678 less students or 651 less ADA represents a 75% decrease in OPA-LS's proposed budgeted LCFF revenue.

The OPA-LS charter petition and budget fail to comply with CCR, Title 5 section 11967.5.1(c)(3)(A) by failing to provide budget notes that clearly describe assumptions on revenue estimates, including, but not limited to, the basis for average daily attendance estimates.

The difference between LCFF revenue for 900 and 222 students is so material to OPA-LS's budget that this deficiency alone represents an unrealistic financial and operational plan for the proposed OPA-LS charter school and renders OPA-LS's entire budget unrealistic.

OPA-LS's budget therefore presents an unrealistic financial and operational plan for the proposed OPA-LS charter school.

II. OPA-LS's UNREALISTIC START-UP BUDGET

OPA-LS's budget notes state, "OPA will apply for the PCSGP start up grant. Based on OPA's historical awards...a projected grant of \$375,000 has been estimated in revenues."

Neither the OPA-LS charter petition nor the OPA-LS's budget present any start-up costs or any explanation of why OPA-LS plans to receive start-up grant revenue but will not spend any of the start-up grant funds. Without start-up costs, the \$375,000 should be removed from OPA-LS's total revenue.

Because the OPA-LS charter petitioners have failed to identify any start-up costs, and failed to present any detailed start-up costs budget notes and assumptions as required by CCR, Title 5, section 11967.5.1(c)(3)(B); the OPA-LS's budget presents an unrealistic financial operational plan for the proposed OPA-LS charter school.

III. OPA-LS's UNREALISTIC BUDGET NOTES AND ASSUMPTIONS

Detailed budget notes and assumptions are a critical component of constructing and implementing a charter school budget. Explaining in the school's budget how OPA-LS arrived at each of its presented budget line item amounts would have demonstrated that the OPA-LS charter petitioners are competent, transparent, understand financial accounting, the timing of charter school cash flow, and how OPA-LS will receive and spend the proposed OPA-LS charter school's funds.

5 CCR section 11967.5.1(c)(3)(B) requires detailed budget notes and assumptions that clearly describe how OPA-LS's budget amounts were determined; however, OPA-LS's year one budget of \$8,293,458 in revenues and \$7,686,289 in expenses are supported only by a single page of budget notes which fail to describe in detail how the amounts in the proposed OPA-LS charter school budget were determined. Without detailed budget notes, OPA-LS's Serranos' budget and cash flow projections necessary to operate the proposed OPA-LS charter school are nothing more than numbers on the page.

To adequately support the OPA-LS budget, the OPA-LS charter petitioners should have but failed to provide budget notes that clearly describe OPA-LS's budget assumptions. To provide budget notes that clearly describe OPA-LS's budget assumptions, OPA-LS should have but failed to present detailed budget notes and assumptions, narratives, and documentation based on historical data from schools or school districts of similar type, size, and location. This is critical to establish that OPA-LS has submitted a budget based on sound and verifiable data.

Examples of unsupported or missing OPA-LS's budget notes, narratives, assumptions and documentation are:

1. Account Level Budget Notes:

The OPA-LS charter petition and budget fails to present any account level budget notes explaining how the OPA-LS charter petitioners determined the costs presented for each year of OPA-LS's budget.

Using OPA-LS's year one, 2017-18 budget numbers as a reference, examples of missing OPA-LS budget notes and assumptions, include, but are not limited to:

a. 2017-2018 Books and Materials:

- Textbooks & Core Curricula Materials \$315,000
- Books and Supplemental Materials \$135,000
- Materials and Supplies \$125,000

Totaling \$575,000

OPA-LS's textbooks and core curricula and materials and supplies budget notes state, "Based on the most recent costs of textbooks and core curricula spent at OPA's other campuses..." and "Expenditures for Materials and Supplies were based on historical spending experience."

However, the OPA-LS budget and budget notes fail to present any information describing textbook and core curricula spent at other OPA-LS's campuses and OPA-LS's textbook and core curricula historical spending experiences.

The OPA-LS budget notes fail to describe how many books and supplemental materials, what types of books and supplemental materials, what grade levels the books and supplemental materials are for and to identify the vendors OPA-LS plans to purchase the books and supplemental materials from.

b. 2017-2018 Furniture and Equipment:

OPA-LS charter school's furniture and equipment is budgeted for \$250,000; however, OPA-LS budget notes merely state, "A significant budget has been estimated for FF&E purchases throughout the term of the charter."

Stating that OPA-LS has budgeted a significant amount for furniture and equipment fails to demonstrate that OPA-LS charter petitioners have thought through what furniture and equipment will be required and fails to provide sufficient documentation of furniture and equipment costs for the proposed OPA-LS charter school.

c. 2017- 2018 Insurance:

- Workers' Compensation Insurance – Certificated \$56,680
- Workers' Compensation Insurance – Classified \$22,836
- Liability Insurance \$15,000

Totaling \$94,516

The OPA-LS Payroll & Staffing Detail schedule identifies that workers compensation is based on 2% of estimated gross pay and the OPA-LS charter petition at page 110, Insurance Requirements, describes that OPA-LS will maintain insurance and the levels and types of insurance; however, the OPA-LS charter petition and budget notes fail to provide any evidence of how the OPA-Los Serranos charter petitioners arrived at and can rely on 2% of estimated gross pay to budget for workers compensation insurance and how the OPA-Los Serranos charter petitioners arrived at and can rely on budgeting only \$15,000 for liability insurance.

d. 2017- 2018 Professional and Consulting Services:

- Educational Consultants \$9,997
- Advertising \$10,000
- Audit \$3,749
- Business Consulting \$9,600
- IT Services \$90,000
- Legal \$100,000
- Fingerprinting and Background \$20,000
- Recruiting and Placement \$20,000

Totaling \$263,346

The OPA-LS charter petition at page 140, Accounting and Business Services states, "The Oxford Preparatory Academy Board of Directors will oversee the work of OPA-LS's in-house and/or back office services provider...Consultants will also assist OPA-LS staff..."; however, the OPA-LS charter petitioners and budget fail to disclose who any of OPA-LS's consultants are and what services the consultants will provide to OPA-LS for the \$263,346 in budgeted professional and consulting services.

Transparent and detailed descriptions of all professional and consulting service providers, especially identifying affiliated or related service providers, should have been but are not provided in OPA-LS's charter petition or budget notes.

The OPA-LS charter petitioners fail to describe how they determined that \$9,997 is sufficient for educational consultants, or why \$10,000 for advertising is sufficient or who is providing advertising, or why only \$3,749 is sufficient for the legally required annual independent audit, or what business, IT and legal services will be provided for \$9,600, \$90,000 and \$100,000 respectively, and how the OPA-LS charter petitioners determined fingerprinting and background costs as well as recruiting and placement costs are each budgeted to be \$20,000.

The OPA-LS's budget also fails to identify which law firm(s), consultant(s), accountant(s), auditors, etc. are being considered by OPA-LS; and whether any of the consultants or attorneys are OPA-LS's affiliated or related parties.

Regarding OPA-LS's professional, consulting, and contracted services, including auditors, attorneys, and other service providers or consultants, the identities of such individuals and/or their service companies should be fully disclosed and as much of the following information as is known to the OPA-LS charter school petitioners should have been but was not included within the OPA-LS charter petition or budget notes:

- i. The names of all individual professionals, consultants and service companies,
- ii. The Internal Revenue Service income tax form, under which the individual and/or organization files federal income taxes, such as 1120 Corporation or 990 Not-for-Profit, etc.
- iii. State of incorporation,
- iv. How long the service companies and individuals have been in business, copies of professional licenses, and areas of expertise,
- v. Number of California clients served and references from a representative sample of California clients,
- vi. Names and relationships of principals and full disclosure of any pre-existing relationships or potential conflicts of interest with any of the OPA-LS charter school petitioners or staff members,
- vii. The financial terms of each attorney, consultant and service company contract with the OPA-LS charter school petitioners, as well as comparison data from other similar service companies such as service cost agreements, fees, etc.,
- viii. Copies of actual or prospective MOU's and contracts between the individuals and service companies and the charter school,
- ix. Contract termination rights of the proposed OPA-LS charter school, if any,
- x. Organizational and operational contract terms between the service companies and the charter school, and
- xi. Service company and consultants' employee's limits of authorization.

The California Code of Regulations, Title 5 section 11967.5.1(c)(3) states,

“An unrealistic financial and operational plan is one to which any or all of the following applies:

(A) In the area of administrative services, the charter or supporting documents do not adequately:

- 1. Describe the structure for providing administrative services, including, at a minimum, personnel transactions, accounting and payroll that reflects an understanding of school business practices and expertise to carry out the necessary administrative services, or a reasonable plan and time line to develop and assemble such practices and expertise.*
- 2. For any contract services, describe criteria for the selection of a contractor or contractors that demonstrate necessary expertise and the procedure for selection of the contractor or contractors.”*

The OPA-LS charter petition and budget fail to comply with CCR, Title 5 section 11967.5.1(c)(3)(A) by failing to describe the required criteria for the selection of contractors; therefore, the OPA-LS charter petition and budget present an unrealistic financial and operational plan for the proposed OPA-LS charter school.

e. 2017-2018 Health & Welfare Benefits – Medical, Dental, and Vision:

- Certificated \$447,403
- Classified \$208,035

Totaling \$655,438

The OPA-LS charter petition at page 133, Employee Benefits states that OPA-LS employees will receive benefits when certain conditions are met; however, OPA-LS’s budget fails to describe:

- Which health plans are offered,
- Who are the providers,
- OPA-LS’s health plan’s compliance with the Affordable Health Care Act,
- How OPA-LS’s Payroll & Staffing Detail report determined the summarized benefits for each classification of employee,
- How OPA-LS’s employees qualify and vest for health and welfare benefits, and
- How the per employee benefits costs compare to other similar charter schools or school districts.

2. Special Education Costs and Encroachment

Special education and related services are discussed in the OPA-LS charter petition at pages 66 through 76. The OPA-LS charter petition at page 67, Transportation for Students with Special Needs in Order to Access Special Education Services states, “Should an IEP team determine that a student requires transportation to access educational benefits...OPA will secure such services through transportation agencies certified to provide such services.”

The OPA-LS's budget notes fail to describe if any special education transportation costs are included in the OPA-LS's budget and to identify the transportation agencies OPA-LS proposes to use.

Furthermore, the OPA-LS charter petition and budget notes fail to describe if the OPA-LS charter petitioners have considered special education encroachment costs or why any special education encroachment costs are not budgeted or necessary.

The OPA-LS budget identifies year one 2017-2018 Special Education costs as:

- Special Education Expenses and Services expense at \$150,000,
- Two Special Education Teachers at \$123,102, plus benefits of \$44,317, totaling \$167,419,
- Two Special Ed Instructional Aides - Part Time at \$33,000, plus benefits of \$10,560, totaling \$43,560,
- Four Special Ed Support Staff at \$167,120, plus benefits of \$83,560, totaling \$250,680,
- Grand total OPA-LS budgeted Special Education costs is \$611,659.

The OPA-LS budget identifies year one Other State Categorical – Special Education revenue as \$434,592 while Special Education costs are \$611,659, resulting in \$177,067 greater costs than revenue received.

The OPA-LS budget and budget notes fail to present any information describing why the OPA-LS budget does not account for any year one special education encroachment costs.

- a. Using comparable Special Education data from the CVUSD and OPA-LS's projected year one average daily attendance of 864, OPA-LS should have but failed to budget for special education encroachment costs of \$699,754.
- b. OPA-LS's year one budgeted excess special education costs of \$611,659 over special education revenues of \$434,592, results in \$177,067 additional special education costs.

OPA-LS's unbudgeted special education encroachment costs of \$699,754, less OPA-LS's \$177,067 of excess special education costs, results in additional unbudgeted OPA-LS special education encroachment costs of \$522,687 ($\$699,754 - \$177,067 = \$522,687$).

- c. The OPA-LS charter petitioners have failed to present any budget notes and assumptions describing in detail how the OPA-LS charter petitioners determined that OPA-LS will not experience any special education encroachment costs.
- d. The OPA-LS charter petition and budget fail to provide detailed budgetary notes and assumptions that document why the OPA-LS charter petitioners failed to provide special education budget assumptions based on historical data from charter schools or school districts of similar type, size, and location.
- e. Because the OPA-LS charter petitioners failed to provide detailed budget notes or assumptions regarding OPA-LS's special education expenditures, the OPA-LS charter petition and budget fail to comply with 5 CCR section 11967.5.1(c)(3)(B) and present an unrealistic financial and operational plan for the proposed OPA-LS charter school.

IV. OPA-LS's UNREALISTIC CASH FLOW STATEMENT

The OPA-LS budget includes a cash flow statement. Both OPA-LS's budget and OPA-LS's cash flow statement fail to present any budget notes or assumptions describing OPA-LS's cash flow amounts.

Because OPA-LS failed to present any budget notes describing how the OPA-LS charter petitioners determined the months when revenues would be received and expenses incurred, and also failed to describe how they arrived at their accrual amounts, OPA-LS's cash flow statement represent nothing more than numbers on a page. Complete budget notes and assumptions are required by the California Code of Regulations and are necessary to provide clarity as to how OPA-LS's amounts were determined as well as credibility that the amounts presented are realistic.

The OPA-LS year one cash flow statement double counted OPA-LS's debt service and interest payments. The cash flow line titled, "All Capital Outlay", represents \$171,759 in payments which includes debt service and interest of \$50,104. The same \$50,104 is removed a second time within the cash flow statement at cash flow statement line item, "Loan Repayment and Other Outflows."

OPA-LS' cash flow statements fail to demonstrate that the OPA-LS charter petitioners understand the timing of the receipt of various revenues and their relative relationship to the timing of expenditures as required by CCR, Title 5, section 11967.5.1(c)(3)(B).

Because the OPA-LS charter petitioners fail to present a cash flow analysis which includes detailed cash flow budget notes describing the OPA-LS charter petitioners' cash flow assumptions, the OPA-LS charter petition and budget fails to comply with CCR, Title 5, section 11967.5.1(c)(3)(B). The OPA-LS charter petitioners' failure to present detailed cash flow budget notes also demonstrates that the OPA-LS charter petitioners have not documented their understanding of the timing of OPA-LS' receipt of various revenues and the timing of expenditures. The OPA-LS charter petition and budget therefore present an unrealistic financial and operational plan for the proposed OPA-LS charter school.

CONCLUSION

When providing their budget as required by Education Code section 47605(g) and California Code of Regulations, Title 5, section 11967.5.1(c)(3)(B), the OPA-LS charter school petitioners should have but failed to provide complete and accurate budget notes and assumptions.

Detailed budget notes and OPA-LS's documentation supporting OPA-LS' budget amounts are a critical component of the basis upon which approval of the OPA-LS charter petition is granted.

Based on the OPA-LS charter petition and budget as submitted, the Oxford Preparatory Academy – Los Serranos charter petitioners have failed to clearly describe the material assumptions necessary to support the budgeted amounts presented in OPA-LS's budget.

Overall, in our professional opinion, because of the material nature of the omissions in the OPA-LS charter petition budget's start-up costs, average daily attendance, special education encroachment costs, cash flow information, and because OPA-LS continues to fail to disclose OPA-LS's professional services and consulting vendors and whether the vendors are OPA's affiliated or related parties, the Oxford Preparatory Academy-Los Serranos charter petition and budget present an unrealistic financial and operational plan for the proposed OPA-LS charter school.

Thank you for allowing us to be of service to the Chino Valley Unified School District.

If you have any questions regarding this analysis, please contact us any time. We look forward to hearing from you.

Sincerely,



Onisko & Scholz, LLP

EXHIBIT B

Approved Minutes for the June 29, 2015 Academies of Oxford
Prep Board Meeting

Oxford Preparatory Academy

Regular Meeting of the Board of Directors

June 29, 2015
MINUTES

I. PRELIMINARY

A. CALL TO ORDER

The meeting was called to order at 11:21 a.m.

The regular meeting of the Board of Directors was held at the Oceanside campus located at 4000 Mystra Way, Oceanside, California. The teleconference of the Board of Directors meeting took place at 16150 Pomona Rincon Road, Chino Hills, California.

B. Roll Call

Members	Present	Absent
Mike Churchill, Chairman		X
Paul Vargas, Secretary	X	
Larry Moore, Treasurer		X
Robert Elder, Member	X	
Chris Fujii, Member	X	

C. Pledge of Allegiance

The flag salute was led by Robert Elder.

D. Approval of Agenda

Moved (Vargas), second (Fujii), motion carried by a vote of 3-0 to approve the agenda for the regular meeting of the Board of Directors for June 29, 2015 as presented. The vote was taken by roll call.

Roll Call Vote:

AYES Paul Vargas, Robert Elder, Chris Fujii

NOES: 0

ABSTAIN: 0

ABSENT: Larry Moore, Mike Churchill

E. COMMUNICATIONS

Comments from the Board

None

F. COMMENTS FROM THE AUDIENCE ON ITEMS NOT ON THE AGENDA

None

II. OPEN SESSION**A. PRESENTATIONS****403(b) Supplemental Retirement Plan**

Allen Taylor of Newcastle Financial Advisors and Jim Holly from Nationwide Mutual Insurance Co., presented to the Board an overview of the new 403(b) retirement plan that will be offered to employees.

California New Sick Pay Law Effective July 1, 2015

Nora Gomez, Coordinator of Human Resources, presented to the Board the new sick pay law and how it will impact OPA. Mrs. Gomez reported that the new law allows all part time employees to accrue up to 24 hours of sick time per year and that OPA is in compliance with the new law.

B. ITEMS SCHEDULED FOR CONSENT

Moved (Fujii), Second (Vargas), motion carried by a vote of 3-0 to approve items scheduled for consent. The vote was taken by roll call.

Roll Call Vote:

AYES Paul Vargas, Robert Elder, Chris Fujii

NOES: 0

ABSTAIN: 0

ABSENT: Larry Moore, Mike Churchill

II.B.1 Minutes of Regular Meeting of June 9, 2015

Approved minutes of regular meeting of June 9, 2015.

II.B.2 Revised Oxford Preparatory Academy Employee Handbook

Approved Revised Oxford Preparatory Academy Employee Handbook.

II.B.3 2015-2016 Master Calendar for Oxford Preparatory Academy

Approved 2015-2016 Master Calendar for Oxford Preparatory Academy.

C. ITEMS SCHEDULED FOR DISCUSSION/ACTION**1. Public Hearing on Local Control Accountability Plan (LCAP) for Oxford Preparatory Academy**

Robert Elder, presiding as Chairman, opened the Public Hearing regarding the Local Control Accountability Plan (LCAP) for Oxford Preparatory Academy at 12:04 p.m. There were no speakers, and Presiding Chairman Elder closed the Public Hearing at 12:04 p.m.

2. Approve Local Control Accountability Plan (LCAP) for Oxford Preparatory Academy

Moved (Vargas), second (Fujii), motion carried by a vote of 3-0 to approve the Local Control Accountability Plan (LCAP) for Oxford Preparatory Academy as presented. The vote was taken by roll call.

Roll Call Vote:

AYES Paul Vargas, Robert Elder, Chris Fujii

NOES: 0

ABSTAIN: 0

ABSENT: Larry Moore, Mike Churchill

3. Approval of 2015-2016 July 1 (Final) Budget for Oxford Preparatory Academy

Moved (Vargas), Second (Fujii), motion carried by a vote of 3-0 to approve the 2015-2016 July 1 (Final) Budget for Oxford Preparatory Academy as presented. The vote was taken by roll call.

Roll Call Vote:

AYES Paul Vargas, Robert Elder, Chris Fujii

NOES: 0

ABSTAIN: 0

ABSENT: Larry Moore, Mike Churchill

4. First Amended Bylaws for The Academies of Oxford Prep

Moved (Vargas), Second (Fujii), motion carried by a vote of 3-0 to approve the First Amended Bylaws for The Academies of Oxford Prep as presented. The vote was taken by roll call.

Roll Call Vote:

AYES Paul Vargas, Robert Elder, Chris Fujii

NOES: 0

ABSTAIN: 0

ABSENT: Larry Moore, Mike Churchill

5. Resolution to Ratify Extension of Employee Lease Agreement

Moved (Vargas), Second (Fujii), motion carried by a vote of 3-0 to approve the Resolution to Ratify Extension of Employee Lease Agreement as presented. The vote was taken by roll call.

Roll Call Vote:

AYES Paul Vargas, Robert Elder, Chris Fujii

NOES: 0

ABSTAIN: 0

ABSENT: Larry Moore, Mike Churchill

6. Ratify Authorization of Repayment of Cash-Flow loans for FY 2013-2014 and FY 2014-2015

Moved (Vargas), Second (Fujii), motion carried by a vote of 3-0 to ratify Authorization of Repayment of Cash-Flow loans for Fiscal Years 2013-2014 and 2014-2015. The vote was taken by roll call.

Roll Call Vote:

AYES Paul Vargas, Robert Elder, Chris Fujii

NOES: 0

ABSTAIN: 0

ABSENT: Larry Moore, Mike Churchill

7. Approval of 403(b) Supplemental Retirement Plan

Moved (Vargas), Second (Fujii), motion carried by a vote of 3-0 to approve the 403(b) Supplemental Retirement Plan for Oxford Preparatory Academy. The vote was taken by roll call.

Roll Call Vote:

AYES Paul Vargas, Robert Elder, Chris Fujii

NOES: 0

ABSTAIN: 0

ABSENT: Larry Moore, Mike Churchill

D. ITEMS SCHEDULED FOR INFORMATION**1. Report of the Nominating Committee of Qualified Candidates for Election to the Board of Directors**

Robert Elder, Presiding Chairman, on behalf of the Secretary, presented the report of the Nominating Committee of Qualified Candidates for Election to the Board of Directors. The Nominating Committee has recommended Mike Churchill for the office of Chairman and Paul Vargas for the office of Secretary.

E. PUBLIC COMMENTS ON CLOSED SESSION ITEMS

None

III. CLOSED SESSION – DISCUSSION AND POSSIBLE ACTION

Robert Elder, Presiding Chairman, adjourned to closed session at 11:56 a.m. regarding public employment for Interim Executive Director.

IV. OPEN SESSION

Robert Elder, Presiding Chairman, reconvened the regular meeting of the Board of Directors at 12:17 p.m. The Board met in closed session from 11:56 a.m. to 12:17 p.m. regarding public employment for Interim Executive Director. The Board took action to approve hiring Barbara Black, Executive Vice President as the Interim Executive Director. A roll call vote was taken on the following action:

Roll Call Vote for hiring Interim Executive Director:

*AYES Paul Vargas, Robert Elder, Chris Fujii
NOES: 0
ABSTAIN: 0
ABSENT: Larry Moore, Mike Churchill*

V. ADJOURNMENT

Moved (Fujii), Second (Vargas), motion carried by a vote of 3-0 to adjourned the regular meeting of the Board of Directors for June 29, 2015. The vote was taken by roll call.

Roll Call Vote:

*AYES Paul Vargas, Robert Elder, Chris Fujii
NOES: 0
ABSTAIN: 0
ABSENT: Larry Moore, Mike Churchill*

Robert Elder, Presiding Chairman, adjourned the regular meeting of the Board of Directors for June 29, 2015 at 12:20 p.m.

Mike Churchill, Chairman

Paul Vargas, Secretary

Reported by: Jennifer Laddaga, Coordinator of Administrative Services

EXHIBIT C

Approved Minutes for the June 29, 2015 OPA Board Meeting

Oxford Preparatory Academy

Regular Meeting of the Board of Directors

June 29, 2015
MINUTES

I. PRELIMINARY

A. CALL TO ORDER

The meeting was called to order at 6:10 p.m.

The regular meeting of the Board of Directors was held at the South Orange County campus located at 23000 Via Santa Maria, Mission Viejo, California. The teleconference of the Board of Directors meeting took place at 5862 C Street, Chino, California and 4 Riverside Drive, Andover, Massachusetts.

B. Roll Call

Members	Present	Absent
Bob Kuhnert, Chairman		X
Albert Chang, Vice Chairman	X	
Greg Maddex, Secretary	X	
Bob Lehmeyer, Treasurer	X	
Mike Delgado, Member	X	

C. Pledge of Allegiance

The flag salute was led by Bob Lehmeyer.

D. Approval of Agenda

Moved (Maddex), second (Delgado), motion carried by a vote of 4-0 to approve the agenda for the regular meeting of the Board of Directors for June 29, 2015 as presented. The vote was taken by roll call.

Roll Call Vote:

AYES: Greg Maddex, Michael Delgado, Albert Chang, Bob Lehmeyer

NOES: 0

ABSTAIN: 0

ABSENT: Bob Kuhnert

E. COMMUNICATIONS

Comments from the Board

Mr. Delgado shared that he was very impressed with the promotion ceremonies at both campuses.

Dr. Maddex commented that he continues to be amazed at the caliber of work that is presented at OPA and that OPA is an example of what is achieved by working together.

Mr. Lehmeyer shared that he recently spent time visiting former Board Member, Mary Chladni; said he shared photos of OPA band uniforms, and commented that she was impressed with everything he shared with her about the happenings at OPA.

F. COMMENTS FROM THE AUDIENCE ON ITEMS NOT ON THE AGENDA

Melissa Alsop, a parent and founding member at OPA-South Orange County (SOC) campus, addressed the Board about OPA's lunch program, Board Meeting calendars, school communication, and her appreciation for Oxford Preparatory Academy.

II. OPEN SESSION**A. PRESENTATIONS****OPA-South Orange County Update**

Tammy Lohoff, Dean from OPA-South Orange County (SOC), shared a video that gave an overview highlighting activities at the SOC campus for the 2014-2015 school year.

403(b) Supplementary Retirement Plan

Sherry Taylor of Newcastle Financial Advisors, and Jim Holly from Nationwide Mutual Insurance Co., presented to the Board an overview of the Supplementary 403(b) Retirement Plan that will be offered to employees.

Introduction of New Staff

Barbara Black, Executive Vice President, introduced to the Board, Lisa Hall, Administrator of Educational Programs; Nora Gomez, Coordinator of Human Resources; and Rachel Czarnocki, Manager of Human Resources.

California New Sick Pay Law Effective July 1, 2015

Nora Gomez, Coordinator of Human Resources, presented to the Board the new sick pay law and how it will impact OPA. Mrs. Gomez reported that the new law allows all part time employees to accrue up to 24 hours of sick time per year and that OPA is in compliance with the new law.

B. ITEMS SCHEDULED FOR CONSENT

Moved (Maddex), Second (Delgado), motion carried by a vote of 4-0 to approve items scheduled for consent as presented. The vote was taken by roll call.

Roll Call Vote:

AYES Greg Maddex, Michael Delgado, Albert Chang, Bob Lehmeyer

NOES: 0

ABSTAIN: 0

ABSENT: Bob Kuhnert

II.B.1 Minutes of Regular Meeting of May 26, 2015

Approved the Minutes of Regular Meeting of May 26, 2015.

II.B.2 Warrant Report

Approved the Warrant Report.

II.B.3 Revised Oxford Preparatory Academy Employee Handbook

Approved Revised Oxford Preparatory Academy Employee Handbook

II.B.4 Revised Authorized Signature List

Approved Authorized Signature List

II.B.5 2015-2016 Master Calendars for Oxford Preparatory Academy

Approved 2015-2016 Master Calendars for Oxford Preparatory Academy

C. ITEMS SCHEDULED FOR DISCUSSION/ACTION**1. Public Hearing on Local Control Accountability Plan (LCAP) for Oxford Preparatory Academy-Chino Valley**

Bob Lehmeyer, presiding as Chairman, opened the Public Hearing regarding the Local Control Accountability Plan (LCAP) for Oxford Preparatory Academy at 7:06 p.m. There was one comment stating there might be more accurate income answers by parents if parents had knowledge that the forms were completely confidential and were destroyed after the data was retrieved. Mr. Lehmeyer, presiding as Chairman, closed the Public Hearing at 7:09 p.m.

2. Public Hearing on Local Control Accountability Plan (LCAP) for Oxford Preparatory Academy-South Orange County

Bob Lehmeyer, presiding as Chairman, opened the Public Hearing regarding the Local Control Accountability Plan (LCAP) for Oxford Preparatory Academy at 7:09 p.m. There were no speakers. Mr. Lehmeyer, presiding as Chairman closed the public hearing at 7:09 p.m.

3. Approve Local Control Accountability Plan (LCAP) for Oxford Preparatory Academy-Chino Valley

Moved (Maddex), second (Delgado), motion carried by a vote of 4-0 to approve the Local Control Accountability Plan (LCAP) for Oxford Preparatory Academy-Chino Valley as presented. The vote was taken by roll call.

Roll Call Vote:

*AYES: Greg Maddex, Michael Delgado, Albert Chang, Bob Lehmeyer
NOES: 0
ABSTAIN: 0
ABSENT: Bob Kuhnert*

4. Approve Local Control Accountability Plan (LCAP) for Oxford Preparatory Academy-South Orange County

Moved (Maddex), second (Delgado), motion carried by a vote of 4-0 to approve the Local Control Accountability Plan (LCAP) for Oxford Preparatory Academy-South Orange County (SOC) as presented. The vote was taken by roll call.

Roll Call Vote:

*AYES: Greg Maddex, Michael Delgado, Albert Chang, Bob Lehmeyer
NOES: 0
ABSTAIN: 0
ABSENT: Bob Kuhnert*

5. Approval of 2015-2016 July 1 (Final) Budget for Oxford Preparatory Academy-Chino Valley

Moved (Delgado), Second (Maddex), motion carried by a vote of 4-0 to approve the 2015-2016 July 1 (Final) Budget for Oxford Preparatory Academy-Chino Valley as presented. The vote was taken by roll call.

Roll Call Vote:

*AYES: Greg Maddex, Michael Delgado, Albert Chang, Bob Lehmeyer
NOES: 0
ABSTAIN: 0
ABSENT: Bob Kuhnert*

6. Approval of 2015-2016 July 1 (Final) Budget for Oxford Preparatory Academy-South Orange County

Moved (Maddex), Second (Delgado), motion carried by a vote of 4-0 to approve the 2015-2016 July 1 (Final) Budget for Oxford Preparatory Academy-South Orange County (SOC) as presented. The vote was taken by roll call.

Roll Call Vote:

*AYES: Greg Maddex, Michael Delgado, Albert Chang, Bob Lehmeyer
NOES: 0
ABSTAIN: 0
ABSENT: Bob Kuhnert*

7. Approval of 403(b) Supplemental Retirement Plan for Oxford Preparatory Academy

Moved (Delgado), Second (Maddex), motion carried by a vote of 4-0 to approve the 403(b) Supplemental Retirement Plan for Oxford Preparatory Academy as presented. The vote was taken by roll call.

Roll Call Vote:

AYES: Greg Maddex, Michael Delgado, Albert Chang, Bob Lehmeyer
NOES: 0
ABSTAIN: 0
ABSENT: Bob Kuhnert

8. Approval of Fifth Amended Bylaws for Oxford Preparatory Academy

Moved (Maddex), Second (Delgado), motion carried by a vote of 4-0 to approve the Fifth Amended Bylaws for Oxford Preparatory Academy as presented. The vote was taken by roll call.

Roll Call Vote:

AYES: Greg Maddex, Michael Delgado, Albert Chang, Bob Lehmeyer
NOES: 0
ABSTAIN: 0
ABSENT: Bob Kuhnert

9. Resolution to Ratify Extension of Employee Lease Agreement

Moved (Maddex), Second (Delgado), motion carried by a vote of 4-0 to approve the Resolution to Ratify Extension of Employee Lease Agreement as presented. The vote was taken by roll call.

Roll Call Vote:

AYES: Greg Maddex, Michael Delgado, Albert Chang, Bob Lehmeyer
NOES: 0
ABSTAIN: 0
ABSENT: Bob Kuhnert

D. ITEMS SCHEDULED FOR INFORMATION**1. Report of the Nominating Committee of Qualified Candidates for Election to the Board of Directors**

Bob Lehmeyer, Presiding Chairman, on behalf of the Secretary, presented the report of the Nominating Committee of Qualified Candidates for Election to the Board of Directors. The Nominating Committee has recommended Bob Kuhnert for the office of Chairman and Greg Maddex for the office of Secretary.

E. PUBLIC COMMENTS ON CLOSED SESSION ITEMS

None

III. CLOSED SESSION – DISCUSSION AND POSSIBLE ACTION

Bob Lehmeyer, Presiding Chairman, adjourned to closed session at 7:31 p.m. regarding public employment for Interim Executive Director.

IV. OPEN SESSION

Bob Lehmeyer, Presiding Chairman, reconvened the regular meeting of the Board of Directors at 8:00 p.m. The Board met in closed session from 7:31 p.m. to 8:00 p.m. regarding public employment for Interim Executive Director. The Board took action to approve hiring Barbara Black, Executive Vice President as the Interim Executive Director and the Public Employee Performance Evaluation. A roll call vote was taken on the following action:

Roll Call Vote for hiring Interim Executive Director:

AYES: Greg Maddex, Bob Lehmeyer, Michael Delgado, Albert Chang
NOES: 0
ABSTAIN: 0
ABSENT: Bob Kuhnert

V. **ADJOURNMENT**

Moved (Maddex), Second (Delgado), motion carried by a vote of 4-0 to adjourned the regular meeting of the Board of Directors for June 29, 2015. The vote was taken by roll call.

Roll Call Vote:

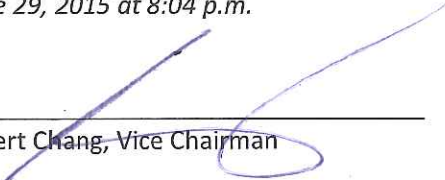
AYES *Greg Maddex, Bob Lehmeyer, Michael Delgado, Albert Chang*

NOES: 0

ABSTAIN: 0

ABSENT: *Bob Kuhnert*

Bob Lehmeyer, Presiding Chairman, adjourned the regular meeting of the Board of Directors for June 29, 2015 at 8:04 p.m.



Albert Chang, Vice Chairman



Greg Maddex, Secretary

Reported by: Jennifer Laddaga, Coordinator of Administrative Services

EXHIBIT D

California Secretary of State Statement of Information - The
Academies of Oxford Prep (filed June 30, 2016)



State of California Secretary of State

N

Statement of Information

(Domestic Nonprofit, Credit Union and General Cooperative Corporations)

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

FE51273

FILED

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

JUN-30 2016

1. CORPORATE NAME

THE ACADEMIES OF OXFORD PREP

2. CALIFORNIA CORPORATE NUMBER

C3514206

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
2281 DIEGUENO RD, BORREGO SPRINGS, CA 92004			

4. MAILING ADDRESS OF THE CORPORATION	CITY	STATE	ZIP CODE

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
BARBARA BLACK	23001 LA PALMA AVE SUITE 210, YORBA LINDA, CA 92887			

6. SECRETARY	ADDRESS	CITY	STATE	ZIP CODE
ROBERT ELDER	23001 LA PALMA AVE SUITE 210, YORBA LINDA, CA 92887			

7. CHIEF FINANCIAL OFFICER/	ADDRESS	CITY	STATE	ZIP CODE
CHRIS FUJII	23001 LA PALMA AVE SUITE 210, YORBA LINDA, CA 92887			

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.)
INCORP SERVICES, INC

9. STREET ADDRESS OF AGENT FOR SERVICE OF PROCESS IN CALIFORNIA, IF AN INDIVIDUAL CITY STATE ZIP CODE

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.

06/30/2016	MICHAEL DELUCA	MANAGER	
DATE	TYPE/PRINT NAME OF PERSON COMPLETING FORM	TITLE	SIGNATURE

SI-100 (REV 01/2016)

APPROVED BY SECRETARY OF STATE

EXHIBIT E

California Secretary of State Statement of Information -
Edlighten Learning Solutions (filed November 23, 2015)



**State of California
Secretary of State**

N

126
SI

FILED
Secretary of State
State of California
NOV 23 2015

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

1. CORPORATE NAME

Edlighten Learning Solutions

NF

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
23001 La Palma Ave Suite 220A	Yorba Linda	CA	92887

4. MAILING ADDRESS OF THE CORPORATION	CITY	STATE	ZIP CODE
23001 La Palma Ave Suite 220A	Yorba Linda	CA	92887

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	23001 La Palma Ave Suite 220A	Yorba Linda	CA	92887
6. SECRETARY	ADDRESS	CITY	STATE	ZIP CODE
Patti Ricci	23001 La Palma Ave Suite 220A	Yorba Linda	CA	92887
7. CHIEF FINANCIAL OFFICER/	ADDRESS	CITY	STATE	ZIP CODE
Michael DeLuca	23001 La Palma Ave Suite 220A	Yorba Linda	CA	92887

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	9. STREET ADDRESS OF AGENT FOR SERVICE OF PROCESS IN CALIFORNIA, IF AN INDIVIDUAL	CITY	STATE	ZIP CODE
National Registered Agents, Inc			CA	

C 1941323

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.

11/18/2015	Michael DeLuca	CFO	
DATE	TYPE/PRINT NAME OF PERSON COMPLETING FORM	TITLE	SIGNATURE

APPROVED BY SECRETARY OF STATE

EXHIBIT F

California Secretary of State Statement of Information -
Edlighten Learning Solutions (filed September 23, 2016)



State of California Secretary of State

N

Statement of Information

(Domestic Nonprofit, Credit Union and General Cooperative Corporations)

FG05251

FILED

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

SEP-23 2016

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

IMPORTANT – READ INSTRUCTIONS BEFORE COMPLETING THIS FORM

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
23001 LA PALMA AVE SUITE 220A, YORBA LINDA, CA 92887			

4. MAILING ADDRESS OF THE CORPORATION	CITY	STATE	ZIP CODE

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
MICHAEL DELUCA	23001 E LA PALMA AVE SUITE 220A, YORBA LINDA, CA 92887			

6. SECRETARY	ADDRESS	CITY	STATE	ZIP CODE
MICHAEL CHURCHILL	23001 LA PALMA AVE SUITE 220A, YORBA LINDA, CA 92887			

7. CHIEF FINANCIAL OFFICER/	ADDRESS	CITY	STATE	ZIP CODE
MICHAEL CHURCHILL	23001 LA PALMA AVE SUITE 220A, YORBA LINDA, CA 92887			

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: This person designated as the corporation's agent MUST have agreed to act in that capacity prior to the designation.]
NATIONAL REGISTERED AGENTS INC	

9. STREET ADDRESS OF AGENT FOR SERVICE OF PROCESS IN CALIFORNIA, IF AN INDIVIDUAL	CITY	STATE	ZIP CODE

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.

09/23/2016	MICHAEL DELUCA	CEO	
DATE	TYPE/PRINT NAME OF PERSON COMPLETING FORM	TITLE	SIGNATURE

EXHIBIT G


California Department of Education School Directory – Oxford
Preparatory Academy – San Diego County

California Department of Education

Home / Resources / School Directory / Details

California School Directory

School: Oxford Preparatory Academy - San Diego County

County	San Diego
District	Borrego Springs Unified
School	Oxford Preparatory Academy - San Diego County
CDS Code	37 67983 0128579
Low Grade	K
High Grade	12
Web site	www.oxfordchampions.org
School Email	barbara.black@oxfordchampions.com
Phone Number	(909) 464-2672
Fax Number	(909) 248-0459
Charter	Yes
Charter Number	1590
Charter Funding Type	Directly funded
NCES/Federal School ID	13716
School Address	2281 Diegueno Dr. Borrego Springs, CA 92004-5002 Google Map 
Mailing Address	2281 Diegueno Dr. Borrego Springs, CA 92004-5002
Administrator(s)	Barbara Black Administrator (909) 464-2672 barbara.black@oxfordchampions.com

November 28, 2016

Status	Closed
Open Date	2013-09-03
Close Date	2016-06-30
School Type	K-12 Schools (Public)
Year Round	No
Statistical Info	Quick Link to DataQuest Reports
CDS Coordinator (Contact for Data Updates)	Lisa Zierath 760-767-5335 Ext. 321 E-mail Update Request

Questions: CDS Administration | [cgsadmin@cde.ca.gov](mailto:cdsadmin@cde.ca.gov) | 916-327-4014

Page generated: 11/19/2016 12:09:28 PM

EXHIBIT H

California Secretary of State Business Entity Detail – The Academies of Oxford Prep


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[Business Programs](#)
[Notary & Authentications](#)
[Elections](#)
[Campaign & Lobbying](#)

Business Entities (BE)

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Business Entity Detail

Data is updated to the California Business Search on Wednesday and Saturday mornings. Results reflect work processed through Friday, November 18, 2016. Please refer to **Processing Times** for the received dates of filings currently being processed. The data provided is not a complete or certified record of an entity.

Entity Name:	THE ACADEMIES OF OXFORD PREP
Entity Number:	C3514206
Date Filed:	10/11/2012
Status:	ACTIVE
Jurisdiction:	CALIFORNIA
Entity Address:	2281 DIEGUENO RD
Entity City, State, Zip:	BORREGO SPRINGS CA 92004
Agent for Service of Process:	INCorp SERVICES, INC.
Agent Address:	5716 CORSA AVE STE 110
Agent City, State, Zip:	WESTLAKE VILLAGE CA 91362-7354

* Indicates the information is not contained in the California Secretary of State's database.

- If the status of the corporation is "Surrender," the agent for service of process is automatically revoked. Please refer to California Corporations Code **section 2114** for information relating to service upon corporations that have surrendered.
- For information on checking or reserving a name, refer to **Name Availability**.
- For information on ordering certificates, copies of documents and/or status reports or to request a more extensive search, refer to **Information Requests**.
- For help with searching an entity name, refer to **Search Tips**.
- For descriptions of the various fields and status types, refer to **Field Descriptions and Status Definitions**.

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EXHIBIT I

Oxford Preparatory Academy Executive Administrative Team



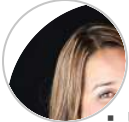



OPA's Leadership Team







[Home](#) » [About](#) » OPA's Leadership Team

- [Home](#)







Oxford Preparatory Academy Executive Leadership

	<p>Barbara Black EXECUTIVE DIRECTOR barbara.black@oxfordchampions.com Executive Director's Blog</p>	
<ul style="list-style-type: none"> ◦ About OPA 		
	<p>Monica Power MANAGING DIRECTOR monica.power@oxfordchampions.com ▪ University Search</p>	

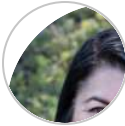





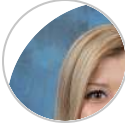













OPA – Chino Valley Site Administration

<ul style="list-style-type: none"> ▪ Mission & Vision 		
	<p>Andrew Crowe CHANCELLOR andrew.crowe@oxfordchampions.com Chancellor's Blog</p>	
<ul style="list-style-type: none"> ▪ Student Goals 		
	<p>Garrett Bridges DEAN Garrett.Bridges@oxfordchampions.com University Theme</p>	
	<p>Cyndi Valenta Programs and Academics Cyndi.Valenta@oxfordchampions.com</p>	

Executive Cabinet

<ul style="list-style-type: none"> ▪ Accolades 		
	<p>Amy Valenzuela Cafeteria ACADEMIC OFFICER amy.valenzuela@oxfordchampions.com</p>	
	<p>Juliette Ugartechea CHIEF FINANCIAL OFFICER juliette.ugartechea@oxfordchampions.com</p>	
<ul style="list-style-type: none"> ▪ Board of Directors 		
	<p>Jared McLeod CHIEF OPERATIONS OFFICER jared.mcleod@oxfordchampions.com</p>	

Executive Administration Team

	<p>Carrie Birchler COORDINATOR OF COMMUNICATION AND PUBLIC RELATIONS carrie.birchler@oxfordchampions.com</p>	
	<p>Nicholas Califato COORDINATOR OF BUSINESS SERVICES nick.califato@oxfordchampions.com</p>	
	<ul style="list-style-type: none"> ▪ Garrett Bridges – Dean <p>Lisa Czarnocki COORDINATOR OF ATTENDANCE lisa.czarnocki@oxfordchampions.com Report an Absence</p> <ul style="list-style-type: none"> ▪ Cyndi Valenta – Dean 	
	<p>Rachel Czarnocki COORDINATOR OF HUMAN RESOURCES rachel.czarnocki@oxfordchampions.com OPA's Leadership Team Human Resources Website</p>	
	<p>Rachel Foy COORDINATOR OF MULTIMEDIA DESIGN AND DIGITAL COMMUNICATION rachel.foy@oxfordchampions.com</p>	
	<p>Lisa Hall COORDINATOR OF EDUCATIONAL PROGRAMS lisa.hall@oxfordchampions.com Scholar Academy Website</p> <ul style="list-style-type: none"> ▪ Chino Valley (TK-8th and Independent Study) 	
	<p>Denise Hobbensiefken COORDINATOR OF INDEPENDENT STUDY denise.hobbensiefken@oxfordchampions.com SOG Mission Veto (TK-8th and Independent Study)</p>	
	<p>Cathy Kelley COORDINATOR OF ADMINISTRATIVE SERVICES cathy.kelley@oxfordchampions.com</p>	
	<p>Fox Lejhika COORDINATOR OF WORLD LANGUAGE fox.lejhika@oxfordchampions.com</p>	
	<ul style="list-style-type: none"> ▪ Summer Enrichment <p>Christian Marquez COORDINATOR OF FACILITIES christian.marquez@oxfordchampions.com</p> <ul style="list-style-type: none"> ▪ Academy Fund 	

- [Board of Directors](#)
- [Executive Director](#)
- [Chancellor](#)

EXHIBIT J

Signed Sue Roche letter dated May 30, 2012



Oxford Preparatory Academy Charter Schools

5862 C Street, Chino, California 91710 • Office: 909-464-2672 • FAX: 909-248-0459 •

www.oxfordchampions.com

Sue Roche, President/Executive Director

Jason Watts, Director of Educational Services

Barbara Black, Director of School Development

June 5, 2012

VIA ELECTRONIC MAIL

Wayne Joseph, Superintendent
Chino Valley Unified School District
5130 Riverside Drive
Chino, CA 91710

Dear Superintendent Joseph:

Thank you for the timely response to our May 30, 2012 letter. Attached is the executed "Letter to CVUSD" as deemed acceptable by counsel in the June 4, 2012 correspondence, as well as Oxford Preparatory Academy's Lottery Protocol with the suggested revisions.

Element 8 of the Petition reads, "The total number of students receiving enrollment preferences as children of faculty...shall not exceed 10 % of the total enrollment." To comply with the Petition language and provide the opportunity for new faculty members to enroll their children, Oxford Preparatory Academy reserves some openings for newly hired faculty. All openings will be filled prior to school commencing, thus ensuring no students on the wait list are deprived of otherwise available seats that may remain vacant all year.

Although we appreciate your suggestion to conduct the lottery with the assistance of a service organization, an Oxford Preparatory Academy representative, traditionally a Corporate Board member, principal or director, will draw names from the drum. In this case, following the Petition makes the most sense when considering the prior experience and efficiency of a public lottery conducted without third party involvement.

Due to time constraints, we will not be conducting an electronic public lottery this year, however, we may use it in future lotteries after offering assurances that the electronic selection method will be random, fair and unbiased. As stated in the Protocol, "names/numbers" will be assigned and can be used as alternating ways of identifying students entered into the lottery.

Thank you for your continued efforts in resolving these final matters.

Regards,

Sue Roche
President/Executive Director
Oxford Preparatory Academy

SR: km



Oxford Preparatory Academy

Charter Schools

5862 C Street, Chino, California 91710 - (909) 464-2672 - www.opacharterschools.com

Sue Roche, President & Executive Director

Jason Watts, Vice President & Director of Educational Services

Barbara Black, Director of School Development

May 30, 2012

VIA: Hand Delivery and Electronic Mail

Wayne_Joseph@chino.k12.ca.us

Wayne Joseph, Superintendent
Chino Valley Unified School District
5130 Riverside Drive
Chino, CA 91710

Dear Superintendent Joseph:

This letter serves as official documentation that Oxford Preparatory Academy – Chino Valley (OPA) has made an agreement with the Chino Valley Unified School District to be held accountable for complying with the federal non-regulatory guidance for conducting a public random drawing outlined in the 2007 Request for Application, Appendix J during the grant project period and as updated as stated below in 2011. The lottery protocol in Appendix R has been revised to comply with the PCSGP grant funding requirements for one (1) lottery.

The Hierarchy of Exemptions and Preferences for Enrollment

- Children of faculty;
- All enrollment exemptions or preferences for children of Founding Members expire July 1, 2012;
- Siblings of currently enrolled students; and
- Children of Chino Valley Unified School District residents (5:1 weighting) according to Federal Law and Guidance, "A charter school may not have separate lottery pools, but may have weighted lotteries when they are necessary to comply with applicable State law." The weighting factor needs to be established by agreement between the charter school and its chartering authority.

Waiting list priority is based upon the "hierarchy of exemptions and preferences for enrollment." The total number of students receiving enrollment preferences as children of faculty shall not exceed 10% of the total enrollment.

In Element 8, Section H. of the December 19, 2011 "Revisions to Petition" *Public Charter School Grant Program* ("PCSGP"), it states that Oxford Preparatory Academy reserves the right to modify the enrollment process and preferences to comply with the requirement of the "PCSGP," with the approval of the District Superintendent.

Please see the attached new *Chino Lottery Protocol*.

Sue Roche
Sue Roche, President/Executive Director
Authorized Agent

June 6, 2012
Date

CHINO VALLEY UNIFIED SCHOOL DISTRICT
Wayne Joseph
Wayne Joseph, Superintendent
Authorized Agent

6/7/12
Date

Corporate Board of Directors

Bob Kuhnert, Chairman – Albert Chang, Vice-Chairman – Mary Chladni, Secretary – Robert Lehmeier, Treasurer



LOTTERY PROTOCOL CHINO

"WE BELIEVE IN KEEPING FAMILIES TOGETHER"

Oxford Preparatory Academy (OPA) conducts an Open Enrollment for thirty (30) days in the spring of each year for parents who are interested in enrolling their child(ren) for the next school year. This year the Open Enrollment period was from February 23, 2012 through March 23, 2012. During that time parents were given the opportunity to complete the application requirements for attendance at OPA, and to fill out and submit an enrollment packet.

The OPA Charter Petition, Element 8 states, *"Following the open enrollment period each year, applications will be counted to determine whether any grade level has received more applications than availability. In the event that this happens, the school will hold a random public lottery to determine enrollment for the impacted grade levels, with the exception of existing students who are guaranteed enrollment in the following school year."*

The following are the lottery procedures:

- The lottery will take place within ninety (90) calendar days of closing the open enrollment period as defined above;
- The lottery will take place on the school's campus or in a facility large enough to allow all interested parties who wish to attend to do so;
- All interested parties will know, prior to the holding of the lottery, how many openings are available in the school and in the different grades served by the school;
- The lottery will take place on a given published date;
- Oxford Preparatory Academy will comply with all applicable state and federal laws and with the Chartering Authority's policy as it relates to the oversight of charter schools;
- The lottery shall draw student names/numbers from a "drum" during a public forum;
- A representative of Oxford Preparatory Academy shall draw the student names/numbers;
- As each student's name/number is drawn in their grade level, they are placed in either an opening or on the waiting list;
- As long as there are openings when a student's name/number is drawn, their siblings are placed either in an opening or on the waiting list at his/her grade level; and
- The drawing shall continue until all names are drawn.

When we receive more applications than we have openings, a random public drawing/lottery is conducted to establish **Placement, Sibling Priority, and Waiting** lists for each grade level.

In addition to the existing students who are guaranteed enrollment, as stated in the OPA petition, the "hierarchy of exemptions and preferences for enrollment" must also be followed. Students qualifying for these exemptions and preferences may be found in the Charter Petition, Element 8, Section F.

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. Some openings will be reserved until no later than the first day of school for newly hired staff children. The total number of students receiving enrollment exemptions and preferences as children of faculty shall not exceed 10% of the total enrollment.
2. Siblings of currently enrolled students will be placed in remaining openings. When there are not enough openings to accommodate the siblings, a Sibling Priority List will be established. The order on the Sibling Priority List will be determined by the students' previous lottery numbers from the 2011 lottery. These siblings will not be a part of the 2012 random public drawing.

3. All other students who enrolled during the Open Enrollment Period, whether they reside within the Chino Valley Unified School District (CVUSD) or outside of the CVUSD will be included in the lottery.
4. Those students who reside in the CVUSD will be given a “weighted” preference during the lottery. It will be a 5:1 ratio. This is to comply with the “hierarchy of exemptions and preferences for enrollment” and with federal guidelines of the Public Charter Schools Grant Program (PCSGP) for grant funding. The federal government requires that a charter school may not have separate lottery pools, but may have weighted lotteries.

OXFORD PREPARATORY ACADEMY RANDOM PUBLIC DRAWING/LOTTERY

- ❖ With the exceptions listed above, all students who enrolled during the Open Enrollment Period will participate in one lottery.
- ❖ Cards containing student names/numbers indicating their grade level and their siblings will be placed in the “lottery” drum by an OPA Representative. Traditionally a Corporate Board Member, Principal or Director.
- ❖ Due to the “weighted” preference, an in-district student will have five (5) entries whereas an out-of-district student would have only one (1) entry.

As the student names/numbers are randomly selected:

- ❖ They will be displayed and recorded.
- ❖ If there is an opening for the student selected:
 - The student will be placed in their designated grade level;
 - Siblings will be placed, provided space is available, in their designated grade level; and
 - Remaining siblings not placed in their designated grade levels will be placed on the ~~waiting~~-Sibling Priority-list at his/her grade level.
- ❖ If there is no opening for the student selected:
 - The student will be placed at the bottom of the Waiting list.
- ❖ If there is no opening for the student represented by the number selected, and their sibling(s) is/are selected for placement during the lottery:
 - Their sibling(s) will be placed in their designated grade level(s); and
 - The student will be moved from the Waiting list to the bottom of the Sibling Priority list.
- ❖ Once a student’s name/number has been drawn, and the student has been placed on the Placement, Sibling Priority, or Waiting list, duplicate entries selected as a result of preference weighting shall be eliminated.
- ❖ All names/numbers are drawn until each student has been placed in an opening or on the waiting list.
- ❖ The waiting list will expire at the end of each school year. Students not placed and remaining on the waiting list at the end of each school year must go through the Open Enrollment Process for the upcoming school year, if they remain interested in attending the school.

Notification: A Placement List, Sibling Priority List or Standard Waiting List postcard will be mailed to the address on record of each applicant within 2 weeks following the lottery, informing them of the lottery results for their children.

Confirmation of Acceptance/Decline Placement: Parents shall have three (3) business days from the date of first notification to accept or decline placement. In addition, the school shall attempt on at least two additional occasions to contact the parent(s)/guardian(s) of students promoted from the Waiting list.

Please be advised that grade level student/teacher ratios are estimates only. Oxford Preparatory Academy reserves the right to alter the ratios while maintaining the total school population that is agreed upon in the Charter Petition.

Revised 6/6/12

CHINO VALLEY UNIFIED SCHOOL DISTRICT

Our Motto:

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

DATE: November 28, 2016
TO: Members, Board of Education
FROM: Wayne M. Joseph, Superintendent
SUBJECT: OXFORD PREPARATORY ACADEMY RENEWAL CHARTER SCHOOL PETITION

=====

BACKGROUND

California Education Code sections 47605 and 47607 establishes 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 September 30, 2016.

A public hearing was held on October 20, 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. 2016/2017-14 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 section 47605.

**CHINO VALLEY UNIFIED SCHOOL DISTRICT
RESOLUTION NO. 2016/2017-14 ADOPTING RECOMMENDED FINDINGS OF FACT
REGARDING THE OXFORD PREPARATORY ACADEMY-CHINO VALLEY
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” or “District”) is required to review charter school petitions submitted to the District and grant or deny the proposed charter.

WHEREAS, the OPA-Chino charter renewal petitioners submitted the current OPA-Chino charter renewal petition to the District on September 30, 2016 to renew OPA’s charter for a five-year term beginning on July 1, 2017 through and including June 30, 2022.

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

WHEREAS, on November 14, 2016, the CVUSD requested in writing via electronic mail that under California Education Code section 47605(b), the OPA Board of Directors agree to a 30-day extension of the statutory timeline for the CVUSD to grant or deny the OPA-Chino charter renewal petition.

WHEREAS, on November 16, 2016, the OPA Board of Directors held a special Board meeting to consider the CVUSD’s request under California Education Code section 47605(b) for a 30-day extension of the statutory timeline for the CVUSD to grant or deny the OPA-Chino charter renewal petition.

WHEREAS, on November 17, 2016, OPA Executive Director Barbara Black notified the CVUSD by electronic mail that at the November 16, 2016 special Board meeting the OPA Board of Directors voted to deny the Chino Valley Unified School District’s request for an extension of the statutory timeline for the CVUSD to grant or deny the OPA-Chino charter petition under Education Code section 47605(b).

WHEREAS, the California State Board of Education has developed criteria to be used for the review 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, the same OPA-Chino charter renewal petitioners previously submitted an OPA-Chino charter renewal petition to the District on January 25, 2016, which was subsequently denied by the District's Governing Board by a vote of 5-0 on March 17, 2016.

WHEREAS, the same OPA-Chino charter renewal petitioners appealed the District's decision not to renew the OPA-Chino charter renewal petition to the San Bernardino County Board of Education ("SBCBOE") on April 15, 2016.

On July 1, 2016, the SBCBOE, through its legal counsel, noted in a letter to OPA that: *"The SBCBOE and SBCSS were highly concerned when they received notice that OPA Chino's Board and administration took unilateral action that materially changed OPA Chino's governance and operations, and in a manner not in keeping with its currently approved charter. This appears to have been done without consultation or approval of any of OPA-Chino's current authorizers, which includes Chino Valley Unified School District ("CVUSD")."*

The July 1st letter also informed OPA that: *"the San Bernardino County Board of Education ("SBCBOE") does not have jurisdiction to lawfully consider the renewal appeal for Oxford Preparatory Academy Chino Valley ("OPA Chino") and, therefore, will not be taking action to approve or deny it" because "the OPA Chino Board's decision to make material changes to its governance and operations pending this appeal divested the SBCBOE of hearing the petition on appeal."*

WHEREAS, the same OPA-Chino charter renewal petitioners appealed the SBCBOE's decision to not take action on OPA's renewal appeal to the California State Board of Education ("SBE") on August 1, 2016, but, on September 23, 2016, California Department of Education Charter Schools Division Director Cindy Chan informed the OPA-Chino charter renewal petitioners that: *"the SBE will not be taking action on the OPACV appeal" because "the petition submitted by OPACV contains a substantially different governance structure than that presented to the District, which significantly impacts various aspects of OPACV's proposed operation."*

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, on October 20, 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 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, one teacher employed by the CVUSD spoke 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-Chino Renewal Budget, the Onisko and Scholz, LLP Certified Public Accountants Review and Analysis of the OPA Charter School Renewal Petition and Budget, the November 22, 2016 FCMAT Extraordinary Audit of OPA, 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-Chino as the most important factor in determining whether to grant OPA-Chino's charter renewal petition along with all of the other elements of a charter petition set out in California Education Code section 47605(b).

The CVUSD Board of Education's consideration of "*increases in pupil academic achievement for all groups of pupils served*" by OPA-Chino included a review of OPA-Chino's California Assessment of Student Performance and Progress Testing Results for 2015, as released on September 15, 2016, and for 2016, as released on August 24, 2016 (see attached as Exhibit A).

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, with CVUSD's legal counsel, and with the Onisko & Scholz, LLP Certified Public Accountants firm have reviewed and analyzed all of the information presented by the OPA-Chino charter renewal petition and the OPA-Chino's Budget ("OPA-CV Budget"), including materials related to the operation and potential effects of the proposed OPA-Chino charter school.

WHEREAS, on August 5, 2016, San Bernardino County Superintendent of Schools Ted Alejandro informed OPA Executive Director Barbara Black and Board Members of the Oxford Preparatory Academy by letter that "*the San Bernardino County Superintendent of Schools ("SBCSS") authorized initiation of an audit pursuant to Education Code section 1241.5(c) for purposes of investigating allegations of fraud, fiscal mismanagement and conflicts of interest in the governance and operation of OPA-Chino*" to be conducted by "*the Fiscal Crisis and Management Assistance Team.*"

WHEREAS, on November 22, 2016, Fiscal Crisis and Management Assistance Team Chief Executive Officer Joel D. Montero notified San Bernardino County Superintendent of Schools Ted Alejandro by letter of the completion of the FCMAT Extraordinary Audit of the Oxford Preparatory Academy School.

Because the CVUSD staff review finds that granting the OPA-Chino charter renewal petition is not consistent with sound educational practice, CVUSD staff have made a recommendation to the CVUSD Board of Education in the form of this Resolution that the September 30, 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 the September 30, 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 September 30, 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-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)]**

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.”*

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

1. *The OPA-Chino Charter Renewal Petition Fails To Adequately Describe The Structure For Providing Administrative Services As Evidenced By The November 22, 2016 FCMAT Extraordinary Audit Of The Oxford Preparatory Academy Charter School*

California Code of Regulations, title 5, section 11967.5.1(c)(3)(A) 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 “*in the area of administrative services.*”

California Code of Regulations, title 5, section 11967.5.1(c)(3)(A)(1) states:

“(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:

(A) In the area of administrative services, the charter or supporting documents do not adequately:

- 1. Describe the structure for providing administrative services, including, at a minimum, personnel transactions, accounting and payroll that reflects an understanding of school business practices and expertise to carry out the necessary administrative services, or a reasonable plan and time line to develop and assemble such practices and expertise.”*

On November 22, 2016, the Fiscal Crisis and Management Assistance Team (“FCMAT”) published the San Bernardino County Superintendent of Schools regarding the Oxford Preparatory Academy Charter School – Extraordinary Audit (“FCMAT Extraordinary Audit of OPA”). The FCMAT Extraordinary Audit of OPA is available online at <http://fcmat.org/wp-content/uploads/sites/4/2016/11/San-Bernardino-CSOS-OPA-final-report-1139.pdf> and incorporated herein by this reference.

The November 22, 2016 FCMAT Extraordinary Audit of OPA states at page 1:

“Introduction

In June 2016, the Fiscal Crisis and Management Assistance Team (FCMAT) received a request from the San Bernardino County Superintendent of Schools Office for an Assembly Bill (AB) 139 extraordinary audit of the Oxford Preparatory Academy Charter School located in Chino, California. The county office had received allegations of multiple fiscal irregularities, questionable expenditures and inappropriate related-party transactions at the charter school. Concerned that these allegations may have violated serious government and education codes related to fraud and/or misappropriation of assets, the county superintendent initiated an investigation to determine whether sufficient evidence of criminal activity exists to report the matter to the local district attorney’s office for further investigation. Under the provisions of Education Code (EC) Section 1241, FCMAT entered into a contract with the county office to conduct an AB 139 extraordinary audit.”

At page 43, the November 22, 2016 FCMAT Extraordinary Audit of OPA concludes:

“Based on the evidence presented to FCMAT, there is sufficient documentation to demonstrate that fraud, mismanagement and misappropriation of the charter school funds and assets may have occurred. A significant material weakness exists in the charter school’s internal control environment, which increases the probability of fraud and/or abuse. These findings should be of a great concern to the Chino Valley Unified School District governing board.”

At page 44, the November 22, 2016 FCMAT Extraordinary Audit of OPA recommends that:

“Recommendation

The county superintendent should:

Notify the governing board of Oxford Preparatory Academy charter school, the governing board of the Chino Valley Unified School District, the State Controller, the Superintendent of Public Instruction, and the local district attorney that fraud, misappropriation of assets or other illegal activities may have occurred.”

The CVUSD Board of Education hereby specifically adopts the findings and recommendations of the November 22, 2016 FCMAT Extraordinary Audit of OPA and finds that the OPA-Chino charter renewal petition presents an unrealistic financial and operational plan for the for the proposed OPA-Chino charter school because the FCMAT Extraordinary Audit of OPA finds that “*fraud, mismanagement and misappropriation of the charter school funds and assets may have occurred.*”

2. The OPA-Chino Charter Renewal Petition Presents An Unrealistic Financial And Operational Plan For The Proposed OPA-Chino Charter School In The Area Of Financial Administration As Evidenced By The Onisko And Scholz, LLP CPA Review and Analysis Of The Oxford Preparatory Academy-Chino Valley Renewal Charter Petition and Budget

California Code of Regulations, title 5, section 11967.5.1(c)(3)(B) 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 “[i]n the area of financial administration.”

Due to discrepancies identified during the CVUSD staff’s review of the OPA-Chino charter renewal petition, the Certified Public Accountants firm of Onisko and Scholz, LLP was retained to prepare an independent Review and Analysis of the Oxford Preparatory Academy-Chino Valley Renewal Charter Petition and Budget. The Onisko and Scholz, LLP CPA Review and Analysis is attached as Exhibit B hereto and incorporated herein by this reference.

The Onisko and Scholz, LLP CPA Review and Analysis of the Oxford Preparatory Academy-Chino Valley Renewal Charter Petition and Budget concludes that the OPA Budget presents an unrealistic financial and operational plan for the proposed OPA charter school.

The Onisko and Scholz, LLP CPA Review and Analysis of the Oxford Preparatory Academy Charter School Petition and Budget also states at page one:

SUMMARY

After a comprehensive review of the Oxford Preparatory Academy-Chino Valley renewal charter petition and budget as submitted to the Chino Valley Unified School District, we conclude that the Oxford Preparatory Academy-Chino Valley renewal charter petition’s budget presents an unrealistic financial and operational plan for the proposed Oxford Preparatory Academy-Chino Valley charter school, because:

- 1) The Oxford Preparatory Academy – Chino Valley renewal charter petition’s renewal budget fails to present detailed budget notes that clearly describe OPA-CV’s financial budget projections pursuant to California Code of Regulations, Title 5, section 11967.5.1(c)(3)(B). OPA-CV fails to provide supplementary information describing how the proposed OPA-Chino Valley charter school’s revenues, costs, and cash flows were*

projected, either through historical data or comparative analytics from other charter schools or school districts of similar type, size, and location.

- 2) *The Oxford Preparatory Academy-Chino Valley renewal charter petition's budget fails to specify the required criteria for the selection of contractors as required by California Code of Regulations, Title 5, section 11967.5.1(c)(3)(A).*

OPA-CV fails to specify how contractors and consulting services are to be selected and fails to identify whether any consultants are related parties.

The OPA-CV's renewal budget identifies \$360,500 in year one expenditures for professional and consulting service providers. The OPA-CV's renewal budget notes fail to identify and present the names and detailed descriptions of the services to be provided by the professional and consulting service providers of, especially those vendors that may be affiliated or related to OPA-CV in any way.

OPA-CV also fails to identify special education encroachment costs or why encroachment costs are not budgeted and fails to explain how the OPA-CV's special education program revenue exceeds special education expenditures by \$126,357.

- 3) *The Oxford Preparatory Academy-Chino Valley renewal budget fails to explain the material differences between the three budgets OPA-CV has submitted to the CVUSD dated, January 25, 2016, June 23, 2016, and September 30, 2016. Furthermore, OPA-CV fails to explain how both its June 23, 2016 and September 30, 2016 budgets can each be based on identical enrollments of 1,226 students, but each budgets' revenues, expenditures, and beginning fund balance, differ so greatly. For example, OPA-CV fails to explain how OPA-CV's June 23, 2016 budget as submitted to the District has a budget year 2017-2018 beginning fund balance of \$1,433,615, while approximately three months later, the September 30, 2016 renewal budget, 2017-2018 year one fund balance is only \$400,000.*
- 4) *Because the Oxford Preparatory Academy-Chino Valley renewal budget fails to present any renewal budget notes describing how the OPA-CV renewal charter petitioners determined their 2017-2018 beginning cash of \$400,000 and fail to describe how they arrived at their revenues and expenditures accrual amounts, the OPA-CV's cash flow statement amounts presented are unrealistic and fail to comply with CCR, Title 5, section 11967.5.1(c)(3)(B).*

The CVUSD Board of Education hereby specifically adopts the findings of the Onisko and Scholz, LLP CPA Review and Analysis of the OPA-Chino Valley Renewal Charter Petition and Budget and 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 and budget present an unrealistic financial and operational plan for the proposed OPA-Chino charter school.

B. The OPA-Chino Charter Renewal Petitioners' Failed To Comply With All Conditions, Standards, Or Procedures Set Forth In The 2012 OPA Charter Renewal Petition.

Education Code section 47610 states, in relevant part, that: “A *charter school shall comply with this part and all of the provisions set forth in its charter.*”

On December 29, 2011, the CVUSD Board of Education passed Resolution No. 2011/2012-31 Approving the Renewal of the Charter School Petition for the Oxford Preparatory Academy by the Board of Education of the Chino Valley Unified School District dated December 29, 2011, which states, in pertinent part:

“WHEREAS, Oxford’s Executive Director has committed to recommending OPA Board approval of all changes to the amended renewal Petition and to the Special Education, Fiscal Oversight, and Facilities MOUs that have been agreed upon by the parties as of 5 p.m. on December 29, 2011, and has warranted that OPA Board approval thereof shall be certified in writing to the District no later than 5 p.m. on January 13, 2012 as an express condition of this approval of the Renewal Petition and MOUs by the District’s Board of Education.” (Emphasis added.)

Therefore, as an express condition of the CVUSD Board of Education’s approval of the November 1, 2011 OPA-Chino charter renewal petition, OPA agreed to and executed the Fiscal Oversight Memorandum of Understanding, the Facilities Oversight Memorandum of Understanding, and the Special Education Memorandum of Understanding.

1. OPA Violated The Terms Of The 2012-2017 Fiscal Oversight Memorandum of Understanding

The Fiscal Oversight Memorandum of Understanding By and Between Chino Valley Unified School District and Oxford Preparatory 2012-2017 approved by the OPA Board of Directors on January 10, 2012, and signed by OPA Board Secretary Mary Chladni and OPA President/Executive Director Sue Roche states, in relevant part:

“NOW, THEREFORE, the parties agree as follows:

- 1. All fiscal years of all OPA charter schools, any OPA affiliated organizations, and of OPA itself shall end June 30.***

2. *OPA shall cause a consolidated independent audit to be performed by an auditor on the State's list of approved auditors of the consolidated operations of each charter school under OPA and any OPA affiliates as well as OPA as a whole. The consolidated independent audit report will be made available to the District promptly upon request*
3. *All preliminary (July 1) budgets, interim financial reports, and final unaudited reports shall contain both individual budgets and a consolidated budget of all OPA and any OPA affiliated organizations financial activity.*” (Emphasis added.)

...

“8. This MOU shall be in full force and effect from the effective date of the renewal of OPA's charter on July 1, 2012, through the five year term of OPA's charter renewal and until the five year term expires on June 30, 2017.”

“Each person below warrants and guarantees that she/he is legally authorized to executive this Agreement on behalf of the designated entity and that such execution shall bind the designated entity to terms of this Agreement. This Agreement may be signed in counterpart such that the signatures may appear on the separate pages. Facsimile or photocopy signatures shall have the same force and effect as regular signatures.”

The November 22, 2016 FCMAT Extraordinary Audit of OPA states at pages 34 and 35:

“The district and OPA defined affiliated organizations in the MOU by stating, ‘any foundations that may later be formed by Oxford Preparatory Academy to support the nonprofit organization and/or more of its charter schools ...’

OPAS and ELS are nonprofit public benefits corporations that support OPA and meet the definition provided in the district's MOU with OPA as affiliates.

The following key elements are listed in the MOU between OPA and the district:

‘WHEREAS, the Charter School agrees to make the financial statements and audits of the entire organization, all affiliates, and each of the charter schools operated by OPA fully available to the District upon request ...’ (emphasis added)

‘WHEREAS, ‘affiliated organizations,’ for purposes of this Agreement, shall mean the Oxford Preparatory Academy nonprofit public benefit corporation, all charter schools operated by the Oxford Preparatory Academy nonprofit public benefit corporation, and any foundations that may later be formed by Oxford Preparatory Academy to support the nonprofit organization and/or more of its charter schools ...’

and

‘NOW, THEREFORE, the parties agree as follows:

- 1. All fiscal years of all OPA charter schools, any OPA affiliated organizations and of OPA itself shall end June 30.*
- 2. OPA shall cause a consolidated independent audit to be performed by an auditor on the State’s list of approved auditors of the consolidated operations of each charter school under OPA and any OPA affiliates as well as OPA as a whole.’ (emphasis added)*

The OPA-CV violated the terms of the MOU by failing to disclose affiliated organizations to the district and failure to consolidate by including the affiliated or related party organizations in the school’s audited financial statement reports.”

...

“ELS’s and OPA’s concealment of the related nature of their relationship from the district prevented the district from performing its oversight duties. As an affiliated and related party to OPA, ELS was required to be audited and consolidated in the OPA annual financial audit.”

Regarding OPA's failure to comply with the 2012-2017 Fiscal Oversight Memorandum of Understanding, the November 22, 2016 FCMAT Extraordinary Audit of OPA concludes at page 36:

“Regardless of any other conditions, rules, or accounting pronouncements, the MOU contract between OPA and the district requires consolidation of affiliated organizations related to OPA. Affiliated or related party organizations OPAS and ELS were never consolidated, disclosed or included in the OPA audited financial reports. In addition, TAOP (The Academies of Oxford Prep), Epic (Epic Youth Services, LLC.), E2 (Educational Excellence), and CLG (Collegiate Learning Group) were never disclosed as related parties.”

...

“Part of the standard annual audit process involves direct questions regarding related parties and internal controls. It is the responsibility of OPA management to disclose pertinent information to the auditor regarding the true nature of related parties, and management failed in its fiduciary duty to disclose these relationships.”

...

“When directly asked, both OPA management and OPA board members told the auditor that ELS was not a related party even though the OPA management and governing board members approved a master agreement to share employees, and commingle work spaces and expenditures.”

In fact, evidence exists that OPA's Administration and OPA's Board of Directors misrepresented information to OPA's own auditors Vicenti, Lloyd, Stutzman.

A letter dated June 8, 2016 from OPA's auditor Vicenti, Lloyd, Stutzman prepared in response to the District's request for *“an explanation on OPA's auditors Vicenti, Lloyd, Stutzman's letterhead of why Edlighten was not included in OPA's Independent Auditor's Report and Financial Statements for year ended June 30, 2015 or in any previous OPA audits”* provided to the District by OPA Executive Director Barbara Black sixty-three days later on August 10, 2016 states:

“Based upon a review of our audit work-papers, Edlighten first came to the attention to Vicenti Lloyd & Stutzman LLP (VLS) during the audit of OPA for the year ended June 30, 2013. Payments to Edlighten (then identified as Oxford Preparatory

Academy Schools) during the final fiscal quarter of year ended June 30, 2013 were examined during the testing of expenditures and inquiries were made regarding the relationship between OPA and Edlighten to determine if the notes of the financial statements should contain a related party footnote regarding these transactions. These payments were included in our audit testing for the years ended June 30, 2014 and 2015.

Our work-papers have documented that certain OPA board members and the management of OPA has consistently represented to Vicenti Lloyd and Stutzman that Edlighten was not a related party, based upon no shared employees (compensated) or Board members. Furthermore, additional representations led VLS to conclude that the two separate non-profit organizations were engaged in an ‘arms-length’ contractual arrangement to provide educational consulting and services that represented the OPA educational model. Based upon these representations, VLS did not believe Edlighten to be a related party that required a footnote disclosure or consolidation under Generally Accepted Accounting Principles.”

That the June 8, 2016 VLS letter identifies “*certain OPA board members*” and “*the management of OPA*” evidences OPA as representing to VLS that OPA and Edlighten Learning Solutions (formerly Oxford Preparatory Academy Schools) was “**not a related party.**”

In fact, the November 22, 2016 FCMAT Extraordinary Audit of OPA states:

*“OPA, management, staff and board members continue to conceal the true relationship of affiliated and related parties to the auditor; therefore, the original audited financial statements **do not conform to GAAP.**”* (Emphasis added.)

Despite denying the District’s concerns and representing to the District, the San Bernardino County Board of Education, and to the California State Board of Education that OPA had “*five years of clean audits,*” OPA has since requested that its auditors reissue OPA’s annual audits.

That the OPA-Chino charter renewal petition failed to disclose Edlighten Learning Solutions and other affiliated organizations and is now requesting the reissue of OPA-Chino’s annual audits evidences that OPA should have but failed to disclose OPA affiliated organizations in OPA-Chino’s required financial reports to the District, and therefore OPA violated the express provisions of OPA-Chino’s existing Financial Oversight MOU with the District.

2. 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.*”

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

Education Code section 48907 “*Student exercise of freedom of speech and press*” states:

“(a) *Pupils of the public schools, including charter schools, shall have the right to exercise freedom of speech and of the press including ...*” (Emphasis added.)

...

“(b) *The governing board or body of each school district or charter school and each county board of education shall adopt rules and regulations in the form of a written publications code, which shall include reasonable provisions for the time, place, and manner of conducting such activities within its respective jurisdiction.*” (Emphasis added.)

The OPA-Chino charter renewal petition fails to contain a written publications code providing for “*reasonable provisions for the time, place, and manner of conducting [student exercise of freedom of speech and press] within its respective jurisdiction,*” as required by Education Section 48907.

Further, the OPA-Chino charter renewal petitioners are unfamiliar with the requirements of law that would apply to the proposed charter school because the OPA-Chino charter renewal petition states at page 31 that “*Under the law, increases in academic achievement shall be the most important factor in the evaluation of a renewal petition,*” citing Education Code section 47607(a)(3)(A).

The OPA-Chino charter renewal petition language at page 31 incorrectly quotes Education Code section 47607(a)(3)(A), which 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.

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 petitioners are unfamiliar with the requirements of law that will apply to the proposed OPA-Chino charter school.

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)]

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).

A 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) states 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."

A. The OPA-Chino Charter Renewal Petition Fails To Contain A Reasonably Comprehensive Description Of The Educational Program Of The Proposed OPA-Chino 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:

1. The OPA-Chino Charter Renewal Petition Fails To Provide A Reasonably Comprehensive Description Of The Proposed OPA-Chino Charter School's Target Student Population [California Code of Regulations, title 5, section 11967.5.1(f)(1)(A)]

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 page 70 of the OPA-Chino charter renewal petition asks, “*Whom Will OPA Serve,*” and includes a chart of “*predominant ethnic groups,*” the OPA-Chino charter renewal petition fails to contain a reasonably comprehensive description of the proposed OPA-Chino charter school’s target student population’s “*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 OPA-Chino’s target population.

In fact, OPA-Chino’s own admissions policies contradict OPA’s claims at page 70 of the OPA-Chino charter renewal petition that OPA-Chino will “*make it a priority to dynamically recruit a diverse student population, including low-income and academically low achieving students, reflective of similar racial and ethnic backgrounds of those residing in the District.*”

Page 160 of the OPA-Chino charter renewal petition states:

*“Admissions preferences in the case of a public random lottery will be given to the following students **in the order below**:*

- a. Currently enrolled students (exempt from lottery);*
- b. Children of OPA staff and children of Founding Members combined (will not exceed 10% of total enrollment);*
- c. Siblings of current students;*
- d. If the Charter School is physically located in the attendance area of a District public elementary school in which at least 50% of the enrollment is eligible for free and reduced price lunch, then students currently enrolled in that school and students who reside in that elementary school attendance area will be given preference in accordance with Education Code Section 47605.3; and*
- e. Children residing within the District.”*

As submitted, OPA-Chino’s lottery preferences act to ensure that OPA-Chino’s student population will remain consistent rather than becoming “*a diverse student population*” because OPA-Chino’s “*currently enrolled students,*” the “*children of OPA staff and Founding Members combined,*” and “*siblings of current students*” will always be admitted prior to any students representing “*a diverse student population, including low-income and academically low achieving students.*”

Further, in stating at page 70 that “*The OPA-Chino Valley charter’s enrollment is expected to continue to closely reflect the average demographic makeup of Chino Valley USD,*” the OPA-Chino charter renewal petitioners ignore the fact that, since being chartered by the CVUSD in 2010-2011, OPA-Chino has never been able to “*closely reflect the average demographic makeup of Chino Valley USD.*”

Using one measure of “*the average demographic makeup of the Chino Valley USD,*” the percentage of students enrolled at OPA-Chino who are eligible for free or reduced price lunch (22%) substantially differs from that of the CVUSD (46%). Therefore, over twice as many CVUSD students qualified for free or reduced price lunch at CVUSD schools.

This fact was pointed out by San Bernardino County Board of Education Member Mr. Sherman Garnett at the June 10, 2016 San Bernardino County Board of Education Public Hearing on the January 25, 2016 OPA-Chino charter renewal appeal.

Similarly, the overall “*Parent Education Level*” of OPA-Chino students as reported in the 2016 Smarter Balanced Assessment Consortium (“SBAC”) testing data, otherwise known as the California Assessment of Student Performance and Progress (“CAASPP”) testing data, substantially differs from that of the CVUSD:

Chart 2 - Comparing Parent Education Level of Students With Scores on SBAC Testing				
	2014-2015		2015-2016	
	OPA	CVUSD	OPA	CVUSD
Parent Education – Not a High School Graduate	.2%	9%	.5%	9%
Parent Education – High School Graduate	4%	18%	4%	17%
Parent Education – Some College (Includes AA degree)	38%	21%	23%	22%
Parent Education – College Graduate	38%	27%	69%	42%
Parent Education – Graduate School/Postgraduate	31%	14%	30%	14%

* Source: CAASPP Test Results for English Language Arts/Literacy and Mathematics

The differences in OPA-Chino’s Parent Education Level as compared to the CVUSD’s are significant. In 2015-2016, the percentage of OPA students whose parent attended graduate school/postgraduate is twice that of the Districts, while the percentage of OPA students whose parent graduated college is 17 percentage points, or 64% more, than that of the District’s students.

The above free and reduced price lunch data and Chart 2 demonstrate that, not only did the OPA-Chino charter renewal petitioners fail to identify OPA-Chino’s target student population, but the OPA-Chino charter renewal petitioners also have misrepresented that “*The OPA-Chino Valley charter’s enrollment is expected to continue to closely reflect the average demographic makeup of Chino Valley USD,*” especially in light of OPA-Chino’s failure to 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 USD even after OPA-Chino’s seven years of operations.

Another measure by which OPA-Chino’s demographics can be compared to “*the average demographic makeup of the Chino Valley USD*” is the percentage of the District’s English learners attributable to a specific language group.

Chart 3 below compares the percentage of OPA-Chino’s English learners among OPA-Chino’s three largest language groups (*Spanish, Mandarin, and Gujarati*) to the CVUSD’s:

Chart 3 – Comparing OPA-Chino’s Top Three English Learner Language Groups to the CVUSD			
Language Group	OPA-Chino (2015-2016)	CVUSD (2015-2016)	Difference between CVUSD and OPA-Chino
Spanish	48.9%	75.3%	CVUSD has 26.4% more than OPA-Chino
Mandarin (Putonghua)	19.6%	11.6%	OPA-Chino has 8% more than CVUSD
Gujarati	6.5%	0.5%	OPA-Chino has 6% more than CVUSD

*Source: CDE DataQuest English Learner (EL) Data

Therefore, OPA-Chino’s enrollment of English learners neither reflects the CVUSD’s enrollment of English learners, generally, in terms of English learner enrollment as a percentage of total enrollment nor, specifically, in terms of specific language groups.

The CVUSD Board of Education therefore finds that the September 30, 2016 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-Chino charter school.

B. The OPA-Chino Charter Renewal Petition Fails To Contain A Reasonably Comprehensive Description Of The Proposed OPA-Chino 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 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 school renewal petition fails to provide a reasonably comprehensive description of the governance structure of the proposed OPA-Chino charter school because:

1. The OPA-Chino Charter Renewal Petition Fails To Disclose OPA’s Affiliation With The Academies Of Oxford Prep

The OPA-Chino charter renewal petition states at page 135 that: *“The governing body for OPA is the Oxford Preparatory Academy Board of Directors.”*

At pages 136 and 137, the OPA-Chino charter renewal petition outlines *“[t]he decision-making line of command, current Organizational Chart, for Oxford Preparatory Academy”* as flowing from the OPA Board of Directors directly to OPA Executive Director Barbara Black.

Under the OPA-Chino charter renewal petition’s governance structure, OPA Executive Director Barbara Black takes direction from, answers to, and owes a duty of loyalty to the OPA Board of Directors.

However, the OPA-Chino charter renewal petition fails to disclose or to contain any information about OPA's affiliation and related party transactions with the Academies of Oxford Prep, a non-profit corporation formed in 2012, and whose original agent for service of process was OPA Founder Sue Roche.

The Academies of Oxford Prep operated OPA-North San Diego, an OPA charter school chartered by the Borrego Springs Unified School District on May 29, 2013.

That the Academies of Oxford Prep is affiliated with OPA is evidenced by:

- The 2013 and 2014 Academies of Oxford Prep's IRS Form 990's (*available online at Guidestar*), which state:
 - o 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*);
 - o The name and address of the Academies of Oxford Prep's principal officer as Sue Roche, 5862 C Street, Chino, CA 91110 (*the name of OPA-Chino's founder and the address of the current OPA-Chino school*); and
 - o The Academies of Oxford Prep's designated Executive Director as Sue Roche.
 - o The Academies of Oxford Prep website as www.oxfordchampions.org (*a website formerly shared by OPA-Chino and OPA-SOC and that now automatically redirects to https://oxfordpreparatoryacademy.com, OPA's current website*).
- The 2015 Academies of Oxford Prep's IRS Form 990 (*available online at Guidestar*), which states:
 - o A website at www.oxfordpreparatoryacademy.org, a website belonging to a similarly named charter school in Jacksonville, Florida;
 - o **The name and address of the Academies of Oxford Prep's principal officer as Barbara Black, 23001 La Palma Avenue Suite 210, Yorba Linda, CA 92887** (*the name of OPA's current Executive Director and the former address of OPA's corporate office*);

- That OPA Founder, OPA Executive Director, and AOP Executive Director Sue Roche received **\$93,000** in “*Reportable compensation from the organization (W-2/1099-MISC)*” and \$2,160 in “*Estimated amount of other compensation from the organization and related organization*” while working an “*Average hours per week*” of 40;
- That then OPA Interim Executive Director and AOP Interim Executive Director Barbara Black received \$0 in “*Reportable compensation from the organization (W-2/1099-MISC)*” while working an “*Average hours per week*” of 40; and
- **That current Edlighten Learning Solutions Board of Director Member Mike Churchill was at that time the Chairman of the Academies of Oxford Prep Board of Directors.**

Financial records obtained by the District from OPA on May 11, 2016 show that OPA made several purchases from the Academies of Oxford Prep in December 2015, including:

- 32 Chromebooks for **\$5,119.68**;
- An undisclosed number of “Textbooks” for **\$3,657.20**;
- An undisclosed amount of “Furniture and Electronics” for **\$2,000**;
- “Speakers” for \$120; additional “Furniture” for **\$1,625**; and
- Additional “Textbooks” for \$6,399.24, for a total of **\$18,921.13**.

Additionally, financial records obtained by the District from OPA on July 15, 2016 show that OPA paid the Academies of Oxford Prep the following amounts in 2016:

- **\$5,600** on February 1, 2016 for “*Instruction – Instrument Purchase*”;
- **\$125,112** on February 26, 2016 to “*Reimburse for Special Ed Money Incorrectly De*”;
- **\$1,943.16** on February 29, 2016 for “*Instructional Library; Media & Technology – IT S*”; and
- **\$639.34** on June 7, 2016 for “*Cash Refund of Credit: Memo Balance*.”

In total, between December 2015 and June 7, 2016, **\$152,215.63** has been paid by OPA to the Academies of Oxford under the supervision of the current OPA administration.

The November 22, 2016 FCMAT Extraordinary Audit of OPA explains the organizational relationships that exist between OPA and affiliated organizations, such as AOP, and how OPA's failure to disclose OPA's relationships with OPA's affiliated organizations has affected the District's ability to effectively exercise its statutorily required oversight over OPA-Chino:

“Related Parties and Affiliates

The organizational relationships associated with Oxford Preparatory Academy Schools are complex. FCMAT establishes that the nonprofit and for-profit entities created to support Oxford Preparatory Academy and other Oxford Preparatory Academy entities are affiliated organizations and related parties that have a material or significant common control and economic interest.” (Page 9)

...

“The executive management of OPA [has] the responsibility to document in detail and fully disclose to the auditors, governing board, the district as the oversight agency, and [state] for purposes of conflict of interest and full disclosure reporting requirements any and all potential related party transactions to comply with Generally Accepted Accounting Principles (GAAP). Failure to disclose related party transactions may be a departure from GAAP that could result in a qualified or adverse audit opinion and the potential for civil and criminal prosecution.” (Page 9)

...

“Sufficient evidence that affiliated and/or related party organizations were intentionally created to divert and launder funds from Oxford Preparatory Academy and conceal the use of these funds from the oversight agency, Chino Valley Unified School District, (district), the independent auditor of Oxford Preparatory Academy (OPA), and all others that relied [on] the financial statements and independent financial audits.” (Page 10)

...

“Presenting the affiliated entities and related parties as simply vendors circumvented the district’s agreements contained in the charter petition and memorandum of understanding. It also prevented the district and auditor from performing their due diligence; fiscal oversight responsibilities; and prevented all concerned from seeing the true financial picture of OPA.” (Page 10)

...

“Evidence from internal and external documents, contracts, and tax returns provides that OPA, TAOP, and OPAS are affiliated and related parties with common management that have a significant economic interest in each other. Furthermore, the founder and current principal of OPAS has significant control over all the entities as both the CMO and a sole statutory member. The relationships between the related entities becomes more defined as OPAS evolves, changing its name to OPA-Alliance and finally ELS.

FCMAT examined transactions between both TAOP and OPA, which showed on March 28, 2016, check numbers 10096 and 10097, each for \$33,000, were prepared by TAOP to OPA and deposited into OPA’s bank account for an Employee Lease Agreement. (The ELS section of this report identifies this employee as the founder and former executive director.)” (Page 15)

...

“This report has demonstrated that OPA, TAOP, OPAS and ELS are related parties, and these entities have an economic interest in each other.” (Page 39)

The OPA-Chino charter renewal petition’s failure to disclose the above related party transactions between OPA and AOP and OPA’s affiliation to AOP raises serious concerns as to how and to what extent the CVUSD can conduct its statutory oversight of OPA when OPA has used and continues to use various undisclosed affiliated entities, including out-of-state for-profit entities.

Therefore, the OPA-Chino charter renewal petition fails to provide a reasonably comprehensive description of the governance structure of the proposed OPA-Chino charter school by failing to disclose the Academies of Oxford Prep’s affiliation to OPA, despite clear evidence of the OPA-AOP affiliation in the November 22, 2016 FCMAT Extraordinary Audit of OPA, in official government documents and in OPA’s own financial records.

2. The OPA-Chino Charter Renewal Petition Fails To Disclose OPA Executive Director Barbara Black's Employment As The Executive Director Of The Academies Of Oxford Prep.

Additionally, the OPA-Chino charter petition fails to disclose Mrs. Black's employment with the Academies of Oxford Prep, as evidenced by the approved minutes for the June 29, 2015 Oxford Preparatory Academy Regular Meeting of the Board of Directors held at the OPA-Borrego Springs/North San Diego's "Oceanside campus located at 4000 Mystra Way, Oceanside, California" (see attached as Exhibit C), which state:

"Robert Elder, Presiding Chairman, reconvened the regular meeting of the Board of Directors at 12:17 p.m. The Board met in closed session from 11:56 a.m. to 12:17 p.m. regarding public employment for Interim Executive Director. The Board took action to approve hiring Barbara Black, Executive Vice President as the Interim Executive Director. A roll call vote was taken on the following action:

Roll Call Vote for hiring Interim Executive Director:

AYES: Paul Vargas, Robert Elder, Chris Fuji
NOES: 0
ABSTAIN: 0
ABSENT: Larry Moore, Mike Churchill."

The approved minutes for the June 29, 2015 Oxford Preparatory Academy Regular Meeting of the Board of Directors held "at the South Orange County campus located at 23000 Via Santa Maria, Mission Viejo, California" (see attached as Exhibit D) also state:

"Bob Lehmeyer, Presiding Chairman, reconvened the regular meeting of the Board of Directors at 8:00 p.m. The Board met in closed session from 7:31 p.m. to 8:00 p.m. regarding public employment for Interim Executive Director. The Board took action to approve hiring Barbara Black, Executive Vice President as the Interim Executive Director and the Public Employee Performance Evaluation. A roll call vote was taken on the following action:

Roll Call Vote for hiring Interim Executive Director:

AYES: Greg Maddex, Bob Lehmeyer, Michael Delgado, Albert Chang
NOES: 0
ABSTAIN: 0
ABSENT: Bob Kuhnert."

Further, several official documents from California state and federal government agencies identify Mrs. Black's continuing role as Executive Director of AOP, including:

- The Statement of Information for the Academies of Oxford Prep filed with the California Secretary of State on **June 30, 2016** identifies Mrs. Black as Chief Executive Officer (*see attached as Exhibit E*).

The same **June 30, 2016** Academies of Oxford Prep Statement of Information form identifies Michael Deluca as AOP's manager and as the individual completing the Statement of Information.

In addition to the connection established by the June 30, 2016 the Academies of Oxford Prep Statement of Information between Mrs. Black as AOP's Chief Executive Officer, and Michael Deluca as AOP's manager and the individual completing the AOP Statement of Information, the Edlighten Learning Solutions' Statement of Information as filed on November 23, 2015 (*see attached as Exhibit F*) identifies Michael Deluca as Edlighten Learning Solutions' Chief Financial Officer and as the individual completing Edlighten Learning Solutions' Statement of Information.

In fact, the November 22, 2016 FCMAT Extraordinary Audit of OPA states at page 38 that: *"During FCMAT's interview of Barbara Black, executive director of OPA, Black wanted to make sure that FCMAT knew she had been paid \$10,000 by ELS for services. The services for ELS were described as establishing ELS structure, bylaws, and other miscellaneous tasks."*

Mrs. Black has never disclosed that she received compensation from Edlighten Learning Solutions to the District in any of her responses to the Districts multiple requests for information or otherwise.

Edlighten Learning Solutions' Statement of Information as filed on September 23, 2016 (*see attached as Exhibit G*) also identifies Michael Deluca as Edlighten Learning Solutions' Chief Executive Officer and as the individual completing Edlighten's Statement of Information.

- The 2014 Internal Revenue Service Form 990 *"Return of Organization Exempt From Income Tax"* for the Academies of Oxford Prep filed on May 5, 2016 by Mrs. Black as Executive Director identifies Mrs. Black as Interim Executive Director for the *"tax year beginning 07-01-2014 and ending 06-30-2015"* (*available online*).
- The California Department of Education California School Directory entry for *"Oxford Preparatory Academy – San Diego County"* identifies Mrs. Black as the administrator (*see attached as Exhibit H*).

As of November 18, 2016, the California Secretary of State Business Entity Detail for the Academies of Oxford Prep lists the entity's status as "ACTIVE" (*see attached as Exhibit I*). The above documents evidence that Mrs. Black presently continues her employment as Executive Director of the Academies of Oxford Prep.

The OPA-Chino charter renewal petition's failure to disclose Mrs. Black's simultaneous employment as both the Executive Director of OPA and the Executive Director of AOP, is similar to the January 25, 2016 OPA-Chino charter renewal petition's failure to disclose that Sue Roche was the Executive Director of OPA, the Executive Director of AOP, and the President/CEO of ELS:

- Academies of Oxford Prep's IRS Form 990 for the tax year beginning on 07-01-2014 and ending 06-30-2015 (*available online at Guidestar*) states that Mrs. Roche received **\$93,000** in "*Reportable compensation from the organization (W-2/1099-MISC)*" and **\$2,160** in "*Estimated amount of other compensation from the organization and related organizations*" and worked an "*Average hours per week*" of 40 as the Academies of Oxford Prep's Executive Director.
- Oxford Preparatory Academy's IRS Form 990 for the tax year beginning on 07-01-2014 and ending 06-30-2015 (*available online at Guidestar*) states that Mrs. Roche received an additional **\$194,022** in "*Reportable compensation from the organization (W-2/1099-MISC)*" and **\$38,211** in "*Estimated amount of other compensation from the organization and related organizations*" and worked an "*Average hours per week*" of 40 as OPA's Executive Director.
- Edlighten Learning Solutions IRS Form 990 for 2014 (*available online at Guidestar*) states that Mrs. Roche received an additional **\$55,971** in "*Reportable compensation from the organization (W-2/1099-MISC)*" and worked an "*Average hours per week*" of 40 as Edlighten Learning Solution's CEO/President.

In total, Mrs. Roche received a disclosed amount of **\$381,204** and allegedly worked an average of **120 hours per week** between the three organizations, dollar amounts of compensation and totals of hours allegedly worked that Mrs. Black was aware of because Mrs. Black signed AOP's 2014 IRS Form 990 and as part of her duties as OPA's Executive Director when OPA's 2014 IRS Form 990 was prepared and filed.

In signing the 2014 AOP IRS 990, Mrs. Black declared under the penalty of perjury that she has "*examined this return, including accompanying schedules and statements, and to the best of my knowledge and belief, it is true, correct, and complete,*" meaning that Mrs. Black affirmed under the penalty of perjury that Mrs. Roche worked an average of 40 hours per week for the Academies of Oxford Prep.

Additionally, in signing the 2014 AOP IRS 990, Mrs. Black affirmed that she, herself, worked 40 hours per week for AOP as AOP's Executive Director, while she was also employed as the Interim Executive Director of OPA and overseeing both OPA-Chino and OPA-South Orange County.

Concerning the duty owed by former OPA Executive Director Sue Roche and current OPA Executive Director Barbara Black to the OPA Board of Directors, the November 22, 2016 FCMAT Extraordinary Audit of OPA states at page 7:

“While the governing board and all employees in OPA have some responsibility for internal controls, the founder/former executive director and family members and close associates holding key administrative positions have a higher ethical standard, fiduciary duty and responsibility to safeguard the assets of OPA and fully disclose all related-party or affiliated organizations and companies to the school’s auditor and district.” (Emphasis added.)

Because Mrs. Black owed this same duty to the Academies of Oxford Prep as AOP's Executive Director, her dual employment by OPA and AOP adversely impacted her *“higher ethical standard, fiduciary duty and responsibility to safeguard the assets of OPA.”*

3. The OPA-Chino Charter Renewal Petition Contains Omissions And Material Misrepresentations Of Fact That Are Within OPA-Chino Executive Director Mrs. Black’s “Knowledge And Belief”

At page 6 of the OPA-Chino charter renewal petition, OPA's Executive Director and Lead Petitioner Barbara Black certifies that:

“As the authorized lead petitioner and Executive Director, I, Barbara Black, hereby certify that the information submitted in this petition for the establishment of a California public school named Oxford Preparatory Academy-Chino Valley (‘OPA’ or the ‘Charter School’), and located within the boundaries of the Chino Valley Unified School District (the ‘District’) is true to the best of my knowledge and belief. I also certify that this petition does not constitute the conversion of a private school to the status of a public charter school; and further, I understand that if awarded a charter, the Charter School will follow any and all federal, state, and local laws and regulations that apply to the Charter School, including but not limited to ...”

Despite Mrs. Black's explicit certification that the *“information submitted in this petition ... is true to the best of my knowledge and belief,”* the OPA-Chino charter renewal petition contains omissions and material misrepresentations of fact that are within Mrs. Black's *“knowledge and belief.”*

This is because Mrs. Black's resume, as included at *Appendix C – Resumes* with the OPA-Chino charter renewal petition, completely omits Mrs. Black's employment by the Academies of Oxford Prep ("AOP") as AOP's Executive Director from 2015 to the present date.

This omission is significant as Mrs. Black has consistently represented to the District, to the San Bernardino County Board of Education, and to the California State Board of Education that OPA was not required to disclose Edlighten Learning Solutions or the Academies of Oxford Prep (*along with Educational Excellence, LLC and Collegiate Learning Group, LLC*) as affiliated entities in OPA's in OPA's Consolidated Audit Reports.

Similarly, the resume submitted with the OPA-Chino charter renewal petition for Mr. Jared McLeod as OPA Chief Operations Officer omits and mischaracterizes Mr. McLeod's employment with Edlighten Learning Solutions as Edlighten Learning Solutions' Orange County Charter School Developer.

Mr. McLeod's resume, as previously submitted to the District on May 11, 2016 as part of OPA's response to the District's April 11, 2016 request for information, identified Mr. McLeod as having been employed by Edlighten Learning Solutions "*July 2015-Present.*"

However, Mr. McLeod's resume, as submitted with the September 30, 2016 OPA-Chino charter renewal petition, now states that Mr. McLeod was employed by Oxford Preparatory Academy Charter Schools from "*July 2015 – Present.*"

After OPA terminated Edlighten Learning Solutions' sole statutory membership on the OPA Board of Directors on April 11, 2016 and the OPA-ELS business relationship on May 26, 2016, OPA submitted its "*2016-17 Charter School Budget Report – Alternative Form*" dated June 23, 2016 to the District.

Upon review of OPA's June 23rd "*2016-2017 Charter School Budget Report,*" District staff identified an **\$881,797** dollar increase, or a 27.24% increase, from OPA's 2015-2016 estimated certificated salary costs. The size - **\$881,797** - and timing – soon after the termination of the OPA-Edlighten business relationship suggests that the **\$881,797** increase in OPA's certificated hiring costs may have resulted from OPA's hiring of several former ELS employees.

- a. Despite Mrs. Black's Certification That The Charter School Will Follow Any And All Federal, State, And Local Laws And Regulations, The OPA-Chino Charter Petitioners Have Failed To Comply With the California Constitution and With California State Laws.***
- i. The OPA-Chino Charter School Petition Fails To Comply With The California Constitution's Free School Guarantee And With The California Education Code***

The OPA-Chino charter renewal petition fails to comply with the California Constitution, Article IX, Section 5 and, more specifically, with Education Code section 49010.

Page 150 of the OPA-Chino charter renewal petition states:

“Students will be required to adhere to an established dress code, which will be clearly communicated through the Oxford Preparatory Academy Informational Handbook.”

Although the “*Oxford Preparatory Academy Informational Handbook*” was not included in the Appendices of the OPA-Chino charter renewal petition, the 2016-2017 OPA Parent Handbook for OPA-Chino and OPA-SOC available online contains information about OPA’s student dress code.

OPA’s student dress code as set forth in the 2016-2017 OPA Parent Handbook *requires* all OPA students to wear uniforms, including “*Formal Attire*” at school on Monday and either “*Formal Attire*” or other uniform pieces such as plaid shorts, polo shirts, and skorts at school on Tuesday through Friday.

The OPA Parent Handbook states on page 29:

“All uniform pieces will be purchased from OPA’s designated uniform company, Vicki Marsha Uniforms, located in Huntington Beach, California, to ensure consistency in style, durability, dye lots, and the very essence of a uniform.” (Emphasis added.)

The California Constitution, Article IX, Section 5 states:

“The Legislature shall provide for a system of common schools by which a free school shall be kept up and supported in each district.”

Also known as the “*Free School Guarantee*,” California Constitution, Article IX, Section 5 provision entitles the youth of the state to be educated at the public’s expense.

Education Code section 49010 restates the “*Free School Guarantee*”:

“(a) ‘Educational activity’ means 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.

(b) ‘Pupil fee’ means a fee, deposit, or other charge imposed on pupils, or a pupil’s parents or guardians, in violation of Section 49011 and Section 5 of Article IX of the California Constitution, which require educational activities to be provided free of charge to all pupils without regard to their families’ ability or willingness to pay fees or request special waivers, as provided for in Hartzell v. Connell (1984) 35 Cal.3d 899. A pupil fee includes, but is not limited to, all of the following:”

...

*“(2) A security deposit, or other payment, that a pupil is required to make to obtain a lock, locker, book, class apparatus, musical instrument, **uniform**, or other materials or equipment.*

*(3) A **purchase that a pupil is required to make to obtain materials, supplies, equipment, or uniforms associated with an educational activity.**” (Emphasis added.)*

Additionally, Education Code section 49011 states:

“(a) A pupil enrolled in a public school shall not be required to pay a pupil fee for participation in an educational activity.

(b) All of the following requirements apply to the prohibition identified in subdivision (a):

(1) All supplies, materials, and equipment needed to participate in educational activities shall be provided to pupils free of charge.

(2) A fee waiver policy shall not make a pupil fee permissible.”

(3) School districts and schools shall not establish a two-tier educational system by requiring a minimal educational standard and also offering a second, higher educational standard the pupils may only obtain through payment of a fee or purchase of additional supplies that the school or district or school does not provide.”

Education Code section 49010, in defining “*Educational activity*” and “*Pupil fee*” explicitly prohibits charter schools and school districts from charging pupil fees for participation in educational activities.

Although Education Code section 35183(b) permits the governing school board of any school district to “*adopt or rescind a reasonable dress code policy that requires pupils to wear a schoolwide uniform,*” the governing school board may only do so if it “*determines that the policy is necessary for the health and safety of the school environment.*”

While Education Code section 35183(b) allows uniforms only for “*the health and safety of the school environment,*” the OPA Parent Handbook instead concerns itself with “*style, durability, dye lots, and the very essence of a uniform.*”

Further, Education Code section 35183(e) requires that “*the governing board shall provide a method whereby parents may choose not to have their children comply with an adopted school uniform policy.*”

The “*Guidance for Charter Schools Regarding Legally Permissible Pupil Fees and Charges*” publication by Young, Minney & Corr, LLP, a charter school law firm, dated June 13, 2013 advises charter schools against requiring the purchase of school-specific uniforms, stating:

“AB 1575 specifically prohibits requiring purchases of uniforms associated with ‘educational activities,’ which also likely prohibits uniform purchases for extracurricular activities.”

...

“However, school districts may adopt reasonable dress code policies (Education Code Section 35138)”

...

“AB 1575 likely prohibits schools from requiring families to make specific purchases of uniforms with school logos, for example.”

The OPA website contains a quick link (<http://vickimarsha.com/oxford-preparatory-academy-chino-valley.html>) for OPA students in each grade to purchase uniform pieces, many **embroidered with OPA’s logo**, from Vicki Marsha Uniforms.

The Vicki Marsha Uniforms website identifies multiple components of boys’ and girls’ uniforms as “*Required Formal Attire*” and lists the corresponding prices for required OPA uniform pieces.

For example, a 5th grade girl student at OPA is required to purchase:

- OPA GIRLS OXFORD BLOUSE: SHORT SLEEVE WITH EMBROIDERED LOGO **Required Formal Attire** *Choice of Short or Long Sleeve...* \$23.75
- OPA GIRLS OXFORD BLOUSE: LONG SLEEVE WITH EMBROIDERED LOGO: **Required Formal Attire** *Choice of Short or Long Sleeve...*\$25.75
- PLAID PREP TIE **Required Formal Attire** *Choice of style...*\$11.50
- PLAID SELF ~ FOUR-IN-HAND TIE **Required Formal Attire** *Choice of Style ...* \$16.50
- 2-PLEAT SKIRT **Required Formal Attire** ... \$43.00
- OPA LETTERMAN SWEATER **Required Formal Attire** ...\$42.75
- Several other uniform pieces labeled “Daily Wear,” such as plaid shorts, polo shirts, and skirts, are also listed on the website and must be purchased in addition to the required uniform pieces unless the OPA student wears the required OPA Formal Attire every day.

By requiring student uniforms embroidered with OPA’s logo that can only be purchased at Vicki Marsha Uniforms, the student uniform required by the OPA-Chino charter renewal is in clear violation of the California Constitution’s Free School Guarantee and Education Code sections 49010 and 49011 prohibiting pupil fees.

Because OPA-Chino students must purchase expensive uniforms in order to attend OPA-Chino, OPA-Chino’s students are deprived of their right under the California Constitution to a free public school education.

The OPA-Chino charter renewal petition indicates on page 103 that Socioeconomically Disadvantaged students will receive free uniforms:

“OPA will address the unique needs of socioeconomically disadvantaged students in a sensitive and confidential way by:

...

Supply gently-used uniforms.”

California Education Code section 49010 expressly provides that “educational activities [must] be provided free of charge to all pupils without regard to their families’ ability or willingness to pay fees or request special waivers.”

Even if OPA-Chino will “*supply gently-used uniforms*” to socioeconomically disadvantaged students OPA’s uniform policy still creates a “*two-tier educational system*” prohibited by Education Code section 49011(b)(3) because one tier of OPA-Chino students can afford to purchase new the required OPA uniform and accessories, while another tier of OPA-Chino students is relegated to wearing “*gently-used uniforms*” that OPA supplies.

In fact, OPA offers at least forty-three (43) different uniform items for 5th grade girls, including twenty-one (21) varieties of OPA headwear, and sixteen (16) different uniform items for boys. In addition to creating two tiers based on the new or used condition of uniform, OPA’s uniform policy creates a “*two-tier educational system*” of OPA-Chino students that can afford to and OPA-Chino students that cannot afford to mix and match their required OPA uniforms.

Therefore, OPA-Chino’s offer of financial assistance to Socioeconomically Disadvantaged students who cannot afford uniforms does not make OPA’s pupil fee for required uniforms permissible.

ii. The OPA-Chino Charter Petitioners Have Failed To Comply With The Brown Act

The OPA-Chino charter renewal petition states at page 136:

“Oxford Preparatory Academy, Inc. will conduct all operations of the School, including Board meetings, in accordance with the Ralph M. Brown Act as set forth in California Government Code section 54950 et seq., and applicable provisions of the Education Code.

The Board of Directors meet several times throughout the year for the purpose of organization, appointment of officers, and the transaction of such other business as may properly be brought before the meeting. These meetings are held at a time, date, and place as noticed by the Board of Directors in accordance with the Brown Act. The charter school pledges that meetings not held within District boundaries will have an agenda posted within the District and a facility equipped to allow parent access in District boundaries by teleconference. Meeting locations rotate between the territorial jurisdictions of each OPA charter school. Staff at each site facilitate public participation at each of the sites.”

...

“Members of the Board of Directors may participate in teleconference meetings so long as all of the requirements in the Brown Act are complied with in accordance with the bylaws.”

However, the operational history of the OPA-Chino charter renewal petitioners at OPA-Chino Board of Directors meetings demonstrates the OPA Board of Director's non-compliance with the Brown Act.

The Brown Act's intent, as codified in Government Code section 54950, states:

"In enacting this chapter, the Legislature finds and declares that the public commissions, boards and councils and the other public agencies in this State exist to aid in the conduct of the people's business. It is the intent of the law that their actions be taken openly and that their deliberations be conducted openly.

The people of this State do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created."

The Minutes of the OPA Board of Directors' August 9, 2016 Regular Meeting evidence that the OPA Board of Directors took final action on OPA Executive Director Barbara Black's compensation in closed session in violation of Government Code section 54957.6, because OPA's own Minutes of the August 9, 2016 Regular Meeting of the Board of Directors state:

"Report Closed Session Action

Vice-Chairman Chang reconvened the special meeting of the Board of Directors at 9:37 p.m. Vice-Chairman reported out that Barbara Black was appointed Executive Director for Saddleback Valley and her contract will be revised to reflect the split between three school sites, there will be no other changes at this time. The Board ratified a bonus for Mrs. Black, received last December for the completion of the Saddleback MOU, as well as approving a bonus of 10% of Mrs. Black's contract amount for accomplishments during the 2015-2016 school year."

Government Code section 54957.6 provides that: "Closed sessions held pursuant to this section shall not include final action on the proposed compensation of one or more unrepresented employees."

Therefore, the OPA Board of Directors violated Government Code section 54957.6 by taking action to ratify a bonus for OPA Executive Director Barbara Black and approved a second bonus of 10% of Mrs. Black's contract amount for accomplishments during the 2015-2016 school year during the OPA Board of Directors' August 9, 2016 closed session.

Government Code section 54953(b)(3), states:

*“If the legislative body of a local agency elects to use teleconferencing locations and conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body of a local agency. **Each teleconference location shall be accessible to the public ... The agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3 at each teleconference location.**”*

OPA Board of Directors meeting agendas also evidence that during 2016 several OPA Board meetings have been teleconferenced to distant locations inaccessible to the Chino Valley public including, in violation of OPA’s own Bylaws and the Brown Act:

- **The Villa Zaccardi – Hotel – Circonvallazione Gianicolense 226, Rome, Italy**
(April 11, 2016 Special Meeting of the OPA Board of Directors);
- **3571 East Sunset Rd, Suite #300, Las Vegas, NV 89120**
(May 10, 2016 OPA Special Meeting of the OPA Board of Directors; May 26, 2016 Special Meeting of the OPA Board of Directors; June 23, 2016 Regular Meeting of the OPA Board of Directors; July 18, 2016 Special Meeting of the OPA Board of Directors; August 9, 2016 Regular Meeting of the OPA Board of Directors; and September 8, 2016 Regular Meeting of the OPA Board of Directors);
- **Building J, 14th Floor, No. 175, Section 3, Zhongyang Road, Taipei, Taiwan**
(June 23, 2016 Regular Meeting of the OPA Board of Directors);
- **23 Lobito, Lobito, Abashiri, Japan 099-2492**
(July 8, 2016 Special Meeting of the OPA Board of Directors); and
- **A gas station located at 65845 Cima Road, Nipton, CA 92364**
(September 29, 2016 Special Meeting of the OPA Board of Directors).

Also, despite the OPA-Chino charter renewal petition’s “pledge” that meetings not held within District boundaries will have “a facility equipped to allow parent access in District boundaries by teleconference,” citizens attending OPA Board meetings have observed that OPA is not properly equipped to conduct teleconference meetings that allow meaningful interaction between OPA parents and OPA Board members. In fact, on several occasions, persons attending OPA Board meetings observed that OPA Board members and the OPA administrators participated in the teleconferenced meeting through an OPA administrator’s cell phone.

4. The OPA-Chino Charter Renewal Petition Fails To Provide A Reasonably Comprehensive Description Of The Process To Be Followed By The Proposed Charter School To Ensure Parent Involvement [Education Code section 47605(D)]

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.*”

California Code of Regulations, title 5, section 11967.5.1(B)(2) requires “*active and effective representation of interested parties, including, but not limited to parents (guardians).*”

As submitted to the CVUSD on September 30, 2016, 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) because:

- Article VII of The Seventh Amended Bylaws of Oxford Preparatory Academy at Appendix G – Bylaws states:

“Section 3. DESIGNATED DIRECTORS AND TERMS. The number of directors shall be no less than three (3) and no more than seven (7), unless changed by amendments to these bylaws. All directors shall have full voting rights, including any representative appointed by the charter authorizer as consistent with Education Code Section 47604(b). All directors shall be nominated and elected by the existing Board of Directors.” (Emphasis added.)

...

“Section 6. NOMINATIONS BY COMMITTEE. The Chairman of the Board of Directors of, if none, the President will appoint a committee to designate qualified candidates for election to the Board of Directors at least thirty (30) days before the date of any election of directors. The nominating committee shall make its report at least seven (7) days before the election or at such other time as the Board of Directors may set and the Secretary shall forward to each Board member, with the notice of meeting required by these bylaws, a list of all candidates nominated by committee.” (Emphasis added.)

...

Section 11. REMOVAL OF DIRECTORS. Any director may be removed, with or without cause by a vote of the majority of the members of the entire Board of Directors ... Any vacancy caused by the removal of a director shall be filled as provided in Section 12.

Section 12. VACANCIES FILLED BY BOARD. Vacancies on the Board of Directors may be filled by nomination and election of the Board of Directors or, if the number of directors then in office is less than a quorum, by (a) the affirmative vote of a majority of the directors then in office at a regular or special meeting of the Board or (b) a sole remaining director.” (Emphasis added.)

The OPA Bylaws vest all authority to determine the composition of the OPA Board of Directors in the existing OPA Board of Directors because:

- The OPA Board of Directors nominates its own “*qualified candidates*”;
- The OPA Board of Directors votes on and elects its own directors; and
- The OPA Board of Directors may remove with or without cause members of the OPA Board of Directors.

Therefore, the OPA Bylaws fail to provide any means for OPA parents to determine or affect the composition of the OPA Board of Directors.

Although the OPA-Chino charter renewal petition refers to strategies for engaging parents, OPA’s governance structure actually diminishes the nature and quality of the parental involvement required by Education Code section 47605(D) because only one OPA Board of Directors, whose members according to page 136 of the OPA-Chino charter renewal petition are elected by the existing OPA Board of Directors such that the composition of the OPA Board does not require any OPA parental approval, makes all financial and policy decisions for all three existing OPA charter schools that impact students and parents at all three OPA charter schools located in three different geographically and demographically diverse areas.

The OPA-Chino charter renewal petition identifies at pages 139 the following groups as “*provid[ing] parents opportunities for input on schoolwide operations and school involvement activities*”: the OPA Founding Members Group, the OPA English Learner Advisory Committee, and the OPA Honour Society.

However, absent from the OPA-Chino charter renewal petition’s description of any of these parent groups are any direct means for the parents of OPA’s students to influence or to access the OPA Board of Directors, including any procedures allowing OPA parents to evaluate the OPA Board of Directors or to address OPA parent’s concerns regarding the actions of the OPA 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.

C. 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-Chino 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.)

Within OPA-Chino’s administrative job categories, the Chancellor is listed as a “key” position.

The OPA-Chino charter renewal petition lists additional qualifications for the Chancellor in *Appendix P – Job Descriptions* 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;

Must have a valid California Teaching Credential;

*Master’s degree from an accredited college/university **preferred**;*

Administrative credential is preferred.”

However, the November 1, 2011 OPA-Chino charter renewal petition requires the Chancellor/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 – Job Descriptions* 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,” the OPA-Chino charter renewal petition fails to specify any objective academic qualifications for an OPA Chancellor, such as a minimal level of education, even though the November 1, 2011 OPA-Chino charter renewal petition does specify such objective academic qualifications.

The OPA-Chino charter renewal petition also sets a lower expectation of OPA Chancellors than the November 1, 2011 OPA charter petition in that an “*administrative credential and master’s degree from an accredited college/university*” is merely preferred instead of being required, and despite the Chancellor being the “*educational leader*” and being “*accountable... for the quality of teaching, curriculum, instruction and achievement of students*” at the proposed OPA-Chino charter school, no teaching credential is required.

Further, the OPA-Chino charter renewal petition also fails to provide a reasonably comprehensive description of additional qualifications for the following key positions:

- **The OPA-Chino Dean** is not required by the OPA-Chino charter renewal petition to have an administrative credential or a teaching credential despite listed responsibilities of “*assist[ing] the chancellor as an educational leader of the school*” and “[*being*] accountable to the Executive Director for the **quality of teaching, curriculum, instruction, and the achievement of students,**”
- **The OPA-Chino Managing Director** is not required by the OPA-Chino charter renewal petition to possess a high school or college degree despite listed responsibilities which include “*project management, business, administration, information technology, facilities, and human resources and has the responsibility for overseeing the smooth operation of Oxford Preparatory Academy charter school sites, including administrative oversight.*”

- **The OPA-Chino Chief Academic Officer** is not required by the OPA-Chino charter renewal petition to possess a high school or college degree, teaching credentials, or administrative credentials despite listed responsibilities of “*serv[ing] as the chief instructional officer to the Executive Director,*” and “*provid[ing] administrative oversight of day-to-day functions of the charter school organization’s academic programs and state testing.*”
- **The OPA-Chino Chief Operations Officer** is not required by the OPA-Chino charter renewal petition to possess a high school or college degree despite listed responsibilities of “*plan[ning], organiz[ing], manag[ing], and direct[ing] all aspects of the charter schools’ facilities, planning, and operation.*”

The OPA-Chino charter renewal petition’s failure to require college degrees of several key members of OPA’s Executive Leadership team is incompatible with OPA’s vision, as stated at page 53 of the OPA-Chino charter renewal petition, to “*establish a center for higher learning in Chino Valley Unified School District where students from transitional kindergarten (TK) to eight grade are inspired to pursue university level academic studies*” and to “*create a collegiate-inspired atmosphere that supports [OPA’s] vision.*”

The OPA-Chino charter renewal petition also fails to require a college degree of many of its senior administrators, or a teaching credential and/or administrative credential of several senior OPA administrators that are responsible for OPA’s curriculum.

The OPA-Chino charter renewal petition lists the following staff to be employed at the proposed charter school at page 145:

“The following positions currently split their time and the costs are shared in proportion to each school’s ADA; one (1) part-time Executive Director; one (1) part-time Managing Director; one (1) part-time Chief Academic Officer; one (1) part-time Chief Operations Officer; and additional support staff (i.e. coordinators).”

The OPA-Chino charter renewal petition fails to describe how shared staff will “*split their time.*”

The OPA-Chino charter renewal petition fails to describe how support staff will “*support all schools within the organization,*” including how shared support staff will be utilized by all OPA charter schools, and how the same support staff that previously supported three OPA charter schools can now efficiently support four OPA charter schools.

“Appendix A – Budget” of the OPA-Chino charter renewal petition identifies in the “OPA-Chino Valley K-8 Renewal Petition – BUDGET NOTES” the following allocation of shared employee costs:

- OPA-Chino would be responsible for 45.39% of shared employee costs;
- OPA-South Orange County would be responsible for 32.58% of shared employee costs; and
- OPA-Saddleback Valley would be responsible for 22.03% of shared employee costs.

As submitted on September 23, 2016, the OPA-Los Serranos charter petition states that OPA-Los Serranos would be responsible for 24.99% of shared employee costs.

Therefore, between the OPA-Los Serranos charter petition and OPA-Chino charter renewal petition, all four OPA charter schools would be responsible for **124.99%** of OPA’s shared employee costs.

Additionally, the OPA-Chino charter renewal petition, as submitted, fails to identify the general qualifications for the following eleven (11) positions identified in the Oxford Preparatory Academy Organizational Chart at page 137 and by the OPA website as OPA’s “Executive Administration Team”:

- OPA’s Coordinator of Communication and Public Relations;
- OPA’s Coordinator of Business Services;
- OPA’s Coordinator of Attendance;
- OPA’s Coordinator of Human Resources;
- OPA’s Coordinator of Multimedia Design and Digital Communication;
- OPA’s Coordinator of Educational Programs;
- OPA’s Coordinator of Independent Study;
- OPA’s Coordinator of Administrative Services;
- OPA’s Coordinator of World Language;
- OPA’s Coordinator of Facilities; and
- OPA’s Teacher on Special Assignment.

OPA's website identifies OPA's "*Executive Administration Team*" (see attached as *Exhibit J*) as the largest of the three groups described as "*OPA's Leadership Team*" serving all existing and proposed OPA charter schools.

However, the OPA-Chino charter renewal petition fails to provide the job descriptions and responsibilities of OPA's "*Executive Administration Team*" even though the OPA-Chino charter renewal petition's organizational chart and the titles assigned to the members of OPA's "*Executive Administration Team*," show that each of the eleven positions impact both OPA's general operations, as well as aspects of OPA's administrative, instructional, instructional support, and non-instructional support.

Further, the OPA-Chino charter renewal petition at *Appendix A – Budget* fails to identify budgeted amounts for the compensation of three (3) members of OPA's "*Executive Administration Team*" – OPA's Coordinator of Attendance; OPA's Coordinator of Multimedia Design and Digital Communication; and OPA's Teacher on Special Assignment.

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-Chino charter school.

D. The OPA-Chino Charter Renewal Petition Fails To Contain A Reasonably Comprehensive Description Of The Means By Which The Proposed OPA-Chino 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.*"

The OPA-Chino charter renewal petition states at page 155 that "*Oxford Preparatory Academy will strive to have a broad representation of student demographics similar to that of the District.*"

The OPA-Chino charter renewal petition therefore fails to provide a reasonable comprehensive description of the means by which the proposed OPA-Chino 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 because "*a broad representation of student demographics similar to that of the District*" is not the legal standard required by Education Code section 47605(b)(5)(G).

The OPA Board of Directors and the OPA administration's recruiting efforts have failed to achieve demographics similar to the CVUSD at OPA-Chino.

The following charts show the clear deficiencies of OPA-Chino’s efforts to achieve a racial and ethnic balance among its pupils that is reflective of the general population residing within the territorial jurisdiction of the CVUSD:

Chart 4 - Differences in Percentage of Student Enrollment (Ethnicity) between OPA-Chino and the CVUSD				
	Percentage difference compared to CVUSD in initial year	Percentage difference compared to district in 2015-2016	Net Change in percentage difference since chartered	Summary
Hispanic or Latino of Any Race	- 16.5%	-10%	6.5%	OPA-CV still has 10% less students who are “ <i>Hispanic or Latino of Any Race</i> ” than the CVUSD.
Filipino, Not Hispanic	+ 2.6%	+1.2%	1.4%	OPA-CV still has 1.2% more students who are “ <i>Filipino, Not Hispanic</i> ” than the CVUSD.
White, Not Hispanic	+ 6.4%	+4.8%	1.6%	OPA-CV still has 4.8% more students who are “ <i>White, Not Hispanic</i> ” than the CVUSD.

*Source: CDE DataQuest

Chart 4 demonstrates that well into OPA-Chino’s seventh year of operation the OPA Board of Directors and OPA’s administration have demonstrated a continuing inability to “*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.

A significant disparity exists between OPA-Chino’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 158, OPA-Chino’s enrollment in 2015-2016 consisted of 47% students who are Hispanic. In comparison, the CVUSD K-8 schools enrollment consisted of 57% students who are Hispanic in 2015-2016.

Similarly, into OPA-Chino’s seventh year of operating in the CVUSD, the OPA Board of Directors and OPA’s administration have failed to enroll a percentage of Socioeconomically-Disadvantaged students at OPA-Chino that is reflective of the CVUSD:

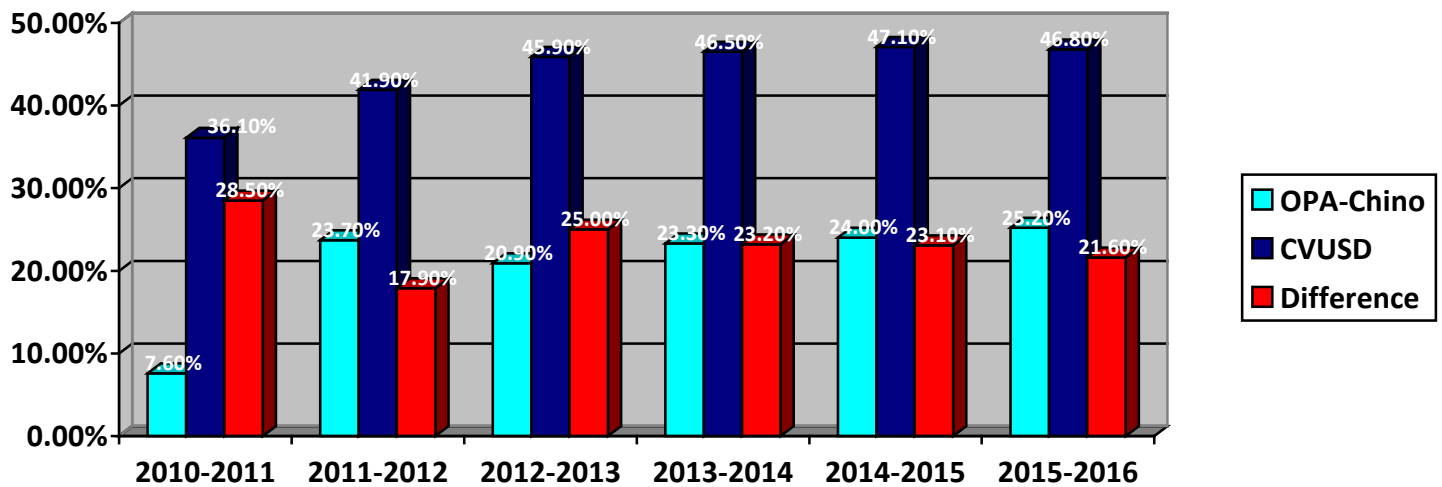
Chart 5 - Comparing the Percentage of Socioeconomically Disadvantaged Enrollment at OPA-Chino to the CVUSD						
	2011-2012			2015-2016		
	OPA-CV	CVUSD	Difference	OPA-CV	CVUSD	Difference
Socioeconomically Disadvantaged	23.7%	41.9%	18.2%	25.2%	46.8%	21.6%

*Source: CDE DataQuest

In fact, although the percentage of OPA-Chino students categorized as Socioeconomically-Disadvantaged has increased by 23.7% since 2011-2012, the difference in percentage of students categorized as Socioeconomically-Disadvantaged at OPA-Chino as compared to the CVUSD has also increased from 18.2% to 21.6%.

The graph below shows that, although OPA-Chino increased the percentage of students enrolled at OPA-Chino who are socioeconomically disadvantaged between 2010-2011 from 7.6% to 23.7%, over the four school years since 2010-2011, OPA has only managed to increase the percentage of Socioeconomically-Disadvantaged students by 1.5% from 23.7% in 2010-2011 to 25.2% in 2015-2016:

Graph 1 – Comparing the Percentage of Socioeconomically Disadvantaged Students



*Source: CDE DataQuest

There is a marked difference in the percentage of Hispanic, Socioeconomically-Disadvantaged students at OPA-Chino as compared to those in the CVUSD:

	Hispanic Enrollment	Socioeconomically-Disadvantaged, Hispanic Enrollment	Socioeconomically-Disadvantaged enrollment as a percentage of Hispanic Enrollment
OPA-Chino	567	197	34.7%
CVUSD	16,833	10,512	62.4%

*Source: CDE DataQuest

Additionally, OPA-Chino’s English learner enrollment still does not reflect that of the CVUSD:

Chart 7 - Comparing the Percentage of English Learner Enrollment at OPA-Chino to the CVUSD						
	2010-2011			2015-2016		
	OPA	CVUSD	Difference	OPA	CVUSD	Difference
English Learner	5.7%	19.5%	12.5%	7.7%	12.9%	5.2%

*Source: CDE DataQuest

Further, there is also a marked difference in the percentage of Hispanic, English learners at OPA-Chino as compared to those in the CVUSD:

Chart 8 - Comparing English Learner, Hispanic Enrollment at OPA-Chino and in CVUSD for 2015-2016			
	Hispanic Enrollment	English Learner, Hispanic Enrollment	English Learners as a percentage of Hispanic Enrollment
OPA-Chino	567	45	7.9%
CVUSD	16,833	2,843	16.9%

*Source: CDE DataQuest

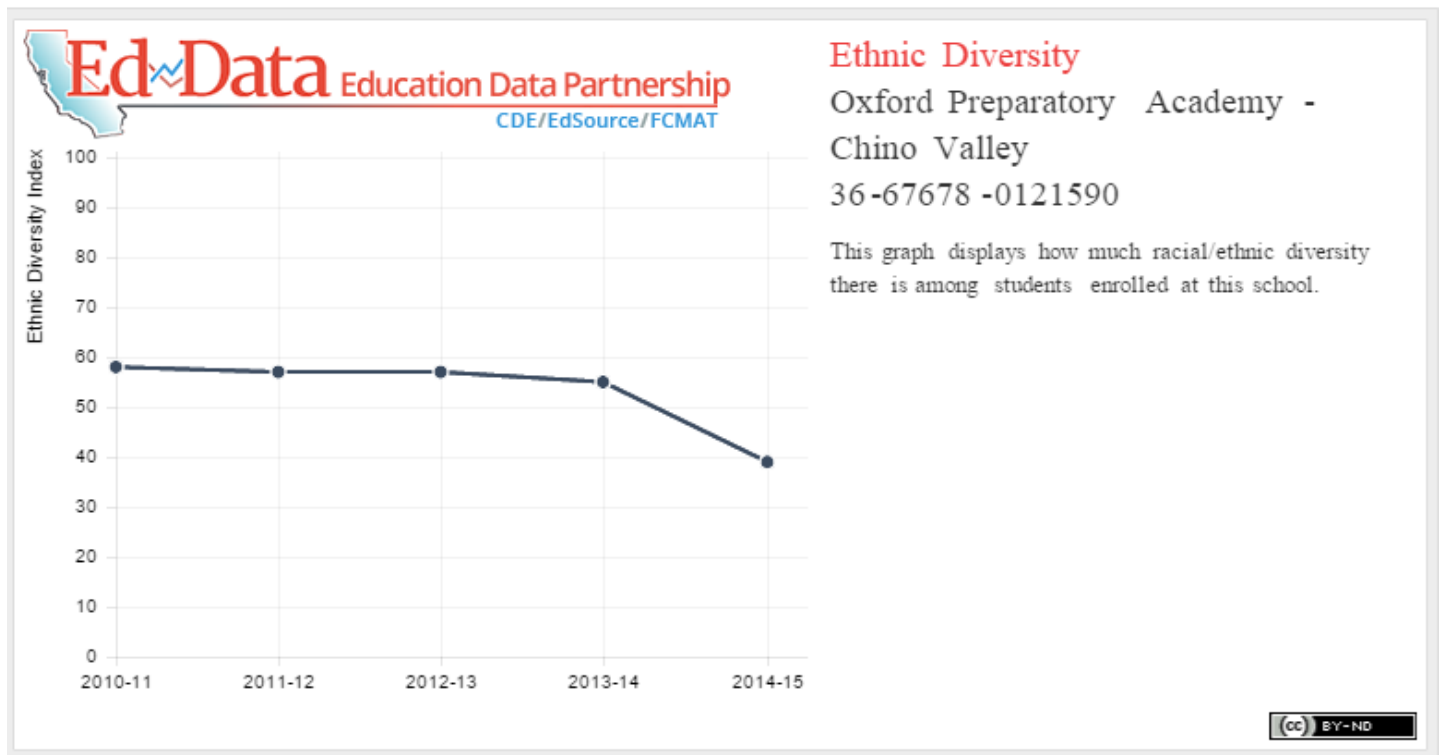
Therefore, in addition to having 5.2% less general English learner enrollment during the 2015-2016 school year as compared to the District, OPA-Chino also had 9% less Hispanic English Learners than the CVUSD.

OPA-Chino’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 are also contradicted by the Ed-Data Ethnic Diversity Index for Oxford Preparatory Academy – Chino Valley 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*” states as of November 22, 2016:

Graph 2 – Ed-Data’s Ethnic Diversity Index – Oxford Preparatory Academy



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 petition fails to explain how OPA-Chino’s Public Random Drawing Admission Preferences at page 160 of the OPA-Chino charter renewal petition will allow OPA to achieve a racial and ethnic balance reflective of the general population residing within the territorial jurisdiction of the CVUSD, when OPA-Chino’s Public Random Drawing preferences prioritize the children of OPA-Chino faculty and Founding Members over other students currently enrolled in or who reside in the attendance area of the current OPA-Chino schoolsite if it is “*physically located in the attendance area of a public elementary school in which 55 percent or more of the pupil enrollment is eligible for free or reduced-price meals*” pursuant to Education Code section 47614.5(c)(2)(A), and over other students residing within the District.

That OPA has extended admission’s preferences to children of Founding Members at OPA-Chino into OPA-Chino’s *seventh year* of operation violates the California Charter Schools Association’s recommendation 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.”

In fact, contrary to the *OPA-Chino Valley Response to the CVUSD Recommended Findings of Fact* submitted by OPA to the San Bernardino County Superintendent of Schools Office on April 15, 2016, which states at page 60 that “**No new Founding Members have been accepted since 2011,**” a claim repeated by former Edlighten Learning Solutions Orange County Charter School Developer and current Oxford Preparatory Academy Chief of Operations Jared McLeod at the June 10, 2016 San Bernardino County Board of Education Public Hearing, a comparison of the OPA Founding Members as stated in the November 1, 2011 OPA-Chino Charter Renewal Petition and as stated in the 2015-2016 OPA-Chino Valley Parent Handbook shows six (6) new additional OPA Founding Members, including Curt Hagman, Jeff Meddock, Yvonne Meddock, Deanna O’Brien, Sue Roche, and Chris Trabert.

Additionally, a May 30, 2012 letter signed by then OPA President/Executive Director Sue Roche on June 6, 2012 (*see attached as Exhibit K*) states:

“This letter serves as official documentation that Oxford Preparatory Academy – Chino Valley (OPA) has made an agreement with the Chino Valley Unified School District to be held accountable for complying with the federal non-regulatory guidance for conducting a public random drawing ... The lottery protocol in Appendix R has been revised to comply with the PCSGP grant funding requirements for one (1) lottery.”

...

“The Hierarchy of Exemptions and Preferences for Enrollment

- *Children of faculty;*
- *All enrollment exemptions or preferences for children of Founding Members expire July 1, 2012.”* (Emphasis added.)

Therefore, in fact the OPA-Chino administration has continued to extend an admissions preference to children of founding members at OPA-Chino through the expiration of the current OPA-Chino charter on June 30, 2017, four (4) years, eleven (11) months, and twenty-nine (29) days after OPA-Chino’s own agreed upon expiration date for “*exemptions or preferences for children of Founding Members.*”

Further, although the OPA-Chino charter renewal petition states at page 155 that “*OPA will use a multitude of free and volunteer strategies to communicate with local families, organizations, and community leaders in an effort to reach 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,*” neither the September 30, 2016 OPA-Chino charter renewal petition, the OPA website, nor OPA’s student recruitment history evidence a serious attempt at achieving racial and ethnic balance reflective of those residing within the CVUSD’s territorial jurisdiction, especially the Hispanic, English learner population.

Only two of the seven “*Parent Information Meetings*” scheduled at OPA-Chino Valley and three of the “*Parent Information Meetings*” scheduled at OPA-South Orange County, accommodate Spanish-speakers. Additionally, all three of the campus tours scheduled in the morning from 10:00 am – 10:30 am, during regular work hours, are conducted only in English, and, according to the OPA website, “*Space is extremely limited for our campus tours.*” Also, it does not appear that any of OPA’s three scheduled “*Information Webinars*” are presented in Spanish. Therefore, of the thirteen OPA parent information/student recruitment events scheduled between September 28, 2016 and October 24, 2016, only two OPA events accommodate Spanish-speakers.

Despite OPA’s clear failure to “*achieve a racial and ethnic balance*” at OPA-Chino, the OPA-Chino charter renewal petitioners have submitted an identical plan for “*achieving a racial and ethnic balance*” to the plan OPA previously submitted with the November 1, 2011 OPA-Chino charter renewal petition and with the January 25, 2016 OPA-Chino charter renewal petition.

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-Chino charter school will achieve a racial and ethnic balance among its pupils that is reflective of the general population 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 155 of the OPA-Chino charter renewal petition sets forth OPA’s open enrollment and application process.

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

However, the OPA-Chino charter renewal petition states the proposed OPA-Chino's charter school's admission preferences at page 160 as:

“Admission preferences in the case of a public random drawing will 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) If the Charter School is physically located in the attendance area of a District public elementary school in which at least 50% of the enrollment is eligible for free and reduced price lunch, then students currently enrolled in that school and students who reside in that elementary school attendance area will be given preference in accordance with Education Code Section 47605.3; and*
- e) Children residing within the District.”*

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

“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.”

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 47614.5(c)(2)(A) specifically provides for an admissions preference where:

“The charter schoolsite is located in the attendance area of a public elementary school in which 55 percent or more of the pupil enrollment is eligible for free or reduced-price meals and the charter schoolsite 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 schoolsite is located.”

Therefore, the decision to permit a lottery admission preference for children of OPA-Chino “*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 OPA-Chino charter renewal petitioners’ proposed admissions preferences that are not expressly provided for by the California Education Code.

The OPA-Chino charter renewal petition’s extension of admissions preferences first to children of OPA-Chino faculty members and/or Founding Members, and 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.”

Under the OPA-Chino charter renewal petition’s illegal and unfair admissions preferences, students who reside in the CVUSD are denied admission preference in favor of other students including the children of OPA-Chino faculty members, the children of OPA-Chino Founding Members, and the siblings of enrolled OPA-Chino students.

The extension of admissions preferences to children of OPA-Chino faculty members and/or OPA-Chino Founding Members also violates Education Code section 49011(b)(4) because “*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.*”

OPA-Chino Faculty members and OPA-Chino Founding Members of OPA provide OPA-Chino with goods or services by way of their employment with and/or other support of OPA-Chino.

Further, *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:”

...

2. Children of Faculty members will be placed first in any openings ...

3. Siblings of currently enrolled students will be placed in remaining openings. When there are not enough openings to accommodate the siblings, students will be placed on the Sibling Priority List. The order on the Sibling Priority List will be determined by the students’ previous lottery number. These siblings will not be part of a random public drawing; the Sibling Priority List remains on-going and does not expire at the end of the year.”

The OPA-Chino charter renewal petition’s language concerning lottery preferences and *Appendix L’s “hierarchy of exemptions and preferences”* express a clear bias for children of OPA Founding Members and siblings of currently enrolled students over an admissions preference permitted under Education Code 47614.5(c)(2)(A) for “*students currently enrolled in [the attendance area of a District public elementary school in which at least 50% of the enrollment is eligible for free and reduced price lunch] and students who reside in that elementary school attendance area and children residing within the District.*”

The practical results of OPA-Chino charter renewal petitioners’ “*hierarchy of exemptions and preferences*” as shown by the above DataQuest enrollment data for OPA-Chino, are that OPA-Chino has made only minimal progress towards achieving the statutorily required racial and ethnic balance reflective of the general population in the territorial jurisdiction of the CVUSD.

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 that the OPA-Chino charter renewal petition therefore fails to contain a reasonably comprehensive description of the pupil admission requirements for the proposed OPA-Chino 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.”

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-Chino’s charter school’s suspension and expulsion policies fail to “*demonstrate an understanding of the rights of pupils with disabilities in regard to suspension and expulsion*” and also deny OPA-Chino’s pupils with disabilities students their legal right to due process as required by California Code of Regulations, title 5, section 11967.5.1(f)(10) because the OPA-Chino charter renewal petition fails to “*provide for due process for all pupils and demonstrate an understanding of the rights of pupils with disabilities in regard to suspension and expulsion.*”

The OPA-Chino charter renewal petition provides on page 174:

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

The proposed OPA-Chino charter school’s suspension and expulsion policies also fail to “*demonstrate an understanding of the rights of pupils with disabilities in regard to suspension and expulsion*” and deny OPA-Chino’s pupils with disabilities their legal right to due process as required by California Code of Regulations, title 5, section 11967.5.1(f)(10) because the September 30, 2016 OPA-Chino charter renewal petition fails to comply with federal law governing the procedures for a “*manifestation determination.*”

Code of Federal Regulations, title 34, sections 300.530(e)-(F) state:

“(e) Manifestation determination.

(1) Within 10 school days of any decision to change the placement of a child with a disability because of a violation of a code of student conduct, the LEA, the parent, and relevant members of the child’s IEP Team (as determined by the parent and the LEA) must review all relevant information in the student’s file, including the child’s IEP, any teacher observations, and any relevant information provided by the parents to determine–

(i) If the conduct in question was caused by, or had a direct and substantial relationship to, the child's disability;
or

(ii) If the conduct in question was the direct result of the LEA's failure to implement the IEP.

(2) The conduct must be determined to be a manifestation of the child's disability if the LEA, the parent, and relevant members of the child's IEP Team determine that a condition in either paragraph (e)(1)(i) or (1)(ii) of this section was met.

(3) If the LEA, the parent, and relevant members of the child's IEP Team determine the condition described in paragraph (e)(1)(ii) of this section was met, the LEA must take immediate steps to remedy those deficiencies.

The OPA-Chino charter renewal petition, at page 176, fails to state that the proposed OPA-Chino charter school will comply with the Code of Federal Regulations, title 34, section 300.530(e)(3)'s requirement that "*immediate steps*" must be taken "*to remedy [the] deficiencies*" of the LEA's failure to implement the IEP.

Additionally, the OPA-Chino charter renewal petition fails to define "*serious bodily injury*" for the purposes of "*Special Procedures for the Consideration of Suspension and Expulsion of Students with Disabilities*" when it refers to "20 USC 145(k)(7)(D)" at page 176 because Code of Federal Regulations, title 20, section 145(k)(7)(D) **does not exist**.

The CVUSD Board of Education therefore finds that the OPA-Chino charter renewal petition's pupil 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 pupil suspension and expulsion policies and procedures to be used at the proposed OPA-Chino 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 the terms are used in the OPA-Chino charter renewal petition's description of dispute resolution procedures.

Page 182 of the OPA-Chino charter renewal petition states: “*All internal disputes between faculty, staff, parents, administrators, and/ or Board members of the Charter School will 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 complaints constitute “*internal disputes,*” and fails to describe “*the school’s own internal policies*” that 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 at page 181:

“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.

Further, the OPA-Chino charter renewal petition states at page 181 that “*either party may request that matters be resolved by mediation,*” but then states at page 182 that “*Any party who fails to submit to mediation will bear all costs and expenses incurred by such other party in compelling mediation of any controversy, claim, or dispute.*”

By stating that either party “*may request*” mediation, the OPA-Chino charter renewal petition suggests that participation in the mediation process is voluntary.

However, by next stating that “*any party who fails or refuses to submit to mediation will bear all costs and expenses incurred by such other party in compelling mediation of any controversy, claim, or dispute,*” the OPA-Chino charter renewal petition imposes financial penalties on the party refusing to submit to mediation, indicating that participation in mediation is instead mandatory.

Therefore, OPA-Chino charter renewal petition is internally inconsistent in describing “*Mediation for Non-Agreement*” as an element of the OPA-Chino charter renewal petition’s proposed dispute resolution procedures.

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-Chino charter school’s dispute resolution procedures.

III. THE OPA CHARTER RENEWAL PETITION FAILS TO PROVIDE ALL OF 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-Chino 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 6 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-Chino 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 6:

“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 states at page 160 that:

*“Admission preferences in the case of a public random lottery will be given to the following students **in the order below**:*

- a) Currently enrolled students (exempt from lottery);*
- b) Children of OPA staff and children of Founding Members combined (will not exceed 10% of total enrollment);*
- c) Siblings of current students;*
- d) If the Charter School is physically located in the attendance area of a District public elementary school in which at least 50% of the enrollment is eligible for free and reduced price lunch, then students currently enrolled in that school and students who reside in that elementary school attendance area will be given preference in accordance with Education Code Section 47605.3; and*
- e) Children residing within the District.”*

Page 160 of the OPA-Chino charter renewal petition grants enrollment preference to children of OPA-Chino faculty or staff, children of OPA 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-Chino and students whose parents are OPA-Chino faculty members or OPA-Chino Founders.

Additionally, despite the May 30, 2012 letter signed by then OPA President/Executive Director Sue Roche, which states “*All enrollment exemptions or preferences for children of Founding Members expire July 1, 2012,*” the September 30, 2016 OPA-Chino charter renewal petition still contains an admission preference for children of Founding Members.

Further, the September 30, 2016 OPA-Chino charter petition’s extension of an admissions preference to “*currently enrolled students*” also serves as a means for OPA to allow students participating in OPA’s independent study program to enter into OPA’s classroom-based program. This method permits OPA to evaluate the academic performance of independent study students as a screening measure prior to their admission to OPA’s classroom based program.

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).

B. The OPA-Chino Charter Renewal Petition Fails To Include A Clear Unequivocal Affirmation That The Proposed OPA-Chino Charter School Will Not Discriminate On The Basis Of The Characteristics Listed In Education Code Section 220.

Education Code section 220 states:

“No person shall be subjected to discrimination on the basis of disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or any other characteristic that is contained in the definition of hate crimes set forth in Section 422.55 of the Penal Code in any program or activity conducted by an educational institution that receives, or benefits from, state financial assistance or enrolls pupils who receive state student financial aid.”

Although the OPA-Chino charter renewal petition states under “*Affirmations/Assurances*” at page 6 that “*The Charter School will not discriminate on the basis of the characteristics listed in Education Code Section 220,*” this appears to be merely a “*general statement of intention to comply*” because the OPA-Chino charter renewal petition identifies three other different anti-discrimination policies.

At page 135 under “*Governance Structure*,” the OPA-Chino charter renewal petition states: “*Oxford Preparatory Academy does not discriminate against any employee on the basis of race, color, creed, age, sex, religion, national origin, disability, sexual orientation, or marital/partnership status.*”

OPA-Chino’s policy as stated at page 135 differs from Education Code section 220’s requirements in form, including in the ordering and the verbiage used in describing the characteristics, and in substance as there is no explicit guarantee that OPA-Chino will not discriminate against any employee on the basis of “*gender identity*” or “*gender expression*.”

At page 143, under “*Code of Professionalism*,” the OPA-Chino charter renewal petition states “*OPA will not discriminate against any staff member on the basis of affiliations, political or religious acts or opinions, race, national origin, ancestry, gender, gender identity, marital status, physical disability, mental disability, medical condition, or age.*”

OPA-Chino’s policy as stated on page 143 substantively differs from Education Code section 220 by omitting “*sexual orientation*,” “*religion*,” and “*gender expression*.” Further, OPA-Chino’s policy articulated at page 143 differs from OPA-Chino’s policy articulated at page 135 by including “*political or religious acts or opinions*” and “*ancestry*.”

At page 152, under “*Anti-Discrimination and Harassment Policies and Procedures*,” the OPA-Chino charter petition provides a fourth anti-discrimination policy, which states:

“OPA will be committed to providing a school that is free from discrimination and sexual harassment, as well as any harassment based upon the actual or perceived characteristics of race, religion, creed, color, gender identity, gender expression, nationality, natural origin, ancestry, ethnic group identification, genetic information, age, medical condition, marital status, sexual orientation, pregnancy, physical or mental disability, childbirth or related medical conditions, or on the basis of a person’s association with a person or group with one or more of these actual or perceived characteristics, or any other basis protected by federal, state, local law, ordinance or regulation.”

Therefore, because the OPA-Chino charter renewal petition contains four different anti-discrimination policies, two of which omit “*gender expression*” as a protected characteristic, the CVUSD Board of Education finds that the OPA-Chino charter renewal petition fails to provide a clear, unequivocal affirmation that the proposed charter school will not discriminate on the basis of the characteristics listed in Education Code section 220.

The CVUSD Board of Education therefore finds that evidence exists that the proposed OPA-Chino charter renewal petition fails to include a clear, unequivocal affirmation of each of the conditions described in Education Code section 47605(d) and that the OPA charter petition fails to provide an affirmation of each condition required by California State law pursuant to Education Code sections 47605(b)(4) and (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 September 30, 2016 OPA-Chino charter renewal petition shall remain in full force and effect. In this regard, the CVUSD 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. 2016/2017-14 was considered, passed and adopted by this Board at its special meeting of November 28, 2016.

DENYING THE SEPTEMBER 30, 2016 OPA-CHINO CHARTER RENEWAL PETITION

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 special meeting thereof held on the 28th of November 2016 and passed by a _____ vote of said Board.

IN WITNESS WHEREOF I have hereunto set my hand and seal this November 28, 2016.

Wayne M. Joseph
Secretary, Board of Education

Exhibit List for CVUSD Findings of Fact Regarding the Oxford Preparatory Academy – Chino Valley Charter Renewal Petition

- Exhibit A The CVUSD Board of Education’s Consideration of OPA-Chino’s CAASPP Testing Data
- Exhibit B Onisko and Scholz, LLP CPA Review and Analysis of the Oxford Preparatory Academy-Chino Valley Renewal Charter Petition and Budget
- Exhibit C Approved Minutes for the June 29, 2015 Academies of Oxford Prep Board Meeting
- Exhibit D Approved Minutes for the June 29, 2015 OPA Board Meeting
- Exhibit E California Secretary of State Statement of Information - The Academies of Oxford Prep (filed June 30, 2016)
- Exhibit F California Secretary of State Statement of Information - Edlighten Learning Solutions (filed November 23, 2015)
- Exhibit G California Secretary of State Statement of Information - Edlighten Learning Solutions (filed September 23, 2016)
- Exhibit H California Department of Education School Directory – Oxford Preparatory Academy – San Diego County
- Exhibit I California Secretary of State Business Entity Detail – The Academies of Oxford Prep
- Exhibit J Oxford Preparatory Academy Executive Administrative Team
- Exhibit K Signed Sue Roche letter dated May 30, 2012

EXHIBIT A

The CVUSD Board of Education's Consideration of OPA-Chino's CAASPP Testing Data

Chart 1 – OPA-Chino’s Numerically Significant Student Subgroups As Identified By 2016 OPA-Chino’s CAASPP

	Enrollment for 2016 CAASPP	Number with Valid test scores	Numerically Significant Subgroup?
Student with No Reported Disability	694	670	Yes
Students with Disability	68	58	Yes
Economically Disadvantaged	186	177	Yes
Not Economically Disadvantaged	576	551	Yes
Fluent-English Proficient and English Only	734	701	Yes
Initially-Fluent English Proficient (I-FEP)	43	42	Yes
Reclassified-Fluent English Proficient (R-FEP)	46	46	Yes
English Learners Enrolled in School in the U.S. 12 Months or More	28	27	No
English Learner	28	27	No
English Only	645	613	No
Black or African American	17	16	No
American Indian or Alaska Native	1	1	No
Asian	110	108	Yes
Filipino	45	45	Yes
Hispanic or Latino	355	334	Yes
White	175	185	Yes
Two or More Races	49	49	Yes
Economically Disadvantaged/Black or African American	5	5	No
Economically Disadvantaged/Asian	26	26	No
Economically Disadvantaged/Filipino	4	4	No
Economically Disadvantaged/Hispanic or Latino	118	112	Yes
Economically Disadvantaged/White	24	21	No
Economically Disadvantaged/Two or More Races	9	9	No

Not Economically Disadvantaged/American Indian or Alaska Native	1	1	No
Not Economically Disadvantaged/Black or African American	12	11	No
Not Economically Disadvantaged/Asian	84	82	Yes
Not Economically Disadvantaged/Filipino	41	41	Yes
Not Economically Disadvantaged/Hispanic or Latino	237	222	Yes
Not Economically Disadvantaged/White	161	154	Yes
Not Economically Disadvantaged/Two or More Races	40	40	Yes
Females	380	380	Yes
Males	364	382	Yes
Not a High School Graduate	4	4	No
High School Graduate	30	30	Yes
Some College (Includes AA Degree)	174	166	Yes
College Graduate	293	282	Yes
Graduate School/Post Graduate	230	219	Yes
Declined to State	31	27	No

OPA's 2015 And 2016 CAASPP Results

To supplement this information, District Staff prepared the following charts regarding OPA-Chino's academic achievement as measured by OPA-Chino's 2016 Smarter Balanced Assessment results using data obtained from the California Assessment of Student Performance and Progress website:

Chart 2 – OPA-Chino's 2016 CAASPP Testing Data – ALL students		
Subgroup	English Language Arts/Literacy	Mathematics
All students		
Standard Exceeded	50%	44%
Standard Met	35%	29%
Standard Nearly Met	13%	22%
Standard Not Met	2%	5%
Total Meeting or Exceeding Standards	85%	75%

Chart 3 – OPA-Chino’s 2016 CAASPP Testing Data – Students without Disabilities		
	English Language Arts/Literacy	Mathematics
Standard Exceeded	53%	46%
Standard Met	35%	31%
Standard Nearly Met	11%	20%
Standard Not Met	1%	4%
Total Meeting or Exceeding Standards	89%	77%

Chart 4 – OPA-Chino’s 2016 CAASPP Testing Data – Students with Disabilities		
	English Language Arts/Literacy	Mathematics
Standard Exceeded	17%	21%
Standard Met	33%	16%
Standard Nearly Met	38%	41%
Standard Not Met	12%	22%
Total Meeting or Exceeding Standards	50%	37%

Chart 5 – OPA-Chino’s 2016 CAASPP Testing Data – Economically Disadvantaged		
	English Language Arts/Literacy	Mathematics
Standard Exceeded	42%	38%
Standard Met	37%	31%
Standard Nearly Met	19%	26%
Standard Not Met	2%	6%
Total Meeting or Exceeding Standards	79%	69%

Chart 6 – OPA-Chino’s 2016 CAASPP Testing Data – Not Economically Disadvantaged		
	English Language Arts/Literacy	Mathematics
Standard Exceeded	52%	46%
Standard Met	34%	29%
Standard Nearly Met	11%	20%
Standard Not Met	2%	5%
Total Meeting or Exceeding Standards	86%	75%

Chart 7 – OPA-Chino’s 2016 CAASPP Testing Data – Fluent-English Proficient and English Only		
	English Language Arts/Literacy	Mathematics
Standard Exceeded	51%	44%
Standard Met	35%	30%
Standard Nearly Met	12%	21%
Standard Not Met	2%	5%
Total Meeting or Exceeding Standards	86%	74%

Chart 8 – OPA-Chino’s 2016 CAASPP Testing Data - Initially-Fluent English Proficient (I-FEP)		
	English Language Arts/Literacy	Mathematics
Standard Exceeded	71%	69%
Standard Met	24%	19%
Standard Nearly Met	5%	10%
Standard Not Met	0%	2%
Total Meeting or Exceeding Standards	95%	88%

Chart 9 – OPA-Chino’s 2016 CAASPP Testing Data - Reclassified-Fluent English Proficient (R-FEP)		
	English Language Arts/Literacy	Mathematics
Standard Exceeded	71%	69%
Standard Met	24%	19%
Standard Nearly Met	5%	10%
Standard Not Met	0%	2%
Total Meeting or Exceeding Standards	95%	88%

Chart 10 – OPA-Chino’s 2016 CAASPP Testing Data - English Learners Enrolled in the U.S. 12 months or More		
	English Language Arts/Literacy	Mathematics
Standard Exceeded	33%	41%
Standard Met	30%	26%
Standard Nearly Met	33%	26%
Standard Not Met	4%	7%
Total Meeting or Exceeding Standards	63%	67%

Chart 11 – OPA-Chino’s 2016 CAASPP Testing Data - English Learner		
	English Language Arts/Literacy	Mathematics
Standard Exceeded	33%	41%
Standard Met	30%	26%
Standard Nearly Met	33%	26%
Standard Not Met	4%	7%
Total Meeting or Exceeding Standards	63%	67%

Chart 12 – OPA-Chino’s 2016 CAASPP Testing Data - English Only		
	English Language Arts/Literacy	Mathematics
Standard Exceeded	49%	41%
Standard Met	36%	31%
Standard Nearly Met	13%	22%
Standard Not Met	2%	6%
Total Meeting or Exceeding Standards	85%	72%

Chart 13 - OPA-Chino’s 2016 CAASPP Testing Data – Black or African American		
	English Language Arts/Literacy	Mathematics
Standard Exceeded	38%	25%
Standard Met	38%	38%
Standard Nearly Met	25%	25%
Standard Not Met	0%	13%
Total Meeting or Exceeding Standards	76%	63%

Chart 14 - OPA-Chino’s 2016 CAASPP Testing Data – American Indian or Alaska Native		
	English Language Arts/Literacy	Mathematics
Standard Exceeded	*	*
Standard Met	*	*
Standard Nearly Met	*	*
Standard Not Met	*	*
Total Meeting or Exceeding Standards	*	*

Chart 15 - OPA-Chino's 2016 CAASPP Testing Data – Asian		
	English Language Arts/Literacy	Mathematics
Standard Exceeded	72%	78%
Standard Met	24%	11%
Standard Nearly Met	4%	10%
Standard Not Met	0%	1%
Total Meeting or Exceeding Standards	96%	89%

Chart 16 - OPA-Chino's 2016 CAASPP Testing Data – Filipino		
	English Language Arts/Literacy	Mathematics
Standard Exceeded	56%	69%
Standard Met	31%	27%
Standard Nearly Met	13%	4%
Standard Not Met	0%	0%
Total Meeting or Exceeding Standards	87%	96%

Chart 17 - OPA-Chino's 2016 CAASPP Testing Data – Hispanic or Latino		
	English Language Arts/Literacy	Mathematics
Standard Exceeded	40%	28%
Standard Met	41%	35%
Standard Nearly Met	16%	29%
Standard Not Met	2%	7%
Total Meeting or Exceeding Standards	81%	63%

Chart 18 - OPA-Chino's 2016 CAASPP Testing Data – White		
	English Language Arts/Literacy	Mathematics
Standard Exceeded	54%	45%
Standard Met	32%	31%
Standard Nearly Met	10%	18%
Standard Not Met	3%	5%
Total Meeting or Exceeding Standards	86%	76%

Chart 19 - OPA-Chino's 2016 CAASPP Testing Data – Ethnicity – Two or More Races		
	English Language Arts/Literacy	Mathematics
Standard Exceeded	51%	51%
Standard Met	31%	22%
Standard Nearly Met	14%	20%
Standard Not Met	4%	6%
Total Meeting or Exceeding Standards	82%	73%

Chart 20 - OPA-Chino's 2016 CAASPP Testing Data – Ethnicity – Ethnicity for Economically Disadvantaged/Asian		
	English Language Arts/Literacy	Mathematics
Standard Exceeded	69%	85%
Standard Met	27%	12%
Standard Nearly Met	4%	4%
Standard Not Met	0%	0%
Total Meeting or Exceeding Standards	96%	97%

Chart 21 - OPA-Chino's 2016 CAASPP Testing Data – Ethnicity for Economically Disadvantaged/Filipino		
	English Language Arts/Literacy	Mathematics
Standard Exceeded	*	*
Standard Met	*	*
Standard Nearly Met	*	*
Standard Not Met	*	*
Total Meeting or Exceeding Standards	*	*

Chart 22 - OPA-Chino's 2016 CAASPP Testing Data – Ethnicity for Economically Disadvantaged/Hispanic or Latino		
	English Language Arts/Literacy	Mathematics
Standard Exceeded	38%	27%
Standard Met	41%	34%
Standard Nearly Met	20%	32%
Standard Not Met	2%	7%
Total Meeting or Exceeding Standards	79%	61%

Chart 23 - OPA-Chino's 2016 CAASPP Testing Data – Ethnicity for Economically Disadvantaged/White

	English Language Arts/Literacy	Mathematics
Standard Exceeded	43%	38%
Standard Met	38%	29%
Standard Nearly Met	14%	29%
Standard Not Met	5%	5%
Total Meeting or Exceeding Standards	81%	67%

Chart 24 - OPA-Chino's 2016 CAASPP Testing Data – Ethnicity for Economically Disadvantaged/Two or More Races

	English Language Arts/Literacy	Mathematics
Standard Exceeded	*	*
Standard Met	*	*
Standard Nearly Met	*	*
Standard Not Met	*	*
Total Meeting or Exceeding Standards	*	*

Chart 25- OPA-Chino's 2016 CAASPP Testing Data – Ethnicity for Economically Disadvantaged/Black or African American

	English Language Arts/Literacy	Mathematics
Standard Exceeded	*	*
Standard Met	*	*
Standard Nearly Met	*	*
Standard Not Met	*	*
Total Meeting or Exceeding Standards	*	*

Chart 26 - OPA-Chino's 2016 CAASPP Testing Data – Ethnicity for Not Economically Disadvantaged/Black or African American

	English Language Arts/Literacy	Mathematics
Standard Exceeded	36%	18%
Standard Met	36%	45%
Standard Nearly Met	27%	27%
Standard Not Met	0%	9%
Total Meeting or Exceeding Standards	72%	63%

Chart 27 - OPA-Chino's 2016 CAASPP Testing Data – Ethnicity for Not Economically Disadvantaged/American Indian or Alaska Native

	English Language Arts/Literacy	Mathematics
Standard Exceeded	*	*
Standard Met	*	*
Standard Nearly Met	*	*
Standard Not Met	*	*
Total Meeting or Exceeding Standards	*	*

Chart 28 - OPA-Chino's 2016 CAASPP Testing Data – Ethnicity for Not Economically Disadvantaged/Asian

	English Language Arts/Literacy	Mathematics
Standard Exceeded	73%	76%
Standard Met	23%	11%
Standard Nearly Met	4%	12%
Standard Not Met	0%	1%
Total Meeting or Exceeding Standards	96%	87%

Chart 29 - OPA-Chino's 2016 CAASPP Testing Data – Ethnicity for Not Economically Disadvantaged/Filipino

	English Language Arts/Literacy	Mathematics
Standard Exceeded	59%	73%
Standard Met	32%	24%
Standard Nearly Met	10%	2%
Standard Not Met	0%	0%
Total Meeting or Exceeding Standards	91%	97%

Chart 30 - OPA-Chino's 2016 CAASPP Testing Data – Ethnicity for Not Economically Disadvantaged/Latino

	English Language Arts/Literacy	Mathematics
Standard Exceeded	41%	29%
Standard Met	41%	36%
Standard Nearly Met	14%	28%
Standard Not Met	3%	7%
Total Meeting or Exceeding Standards	82%	65%

Chart 31 - OPA-Chino's 2016 CAASPP Testing Data – Ethnicity for Not Economically Disadvantaged/White

	English Language Arts/Literacy	Mathematics
Standard Exceeded	56%	46%
Standard Met	31%	32%
Standard Nearly Met	10%	17%
Standard Not Met	3%	5%
Total Meeting or Exceeding Standards	87%	78%

Chart 32 - OPA-Chino's 2016 CAASPP Testing Data – Ethnicity for Not Economically Disadvantaged/ Two or More Races

	English Language Arts/Literacy	Mathematics
Standard Exceeded	55%	53%
Standard Met	33%	18%
Standard Nearly Met	8%	23%
Standard Not Met	5%	8%
Total Meeting or Exceeding Standards	88%	71%

Chart 33 - OPA-Chino's 2016 CAASPP Testing Data – Females

	English Language Arts/Literacy	Mathematics
Standard Exceeded	55%	45%
Standard Met	32%	28%
Standard Nearly Met	11%	23%
Standard Not Met	1%	4%
Total Meeting or Exceeding Standards	87%	73%

Chart 34 - OPA-Chino's 2016 CAASPP Testing Data – Males

	English Language Arts/Literacy	Mathematics
Standard Exceeded	45%	42%
Standard Met	38%	30%
Standard Nearly Met	15%	21%
Standard Not Met	3%	7%
Total Meeting or Exceeding Standards	83%	72%

Chart 35 – OPA-Chino’s 2016 CAASPP Testing Data – Parent Education - Not a High School Graduate

	English Language Arts/Literacy		Mathematics	
	2015	2016	2015	2016
	Standard Exceeded	*	*	*
Standard Met	*	*	*	*
Standard Nearly Met	*	*	*	*
Standard Not Met	*	*	*	*
Total Meeting or Exceeding Standards	*	*	*	*

Chart 36 – OPA-Chino’s 2016 CAASPP Testing Data – Parent Education – High School Graduate

	English Language Arts/Literacy		Mathematics	
	2015	2016	2015	2016
	Standard Exceeded	40%	40%	24%
Standard Met	40%	33%	12%	40%
Standard Nearly Met	12%	27%	44%	12%
Standard Not Met	8%	0%	20%	8%
Total Meeting or Exceeding Standards	80%	73%	36%	80%

Chart 37 – OPA-Chino’s 2016 CAASPP Testing Data – Parent Education – Some College (Includes AA Degree)

	English Language Arts/Literacy		Mathematics	
	2015	2016	2015	2016
	Standard Exceeded	27%	35%	10%
Standard Met	41%	42%	28%	41%
Standard Nearly Met	23%	17%	43%	23%
Standard Not Met	9%	6%	19%	9%
Total Meeting or Exceeding Standards	68%	77%	38%	68%

Chart 38 – OPA-Chino’s 2016 CAASPP Testing Data – Parent Education – College Graduate				
	English Language Arts/Literacy		Mathematics	
	2015	2016	2015	2016
Standard Exceeded	44%	55%	32%	44%
Standard Met	37%	34%	33%	37%
Standard Nearly Met	17%	10%	29%	17%
Standard Not Met	2%	0%	5%	2%
Total Meeting or Exceeding Standards	81%	89%	65%	81%

Chart 39– OPA-Chino’s 2016 CAASPP Testing Data – Parent Education – Graduate School/Post Graduate				
	English Language Arts/Literacy		Mathematics	
	2015	2016	2015	2016
Standard Exceeded	53%	58%	35%	53%
Standard Met	32%	32%	31%	32%
Standard Nearly Met	10%	9%	29%	10%
Standard Not Met	5%	1%	5%	5%
Total Meeting or Exceeding Standards	85%	90%	66%	85%

Chart 40 – OPA-Chino’s 2016 CAASPP Testing Data – Parent Education – Declined to State				
	English Language Arts/Literacy		Mathematics	
	2015	2016	2015	2016
Standard Exceeded	33%	41%	26%	33%
Standard Met	47%	30%	37%	47%
Standard Nearly Met	19%	30%	30%	19%
Standard Not Met	2%	0%	7%	2%
Total Meeting or Exceeding Standards	77%	71%	63%	77%

EXHIBIT B

Onisko and Scholz, LLP CPA Review and Analysis of the
Oxford Preparatory Academy-Chino Valley Renewal Charter
Petition and Budget

November 19, 2016

Members of the Chino Valley Unified School District Board of Education
Mr. Wayne Joseph
Superintendent
Chino Valley Unified School District
5130 Riverside Drive
Chino, CA 91710

Re: Review and Analysis of the Oxford Preparatory Academy – Chino Valley Renewal Charter Petition and Budget as Submitted on September 30, 2016

Dear Mr. Joseph and Members of the Chino Valley Unified School District Board of Education:

Thank you for providing the Oxford Preparatory Academy-Chino Valley (“OPA-CV”) September 30, 2016 charter school renewal petition and renewal budget for our review.

As you requested, we have reviewed OPA-CV’s September 30, 2016 charter school renewal petition and renewal budget as submitted by the OPA-Chino Valley charter petitioners. Our findings are presented in this report.

SUMMARY

After a comprehensive review of the Oxford Preparatory Academy-Chino Valley renewal charter petition and renewal budget as submitted to the Chino Valley Unified School District, we conclude that the Oxford Preparatory Academy-Chino Valley renewal charter petition’s budget presents an unrealistic financial and operational plan for the proposed Oxford Preparatory Academy-Chino Valley charter school, because:

- 1) The Oxford Preparatory Academy-Chino Valley renewal charter petition’s renewal budget fails to present detailed budget notes that clearly describe OPA-CV’s financial budget projections pursuant to California Code of Regulations, Title 5, section 11967.5.1(c)(3)(B). OPA-CV fails to provide supplementary information describing how the proposed OPA-Chino Valley charter school’s revenues, costs, and cash flows were projected, either through historical data or comparative analytics from other charter schools or school districts of similar type, size and location.
- 2) The Oxford Preparatory Academy-Chino Valley renewal charter petition’s budget fails to specify the required criteria for the selection of contractors as required by California Code of Regulations, Title 5, section 11967.5.1(c)(3)(A).

OPA-CV fails to specify how contractors and consulting services are to be selected and fails to identify whether any consultants are related parties.

The OPA-CV’s renewal budget identifies \$360,500 in year one expenditures for professional and consulting service providers. The OPA-CV’s renewal budget notes fail to identify and present the names and detailed descriptions of the services to be provided by the professional and consulting service providers of, especially those vendors that may be affiliated or related to OPA-CV in any way.

OPA-CV also fails to identify special education encroachment costs or why encroachment costs are not budgeted, and fails to explain how the OPA-CV's special education program revenue exceeds special education expenditures by \$126,357.

- 3) The Oxford Preparatory Academy-Chino Valley renewal budget fails to explain the material differences between the three budgets OPA-CV has submitted to the CVUSD dated, January 25, 2016, June 23, 2016, and September 30, 2016. Furthermore, OPA-CV fails to explain how both its June 23, 2016 and September 30, 2016 budgets can each be based on identical enrollments of 1,226 students, but each budgets' revenues, expenditures, and beginning fund balance, differ so greatly. For example, OPA-CV fails to explain how OPA-CV's June 23, 2016 budget as submitted to the District has a budget year 2017-2018 beginning fund balance of \$1,433,615, while approximately three months later, the September 30, 2016 renewal budget, 2017-2018 year one fund balance is only \$400,000.
- 4) Because the Oxford Preparatory Academy-Chino Valley renewal budget fails to present any renewal budget notes describing how the OPA-CV renewal charter petitioners determined their 2017-2018 beginning cash of \$400,000 and fail to describe how they arrived at their revenues and expenditures accrual amounts, the OPA-CV's cash flow statement amounts presented are unrealistic and fail to comply with CCR, Title 5, section 11967.5.1(c)(3)(B).

CVUSD BOARD POLICY REGARDING REVIEWING THE OPA-CHINO VALLEY RENEWAL CHARTER PETITION AND BUDGET

Chino Valley Unified School District Board Policy 0420.4(d) states, *"In determining whether to grant or deny a charter, the Board shall carefully review the proposed charter as submitted and will not accept or consider any further petition or budget materials."*

CVUSD Board Policy 0420.4 cites the California Code of Regulations, Title 5, sections 11960-11969.

Education Code Section 47605(g) states, *"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 startup costs, and cash flow and financial projections for the first three years of operation."*

The California Code of Regulations ("CCR") identifies the critical importance in the charter petition review process of a charter school's budget, budget notes and assumptions at Title 5, Subchapter 19-Charter Schools, Article 2-General Provisions.

CCR, Title 5, section 11967.5.1(c)(3)(B) states that an unrealistic financial and operational plan for the proposed charter exists when the charter or supporting documents do not adequately include:

1. *"[A]t 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.”*

FINDINGS OF FACT

I. OPA-CV’s UNREALISTIC RENEWAL BUDGET NOTES AND ASSUMPTIONS

Detailed renewal budget notes and assumptions are a critical component of constructing and implementing a charter school budget. OPA-CV should have but failed to explain in OPA-CV’s renewal budget how OPA-CV arrived at each of its presented renewal budget line item amounts. Failing to explain in detail budgeted amounts demonstrates that the OPA-CV renewal charter petitioners are not transparent in their disclosures, or competent in their financial assumptions, and do not understand the effects their undocumented renewal budget numbers have on their renewal budget and cash flow.

OPA-Chino Valley has presented three budgets to the District, which include the 2017-2018 school year. The three budgets are dated January 25, 2016, June 23, 2016 and September 30, 2016. The January 25, 2016 and September 30, 2016 budgets were presented as part of OPA-CV’s renewal charter petitions and the June 23, 2016 budget is OPA-CV’s “2016-2017 Charter School Budget Report – Alternative Form” budget report to the District.

5 CCR section 11967.5.1(c)(3)(B) requires detailed budget notes and assumptions that clearly describe how OPA-CV’s budget amounts were determined; however, OPA-CV’s year one renewal budget is supported only by two pages of renewal budget notes containing inaccurate and incomplete renewal budget notes, and the renewal budget notes fail to describe in detail how the amounts in the proposed OPA-CV charter school renewal budget were determined. Without detailed renewal budget notes, the OPA-Chino Valley renewal budget and cash flow projections necessary to operate the proposed OPA-CV renewal charter school are nothing more than numbers on the page.

To adequately support the OPA-CV renewal budget, the OPA-CV charter petitioners should have but failed to provide renewal budget notes that clearly describe OPA-CV’s renewal budget assumptions. To provide renewal budget notes that clearly describe OPA-CV’s renewal budget assumptions, OPA-CV should have but failed to present detailed renewal budget notes and assumptions, narratives, and documentation based on historical data from schools or school districts of similar type, size, and location. This level of detailed budget notes are critical to establish that OPA-CV has submitted a renewal budget based on sound and verifiable data.

Examples of unsupported or missing OPA-CV’s renewal budget notes, narratives, assumptions and documentation are:

1. Inaccurate and Incomplete Renewal Budget Notes:

One example of OPA-CV’s inaccurate and incomplete renewal budget notes is illustrated in how OPA-CV allocates salaries for employees whose positions are shared among OPA charter schools.

The September 30, 2016 OPA-CV renewal budget notes state, “The salaries for ‘split’ employees whose positions are split have been allocated across the three existing campuses based on the pro-rata share of total potential enrollment. Split employees include employees who do not work solely for one campus, but whose work benefits all locations.”

The September 30, 2016 OPA-CV renewal budget notes identify both administrative certificated and classified employee positions allocated separately as 45.39% to OPA-Chino Valley, 32.58% to OPA-South Orange County, and 22.03% to OPA-Saddleback Valley.

The OPA-Los Serranos charter petition submitted to the District on September 23, 2016 was submitted prior to the OPA-CV September 30, 2016 renewal charter petition. The OPA-Los Serranos charter petition allocates 24.99% of shared employees; however, the OPA-CV renewal budget fails to include any OPA-Los Serranos shared employee costs.

OPA-CV should have but failed to include in the OPA-CV renewal budget the shared employee costs for OPA-Los Serranos.

2. Three Unexplained and Inconsistent OPA-CV Budgets Dated January 25, 2016, June 23, 2016 and September 30, 2016:

Because OPA-CV has submitted three separate budgets to the District containing 2017-2018 budgeted amounts, OPA-CV should have but failed to present any budget notes, narratives, or comparative information describing the differences between each budget's 2017-2018 amounts as presented to the District.

Table I below presents each of the three budgets' summarized amounts and the differences between the January 25, 2016 and the June 23, 2016 budgets and June 23, 2016 and September 30, 2016 budgets.

Table I

	OPA-CV Budgets		
	1/25/2016	6/23/2016	9/30/2016
Summarized Budget Categories:	2017-18	2017-18	2017-18
Enrollment	1,726	1,226	1,226
<i>Difference</i>		(500)	-
TOTAL REVENUES	\$15,347,867	\$10,783,322	\$10,568,631
<i>Difference</i>		(4,564,545)	(214,691)
EXPENDITURES			
Certificated Salaries	\$ 4,961,496	\$ 4,242,161	\$ 3,919,443
Non-Certificated Salaries	1,118,993	1,749,568	1,398,955
Back Office Support Salaries	234,960	-	-
Total Salaries	6,315,449	5,991,729	5,318,398
<i>Difference</i>		(323,720)	(673,331)
Employee Benefits	2,243,704	1,748,528	1,839,928
<i>Difference</i>		(495,176)	91,400
Books & Materials	2,276,300	535,926	750,000
<i>Difference</i>		(1,740,374)	214,074
Services & Operations	3,738,255	1,849,025	1,658,232
<i>Difference</i>		(1,889,230)	(190,793)
Auxilliary Programs	202,000	-	-
<i>Difference</i>		(202,000)	-
Capital Outlay/Other Outgo	150,000	186,279	645,000
<i>Difference</i>		36,279	458,721
TOTAL EXPENDITURES	14,925,708	10,311,487	10,211,558
<i>Difference</i>		(4,614,221)	(99,929)
NET SURPLUS/(DEFICIT)	\$ 422,159	\$ 471,835	\$ 357,073
<i>Difference</i>		49,676	(114,762)
Beginning Fund Balance	\$ 500,000	\$ 1,433,615	\$ 400,000
<i>Difference</i>		933,615	(1,033,615)
Current Year Net Surplus/(Deficit)	422,159	471,835	357,073
Ending Fund Balance	\$ 922,159	\$ 1,905,450	\$ 757,073

The OPA-CV September 30, 2016 renewal budget notes present only limited information describing the methodology or source of the School's renewal budget amounts. The September 30, 2016 renewal budget notes state the budgeted amounts were "based on historical spending experience" yet no historical spending experience documentation was provided.

If the September 30, 2016 renewal budget amounts were truly presented based on "historical spending experience", all three of the budgets presented to the District would be similar. Instead, all three budgets are very different and OPA-CV failed to include any budget notes or present in the OPA-CV renewal charter

petition comparative financial information from which the OPA-CV's historical spending experience could be compared.

Examples of the differences between OPA-CV's January 25, 2016, June 23, 2016 and September 30, 2016 budgets presenting the 2017-2018 school year are:

Student Enrollments:

- a. OPA-CV has presented to the CVUSD three separate budgets with student enrollment differences of 500 students between the January 25, 2016 and June 23, 2016 budgets and zero enrollment difference between the June 23, 2016 and September 30, 2016 budgets. More important than the decrease in enrollment of 500 students is there is zero difference in enrollment between the June 23, 2016 and September 30, 2016 budgets.

Zero difference in enrollment between the June 23, 2016 and September 30, 2016 budgets should mean both budgets are comparable with immaterial differences between the revenues and expenditures of each budget. Instead, as Table I presents, material differences exist between all three budgets and the OPA-CV renewal charter petitioners fail to explain why OPA-CV has submitted to the District three very different budgets and how OPA-CV arrived at the amounts presented in OPA-CV's September 30, 2016 renewal budget.

The OPA-CV September 30, 2016 renewal budget notes fail to describe why the June 23, 2016 budget and the September 30, 2016 renewal budget, each submitted to the District only approximately three months apart, differ as follows:

- Total salaries *decrease* by \$673,331,
- Total employee benefits increase by \$91,400,
- Total books and materials increase by \$214,074,
- Total services and operations *decrease* by \$190,793, and
- Total capital outlay/other outgo increase by \$458,721.

Fund Balance Differences:

- b. The most significant difference in the OPA-CV budgets is between the June 23, 2016 and September 30, 2016 beginning fund balances.

The June 23, 2016 beginning fund balance is \$1,433,615 while the September 30, 2016 beginning fund balance is only \$400,000, resulting in a decrease of \$1,033,615.

OPA-CV built its September 30, 2016 renewal budget based on a beginning fund balance of \$400,000, but OPA-CV fails to explain the sudden decrease in beginning fund balance of \$1,033,615 between the June 23, 2016 budget to the September 30, 2016 renewal budget.

Plainly said, where did the money go and why is it not explained in OPA-CV's renewal budget?

How an OPA-CV budget submitted to the District dated June 23, 2016 can present a 2017-2018 beginning fund balance of \$1,433,615 and then approximately three months later in the September 30,

2016, the OPA-CV’s renewal budget beginning fund balance drops to \$400,000 should have been but fails to be thoroughly explained in detail in OPA-CV’s September 30, 2016 renewal budget notes.

3. Account Level Budget Notes:

The OPA-CV renewal charter petition and renewal budget fail to present reliable and detailed account level renewal budget notes explaining how the OPA-CV charter petitioners determined the expenditures presented for each year of OPA-CV’s renewal budget line items.

The OPA-CV renewal budget dated September 30, 2016 as compared to June 23, 2016 OPA-CV budget as submitted to the District, fails to explain any account level line item differences.

Both the June 23, 2016 and September 30, 2016 OPA-CV budgets are based on identical enrollment of 1,226 students; however, both OPA-CV budgets as presented to the District are materially different.

Examples of unsupported or missing OPA-CV’s renewal budget notes, narratives, and documentation are:

- a. **2017-2018 Books and Materials:** OPA-CV’s September 30, 2016 2017-2018 books and materials renewal budget are presented in Table II and compared with OPA-CV’s June 23, 2016 budget.

Table II

Books & Materials	OPA-CV Budgets			
	Acct #	6/23/2016 2017-18	9/30/2016 2017-18	Difference
Books & Materials:				
Textbooks & Core Curricula Materials	4100	\$ 383,543	\$ 200,000	\$ (183,543)
Books & Supplemental Materials	4200	47,988	70,000	22,012
Materials & Supplies	4300	11,618	375,000	363,382
Staff Meals & Events	4330	58,900	-	(58,900)
Noncapitalized Furniture/Equipment	4400	15,259	20,000	4,741
Student Incentives/Events	4500	18,618	25,000	6,382
Food	4700	-	60,000	60,000
Total Books & Materials		\$ 535,926	\$ 750,000	\$ 214,074

OPA-CV’s textbooks and core curricula September 30, 2016 renewal budget notes state, “Based on recent spending in 2016/17, the cost is estimated at \$50,000 and \$140,000 respectively.”

The textbooks and core curricula amounts of \$50,000 and \$140,000 described in the OPA-CV renewal budget notes total \$190,000 and the OPA-CV budget or budget notes fail to describe why the renewal budget is \$200,000 or \$10,000 more than the renewal budget notes \$190,000 amount.

Books and supplemental materials, materials and supplies, student incentives/events, noncapitalized equipment, and food costs renewal budget notes state that the expenditures are, “based on historical spending experience”; however, the OPA-CV renewal charter petitioners fail to present any historical spending experience or comparative analysis to support the renewal budget costs.

OPA-CV's renewal budget and budget notes fail to describe why the September 30, 2016 renewal budget differs so greatly from the June 23, 2016 budget; for example, the OPA-CV renewal budget notes fail to describe:

- How many and what types of textbooks and core curricula materials represent \$200,000,
- How many and what types of books and supplemental materials represent \$70,000,
- The types of materials and supplies that represent \$375,000,
- The OPA-CV renewal budget notes fail to identify the vendors OPA-CV will purchase the books, materials, supplies, and food from, and if the vendors are family members of OPA-CV management or affiliated or related parties.

OPA-CV's September 30, 2016 renewal budget and the School's June 23, 2016 budget are each based on an enrollment of 1,226 students; however, why budgeted expenditures differ is not explained in OPA-CV's September 30, 2016 renewal budget. If both the June 23, 2016 and September 30, 2016 budgets are based on the same number of students enrolled and are based on historical spending experience, OPA-CV should have but failed to explain how two separate OPA-CV budgets can differ so greatly and how OPA-CV's spending experience results in two different budgets for the same 2017-2018 budget year.

The June 23, 2016 budget presented to the District of \$383,543 for textbooks and core curricula materials decreased by \$183,543 in the September 30, 2016 renewal budget from \$383,543 to \$200,000. Since both budgets are based on the same enrollment of 1,226 students, the OPA-CV renewal budget should have but failed to explain why the textbooks and core curricula materials budget was reduced by \$183,543.

The OPA-CV charter petitioners should have but failed to explain in detail each of the differences between the June 23, 2016 and September 30, 2016 budgets for each account line item.

b. **2017-2018 Services & Operations – Part 1:**

The September 30, 2016 OPA-CV renewal budget category of services and operations totals \$1,658,232.

For analysis purposes, services and operations is broken into three parts.

Part 1 is a subtotal of the September 30, 2016 OPA-CV 2017-2018 services and operations renewal budget expenditures and totals \$92,118.

Part 1 of this analysis examines 19 budget account line items ranging from travel and conferences to telecom-cellular expenditures and are presented in Table III.

Each of the OPA-CV September 30, 2016 renewal budget services and operations renewal budget line item expenditures notes presented in Part 1 are repeatedly described as either, "based on historical spending experience" or "based on historical experience".

Repeating that an expenditure is "based on historical spending experience" or "based on historical experience" without presenting any comparative or historical spending renewal budget notes fails to present expenditures and budget notes based on "historical data from schools or school districts of

similar type, size, and location” as required by CCR, Title 5, section 11967.5.1(c)(3)(B); therefore, OPA-CV’s renewal budget presents an unrealistic financial and operational plan for the proposed OPA-CV charter school.

Table III

Services & Operations - Part 1	OPA-CV Budgets			
		6/23/2016	9/30/2016	
	Acct #	2017-18	2017-18	Difference
Services & Operations:				
Travel & Conferences	5200	\$ 72,478	\$ 90,000	\$ 17,522
Bank Charges/Fees'	5215	21,777	-	(21,777)
Dues & Memberships	5300	36,339	40,000	3,661
Subscriptions	5301	259	-	(259)
Fees & Licenses	5302	75,067	75,000	(67)
Professional Development	5303	10,107	50,000	39,893
Postage/Shipping	5305	6,413	10,000	3,587
Marketing & Communications	5310	29,900	35,000	5,100
Liability Insurance	5400	22,065	40,000	17,935
Operations & Housekeeping	5500	771	-	(771)
Rents/Leases-Facility (K-8)	5600	140,827	191,228	50,401
Rents/Leases-Equipment	5601	164,988	174,000	9,012
Repairs & Maintenance	5605	24,866	25,000	134
Groundskeeping	5606	24,144	25,000	856
Utilities				
Electric	5701	148,500	140,990	(7,510)
Gas	5702	2,295	2,500	205
Internet/Landlines	5703	22,632	20,400	(2,232)
Sewer/Water/Trash	5704	46,188	50,000	3,812
Telecom-Cellular	5706	21,416	23,000	1,584
Sub-Total: Services & Operations Expenditures, Part 1		\$ 871,032	\$ 992,118	\$ 121,086

OPA-CV’s renewal budget and renewal budget notes also fail to describe why the September 30, 2016 renewal budget differs so greatly from the June 23, 2016 budget.

In both of OPA-CV’s June 23, 2016 budget and September 30, 2016 renewal budget, OPA-CV’s budgets are each based on enrollment of 1,226 students; however, why budgeted expenditures differ is not explained in OPA-CV’s September 30, 2016 renewal budget.

If both the June 23, 2016 and September 30, 2016 budgets are based on the same number of students enrolled and if both are based on OPA-CV’s historical spending experience, OPA-CV should have but failed to explain how two separate budgets can differ so greatly and how OPA-CV’s spending experience results in two different budgets for the same 2017-2018 budget year.

The OPA-CV June 23, 2016 budget presented to the District for services and operations expenditures has increased from \$871,032 to \$992,118 or a \$121,086 increase in the OPA-CV September 30, 2016 renewal budget.

Comparing the September 30, 2016 renewal budget and June 23, 2016 budget, the OPA-CV renewal charter petitioners submitted to the CVUSD, the September 30, 2016 renewal budget is without any budget notes describing:

- Why there are no September 30, 2016 renewal budget expenditures whatsoever for:
 - Bank fees of \$21,777 as in the June 23, 2016 budget,
 - Subscriptions expenditures of \$259 as in the June 23, 2016 budget, and
 - Operations and housekeeping expenditures of \$771 as in the June 23, 2016 budget.
- Why services and operations expenditures increased or decreased between the June 23, 2016 budget and the September 30, 2016 renewal budget as follows:
 - Dues and membership expenditures increased by \$3,661,
 - Professional development expenditures increased by \$39,893,
 - Postage and shipping expenditures increased by \$3,587,
 - Marketing and communications expenditures increased by \$5,100,
 - Liability insurance expenditures increased by \$17,935,
 - Rents/leases-Facility (K-8) expenditures increased by \$50,401,
 - Rents/leases-equipment expenditures increased by \$9,012,
 - Utilities-Electric *decreased* by \$7,510,
 - Utilities-Internet/landlines *decreased* by \$2,232,
 - Utilities-sewer/water/trash increased by \$3,812, and
 - Utilities-telecom-cellular increased by \$1,584.

Because both the June 23, 2016 and September 30, 2016 OPA-CV budgets are based on the same enrollment of 1,226 students, the OPA-CV renewal petition budget should have but fails to explain why Part 1 of the services and operations budget results in a net increase of \$121,086.

The OPA-CV renewal charter petitioners should have but failed to explain in detail each of the expenditure account line items differences between the June 23, 2016 and September 30, 2016 budgets.

Without detailed renewal budget notes, it cannot be determined whether any of the 2016 OPA-CV budgets are reliable; therefore, the September 30, 2016 renewal charter petition renewal budget presents an unrealistic financial and operational plan for the proposed OPA-CV renewal charter school.

c. **2017-2018 Services & Operations – Part 2:**

The September 30, 2016 OPA-CV renewal budget category of services and operations totals \$1,658,232.

For analysis purposes, services and operations is broken into three parts.

Part 2 is a subtotal of the September 30, 2016 OPA-CV 2017-2018 services and operations renewal budget expenditures and totals \$360,500.

Part 2 of this analysis examines nine budget account line items ranging from professional/consulting services outside services and operating expenses to educational consultants and are presented in Table IV.

Table IV

Services & Operations - Part 2	OPA-CV Budgets			
	Acct #	6/23/2016 2017-18	9/30/2016 2017-18	Difference
Services & Operations:				
Professional/Consulting Services				
Outside Services & Operating Expense	5800	\$ 304,580	\$ -	\$ (304,580)
Accounting	5801	354	-	(354)
Audit	5802	7,396	7,500	104
Business Consulting	5803	25,585	18,000	(7,585)
IT Services	5808	64,484	78,000	13,516
Legal	5804	75,000	250,000	175,000
Fingerprinting/Background	5805	1,799	2,000	201
Recruiting/Placement	5806	4,516	5,000	484
Educational Consultants	5807	206,000	-	(206,000)
Sub-Total: Services & Operations Expenditures - Professional/Consulting services, Part 2		\$ 689,714	\$ 360,500	\$ (329,214)

In the September 30, 2016 OPA-CV renewal budget, professional/consulting services expenditures line item renewal budget amounts are described only as, “based on historical experience”; however, OPA-CV’s historical experience includes payments from OPA-CV to Edlighten Learning Solutions (ELS), the former charter management organization or CMO of Oxford Preparatory Academy for professional/consulting services provided by ELS to OPA-CV and by other related or affiliated vendors such as Educational Excellence, LLC.

The December 9, 2015 Oxford Preparatory Academy and ELS Third Amended Master Agreement, at section two, compensation, states, “OPA shall pay EDLIGHTEN ten percent (10%) of the revenue of each OPA school for which EDLIGHTEN provides the services.”

Based on OPA-CV accounting records provided to the District in the Schools May 11, 2016 response to the District’s request for documents, OPA-CV paid to ELS during calendar year 2015 management fees

totaling \$787,115.58. Calendar year 2015 includes half of the School's 2015-2016 school year which is part of OPA-CV's most recent historical spending experience.

Management of Oxford Preparatory Academy-Chino Valley have repeatedly stated in their May 11, 2016 response to the District's request for records that Edlighten Learning Solutions (ELS) is just like OPA-CV's other vendors.

One example is at page 13 of OPA-CV's May 11, 2016 letter to the District which states, "As for how and when funds have been spent by Edlighten, just like our other vendors, contractors, and service providers, Edlighten is a separate entity with separate records. OPA cannot document, and it is unreasonable for the District to ask OPA to document, "how and when all funds were spent" by a separate entity."

Presenting renewal budget notes to the District that state that professional/consulting services expenditures line item renewal budget amounts are "based on historical experience" means that ELS's historical management fees and consulting costs are a component of the OPA-CV renewal budget. If ELS's management and consulting fees are part of the renewal budget, why the ELS relationship is not disclosed and why the renewal professional and consulting services category of expenses has decreased by \$329,214 should have been, but is not disclosed.

Prior to submitting the OPA-CV September 30, 2016 renewal charter petition, OPA-CV's management stated that OPA-CV is no longer doing business with ELS as of June 2016.

ELS is the former CMO and a related party to OPA-CV and represents a material amount of OPA-CV's historical experience of professional/consulting expenditures; however, ELS is not mentioned in OPA-CV's September 30, 2016 renewal budget notes as a vendor OPA-CV is no longer is using or affiliated with.

Furthermore, OPA-CV fails to provide any information reconciling OPA-CV's historical experience of professional and consulting services which included expenditures to ELS as compared with OPA-CV's September 30, 2016 renewal budget which may or may not include ELS as part of OPA-CV's professional and consulting services.

Presenting renewal budget notes whereby expenditure are "based on historical experience" without presenting any comparative or historical spending renewal budget notes fails to present expenditures and budget notes based on "historical data from schools or school districts of similar type, size, and location" as required by CCR, Title 5, section 11967.5.1(c)(3)(B); therefore, OPA-CV's renewal budget presents an unrealistic financial and operational plan for the proposed OPA-CV charter school.

In both OPA-CV's June 23, 2016 budget and OPA-CV's September 30, 2016 renewal budget, OPA-CV's budgets are each based on enrollment of 1,226 students; however, why budgeted expenditures differ is not explained in OPA-CV's September 30, 2016 renewal budget.

If both the June 23, 2016 and September 30, 2016 OPA-CV's budgets are based on the same number of students enrolled and are based on historical spending experience, OPA-CV should have but fails to explain how two separate budgets can differ so greatly and how OPA-CV's spending experience results in two different budgets for the same 2017-2018 budget year.

The OPA-CV June 23, 2016 budget presented to the District for professional/consulting services expenditures has decreased from \$689,714 to \$360,500 or by \$329,214 as compared to the OPA-CV September 30, 2016 renewal budget.

Comparing the September 30, 2016 renewal budget and June 23, 2016 budget the OPA-CV renewal charter petitioners have submitted to the CVUSD, a September 30, 2016 renewal budget which fails to describe the following:

- Why there are no renewal budget expenditures whatsoever for:
 - Outside services and operating expenditures of \$304,580,
 - Accounting expenditures of \$354, and
 - Educational consultants' expenditures of \$206,000.
- Why professional/consulting expenditures increased or decreased between the June 23, 2016 budget and the September 30, 2016 renewal budget as follows:
 - Business consulting expenditures *decreased* by \$7,585,
 - IT services expenditures increased by \$13,516,
 - Legal fees increased by \$175,000, and
 - Educational consultants' expenditures *decreased* by \$206,000,

Since both OPA-CV budgets are based on the same enrollment of 1,226 students, the OPA-CV renewal petition budget should have but fails to explain why professional/consulting expenditures results in a net expenditure decrease of \$329,214.

The OPA-CV renewal charter petitioners should have but failed to explain in detail each of the expenditure account line items differences between the June 23, 2016 and September 30, 2016 budgets.

Without detailed renewal budget notes, it cannot be determined whether any of the 2016 OPA-CV budgets are reliable; therefore, the OPA-CV September 30, 2016 renewal budget presents and unrealistic financial operational plan for the proposed OPA-CV charter school.

The OPA-CV renewal charter petition at page 185, Accounting and Business Services states, "The Oxford Preparatory Academy Board of Directors will oversee the work of OPA's in-house and/or back office services provider...Consultants may also assist OPA staff..."; however, the OPA-CV renewal charter petitioners and renewal budget fail to disclose who any of OPA-CV's consultants are and what services the consultants will provide to OPA-CV for the \$360,500 in renewal budgeted professional and consulting services.

Transparent and detailed descriptions of all professional and consulting service providers, especially identifying affiliated or related service providers, should have been but are not described in OPA-CV's renewal charter petition or renewal budget notes.

The September 30, 2016 OPA-CV renewal budget fails to describe how the following professional and consulting services amounts were determined:

- Audit costs of \$7,500,

- Business consulting services of \$18,000,
- IT services of \$78,000,
- Legal services of \$250,000,
- Fingerprinting/background expenses of \$2,000, and
- Recruitment/placement expenses of \$5,000.

The OPA-CV's renewal budget also fails to identify which law firm(s), consultant(s), accountant(s), auditors, IT service(s) etc., are being considered by OPA-CV; and whether any of the consultants or attorneys related to OPA-CV' managements family members, or to other OPA-CV affiliated or related parties.

Regarding OPA-CV's professional, consulting, and contracted services, including consultants, auditors, attorneys, and other service providers, the identities of such individuals and/or their service companies should have been fully disclosed and as much of the following information as is known to the OPA-CV renewal charter school petitioners should have been but failed to be included within the OPA-CV renewal charter petition or renewal budget notes:

- i. The names of all individual professionals, consultants and service companies,
- ii. The Internal Revenue Service income tax form, under which the individual and/or organization files federal income taxes, such as 1120 Corporation or 990 Not-for-Profit, etc.
- iii. State of incorporation,
- iv. How long the service companies and individuals have been in business, copies of professional licenses, and areas of expertise,
- v. Number of California clients served and references from a representative sample of California clients,
- vi. Names and relationships of principals and full disclosure of any pre-existing relationships or potential conflicts of interest with any of the OPA-CV renewal charter school petitioners or staff members,
- vii. The financial terms of each attorney, consultant and service company contract with the charter school petitioners, as well as, comparison data from other similar service companies such as service cost agreements, fees, etc.,
- viii. Copies of actual or prospective MOU's and contracts between the individuals and service companies and the proposed OPA-CV charter school,
- ix. Contract termination rights of the proposed OPA-CV charter school, if any,
- x. Organizational and operational contract terms between the service companies and the proposed OPA-CV charter school, and
- xi. Service company and consultants' employee's limits of authorization.

California Code of Regulations, Title 5 section 11967.5.1(c)(3) states,

“An unrealistic financial and operational plan is one to which any or all of the following applies:

(A) In the area of administrative services, the charter or supporting documents do not adequately:

- 1. Describe the structure for providing administrative services, including, at a minimum, personnel transactions, accounting and payroll that reflects an understanding of school business practices and expertise to carry out the necessary administrative services, or a reasonable plan and time line to develop and assemble such practices and expertise.*
- 2. For any contract services, describe criteria for the selection of a contractor or contractors that demonstrate necessary expertise and the procedure for selection of the contractor or contractors.”*

The OPA-CV charter petition and renewal budget fail to comply with CCR, Title 5 section 11967.5.1(c)(3)(A) by failing to describe the required criteria for the selection of contractors; therefore, the OPA-CV renewal charter petition and renewal budget present an unrealistic financial and operational plan for the proposed OPA-CV charter school.

a. **2017-2018 Services & Operations – Part 3:**

The September 30, 2016 OPA-CV renewal budget category of services and operations totals \$1,658,232. For analysis purposes, services and operations is broken into three parts.

Part 3 is a subtotal of the September 30, 2016 OPA-CV 2017-2018 services and operations renewal budget expenditures and totals \$305,614.

Part 3 of this analysis examines the two budget account line items of special education expenses and services and district oversight, and are presented in Table V.

Table V

		OPA-CV Budgets		
Services & Operations - Part 3		6/23/2016	9/30/2016	
	Acct #	2017-18	2017-18	Difference
Services & Operations:				
Special Education Expenses & Services	o/s svcs	-	210,000	210,000
District Oversight	5850	288,279	95,614	(192,665)
Sub-Total: Services & Operations Expenditures, Part 3		\$ 288,279	\$ 305,614	\$ 17,335
Total Services & Operations, Part 1, Part 2, & Part 3		\$ 1,849,025	\$ 1,658,232	\$ (190,793)

Special Education Expenses and Services:

OPA-CV’s special education expenses and services renewal budget notes state, “Estimated expenditures for Special Education related expenses/services (Professional Consultants, Materials, Legal) is based on historical experience.”

The OPA-CV September 30, 2016 renewal budget' special education expenses and services total \$210,000 and the renewal budget notes state the expenditures and services are, "based on historical experience".

However, the OPA-CV renewal charter petitioners fail to present any historical experience or comparative analysis to support OPA-CV's special education renewal budget costs. OPA-CV's renewal budget or notes also fail to describe why the September 30, 2016 renewal budget differs so greatly from the June 23, 2016 budget.

The OPA-CV's renewal budget notes identify special education related expenses/services specific to "(Professional Consultants, Materials, Legal)" but failed to disclose who any of OPA-CV's special education professional consultants and attorneys are and what services comprise OPA-CV's budgeted \$210,000 in spending. Transparent and detailed descriptions of all professional and consulting service providers, especially identifying affiliated or related service providers, should have been but are not described in OPA-CV's renewal budget notes.

Both OPA-CV's June 23, 2016 budget and September 30, 2016 renewal budget are each based on an enrollment of 1,226 students; however, why both budgets differ is not explained in the Schools September 30, 2016 renewal budget. If both the June 23, 2016 and September 30, 2016 budgets are based on the same number of students enrolled and are based on historical experience, OPA-CV also fails to explain how the June 23, 2016 budget does not have any budgeted special education expenses and services while the September 30, 2016 renewal budget spends \$210,000.

The OPA-CV renewal charter petition and renewal budget notes fail to describe if the OPA-CV renewal charter petitioners have considered special education encroachment costs or why any special education encroachment costs are not budgeted or considered necessary.

The OPA-CV's renewal budget identifies year one 2017-2018 Special Education costs as:

- Special Education Expenses and Services expense at \$210,000,
- Two Special Education Teachers at \$123,102, plus benefits of \$41,859, totaling \$164,961,
- Eight Special Ed Instructional Aides-Part Time at \$132,000, plus benefits of \$33,000, totaling \$165,000,
- Two Special Ed Support Staff at \$60,744, plus benefits of \$29,157, totaling \$89,901,
- Grand total OPA-CV renewal budgeted Special Education costs are \$629,862.

The OPA-CV's renewal budget identifies year one Federal IDEA Special Education revenue of \$151,000 and Other State Categorical-Special Education revenue of \$604,344, totaling \$756,219.

OPA-CV's renewal budget Special Education revenue or income is \$756,219, while Special Education costs are \$629,862, resulting in \$126,357 of revenue received over expenditures, or essentially a profit from the OPA-CV special education program.

The OPA-CV's renewal budget notes fail to present any information describing why OPA-CV's special education program has an excess of \$126,357 in special education revenues over expenditures and fails to account for any year one special education encroachment costs.

- a. Using comparable Special Education data from the CVUSD and OPA-CV's projected year one average daily attendance of 1,201.48, OPA-CV should have but failed to present a renewal budget with any special education encroachment costs.

OPA-CV's encroachment costs were calculated for this review and analysis as \$973,079 and because OPA-CV has not presented any renewal budget notes explaining why OPA-CV has not budgeted for special education encroachment costs, an additional \$973,079 in special education costs is reasonable.

- b. The OPA-CV charter petitioners have failed to present any renewal budget notes and assumptions describing in detail how the OPA-CV charter petitioners determined that OPA-CV will not experience any special education encroachment costs.
- c. The OPA-CV charter petition and renewal budget fail to provide detailed renewal budget notes and assumptions that document why the OPA-CV charter petitioners failed to provide special education renewal budget assumptions based on historical data from charter schools or school districts of similar type, size, and location.
- d. Because the OPA-CV charter petitioners failed to provide detailed renewal budget notes or assumptions regarding OPA-CV's special education expenditures, the OPA-CV charter petition and renewal budget fail to comply with 5 CCR section 11967.5.1(c)(3)(B) and present an unrealistic financial and operational plan for the proposed OPA-CV charter school.

District Oversight:

OPA-CV's district oversight renewal budget notes state, "Estimated at 1% of LCFF funding".

The OPA-CV September 30, 2016 renewal budget' district oversight expense is \$95,614; however, OPA-CV's renewal budget and budget notes fail to describe why OPA-CV's district oversight expense in the June 23, 2016 budget is \$288,279 when both the September 30, 2016 and June 23, 2016 budgets are both based on an enrollment of 1,226.

Furthermore, LCFF funding is based on average daily attendance (ADA), and the June 23, 2016 and September 30, 2016 OPA-CV budgets for 2016-2017 are based on comparable ADA of 1,206.38 and 1,201.48 respectively.

Why both OPA-CV budgets' oversight expense differ is not, but should have been explained in OPA-CV's September 30, 2016 renewal budget notes.

II. OPA-CV's MISSING CALPERS PENSION BENEFITS FROM YEAR ONE PAYROLL & STAFFING DETAIL SUPPORT SCHEDULE

OPA-CV's year one renewal budget, payroll and staffing detail support schedule fails to present any California Public Employees' Retirement System (CalPERS) employee benefits.

OPA-CV's year one renewal budget identifies \$232,226 in CalPERS employee benefits; however, how this amount was determined and which OPA-CV employees CalPERS benefits are applicable to is not described in the September 30, 2016 renewal budget payroll and staffing detail support schedule or renewal budget notes.

III. OPA-CV's UNREALISTIC CASH FLOW STATEMENT

OPA-CV's September 30, 2016 renewal budget includes a cash flow statement.

Both the OPA-CV's renewal budget and OPA-CV's renewal budget' cash flow statement fail to present any renewal budget notes describing OPA-CV's year one beginning cash balance of \$400,000 and renewal budget notes describing OPA-CV's cash flow accrual amounts.

Year One Beginning Cash of \$400,000:

OPA-CV has presented its September 30, 2016 renewal budget cash flow statement beginning cash as \$400,000; however, there are no renewal budget notes describing how the OPA-CV renewal charter petitioners determined a beginning cash amount of \$400,000.

The OPA-CV renewal budget's 2017-2018 beginning fund balance is \$400,000.

The OPA-CV June 23, 2016 budget's 2017-2018 beginning fund balance is \$1,433,615.

This results in an unexplained OPA-CV 2017-2018 beginning fund balance decrease of \$1,033,615.

The OPA-CV September 30, 2016 renewal budget notes fail to explain the \$1,033,615 decrease in the 2017-18 beginning fund balance and its effect on OPA-CV's beginning cash of only \$400,000.

The OPA-CV renewal budget notes should have but failed to describe in detail how the OPA-CV renewal charter petitioners arrived at a cash flow statements beginning balance of \$400,000.

Year One Cash Flow Accruals Amounts:

OPA-CV's renewal budget notes discuss limited accounts receivable, payables and cash receipt timing information for a few cash inflow and outflow transaction categories but fails to describe OPA-CV's cash flow revenue and expenditure year one accrual amounts for:

Revenues:

- State aid \$675,789
- Education protection act \$60,074
- In Lieu property taxes \$256,215
- Federal IDEA special education \$75,938
- State revenues special education \$50,302
- Lottery revenues \$58,521
- **Total Accrual Revenues \$1,176,839**

Expenditures:

- All certificated salaries \$326,620
- All classified salaries \$97,927

- All benefits \$146,874
- All materials and supplies \$90,000
- **Total Accrual Expenditures \$661,421**

Because OPA-CV failed to present any renewal budget notes describing how the OPA-CV renewal charter petitioners determined beginning cash of \$400,000 and failed to describe how OPA-CV arrived at OPA-CV's cash flow statement revenues and expenditures accrual amounts, the OPA-CV's cash flow statement amounts presented by OPA-CV are unrealistic and fail to comply with CCR, Title 5, section 11967.5.1(c)(3)(B).

CONCLUSION

When providing their renewal budget as required by Education Code section 47605(g) and California Code of Regulations, Title 5, section 11967.5.1(c)(3)(B), the OPA-CV renewal charter school petitioners should have but failed to provide complete and accurate renewal budget notes and assumptions describing in detail the amounts presented in OPA-CV's renewal budget.

Detailed renewal budget notes and OPA-CV's documentation supporting OPA-CV's renewal budget amounts are a critical component of the basis upon which approval of the OPA-CV renewal charter petition is granted. OPA-CV's renewal budget notes that state that budgeted amounts are based on historical spending experience but failed to provide supporting documentation of OPA-CV's historical spending experience.

Failure to present budget notes that describe who vendors are, especially vendors that may be family members of OPA-CV's management or related or affiliated parties to OPA-CV school management or staff results in OPA-CV failing to present transparent renewal budget notes.

Based on the OPA-CV renewal charter petition and renewal budget as submitted, the Oxford Preparatory Academy – Chino Valley renewal charter petitioners have failed to clearly describe the material assumptions necessary to support the renewal budgeted amounts and cash flow statements presented in OPA-CV's renewal budget.

Overall, in our professional opinion, because of the material nature of the omissions from the OPA-CV renewal budget notes, including undisclosed special education encroachment costs, unexplained cash flow statement beginning cash balance and accruals, and because OPA-CV continues to fail to disclose OPA-CV's professional services and consulting vendors and whether the vendors are OPA-CV's affiliated or related parties, the Oxford Preparatory Academy-Chino Valley renewal charter petition and renewal budget present an unrealistic financial and operational plan for the proposed OPA-CV charter school.

Thank you for allowing us to be of service to the Chino Valley Unified School District.

If you have any questions regarding this analysis, please contact us any time.

Sincerely,



Onisko & Scholz, LLP

EXHIBIT C

Approved Minutes for the June 29, 2015 Academies of Oxford
Prep Board Meeting

Oxford Preparatory Academy

Regular Meeting of the Board of Directors

June 29, 2015
MINUTES

I. PRELIMINARY

A. CALL TO ORDER

The meeting was called to order at 11:21 a.m.

The regular meeting of the Board of Directors was held at the Oceanside campus located at 4000 Mystra Way, Oceanside, California. The teleconference of the Board of Directors meeting took place at 16150 Pomona Rincon Road, Chino Hills, California.

B. Roll Call

Members	Present	Absent
Mike Churchill, Chairman		X
Paul Vargas, Secretary	X	
Larry Moore, Treasurer		X
Robert Elder, Member	X	
Chris Fujii, Member	X	

C. Pledge of Allegiance

The flag salute was led by Robert Elder.

D. Approval of Agenda

Moved (Vargas), second (Fujii), motion carried by a vote of 3-0 to approve the agenda for the regular meeting of the Board of Directors for June 29, 2015 as presented. The vote was taken by roll call.

Roll Call Vote:

AYES Paul Vargas, Robert Elder, Chris Fujii

NOES: 0

ABSTAIN: 0

ABSENT: Larry Moore, Mike Churchill

E. COMMUNICATIONS

Comments from the Board

None

F. COMMENTS FROM THE AUDIENCE ON ITEMS NOT ON THE AGENDA

None

II. OPEN SESSION**A. PRESENTATIONS****403(b) Supplemental Retirement Plan**

Allen Taylor of Newcastle Financial Advisors and Jim Holly from Nationwide Mutual Insurance Co., presented to the Board an overview of the new 403(b) retirement plan that will be offered to employees.

California New Sick Pay Law Effective July 1, 2015

Nora Gomez, Coordinator of Human Resources, presented to the Board the new sick pay law and how it will impact OPA. Mrs. Gomez reported that the new law allows all part time employees to accrue up to 24 hours of sick time per year and that OPA is in compliance with the new law.

B. ITEMS SCHEDULED FOR CONSENT

Moved (Fujii), Second (Vargas), motion carried by a vote of 3-0 to approve items scheduled for consent. The vote was taken by roll call.

Roll Call Vote:

AYES Paul Vargas, Robert Elder, Chris Fujii

NOES: 0

ABSTAIN: 0

ABSENT: Larry Moore, Mike Churchill

II.B.1 Minutes of Regular Meeting of June 9, 2015

Approved minutes of regular meeting of June 9, 2015.

II.B.2 Revised Oxford Preparatory Academy Employee Handbook

Approved Revised Oxford Preparatory Academy Employee Handbook.

II.B.3 2015-2016 Master Calendar for Oxford Preparatory Academy

Approved 2015-2016 Master Calendar for Oxford Preparatory Academy.

C. ITEMS SCHEDULED FOR DISCUSSION/ACTION**1. Public Hearing on Local Control Accountability Plan (LCAP) for Oxford Preparatory Academy**

Robert Elder, presiding as Chairman, opened the Public Hearing regarding the Local Control Accountability Plan (LCAP) for Oxford Preparatory Academy at 12:04 p.m. There were no speakers, and Presiding Chairman Elder closed the Public Hearing at 12:04 p.m.

2. Approve Local Control Accountability Plan (LCAP) for Oxford Preparatory Academy

Moved (Vargas), second (Fujii), motion carried by a vote of 3-0 to approve the Local Control Accountability Plan (LCAP) for Oxford Preparatory Academy as presented. The vote was taken by roll call.

Roll Call Vote:

AYES Paul Vargas, Robert Elder, Chris Fujii

NOES: 0

ABSTAIN: 0

ABSENT: Larry Moore, Mike Churchill

3. Approval of 2015-2016 July 1 (Final) Budget for Oxford Preparatory Academy

Moved (Vargas), Second (Fujii), motion carried by a vote of 3-0 to approve the 2015-2016 July 1 (Final) Budget for Oxford Preparatory Academy as presented. The vote was taken by roll call.

Roll Call Vote:

AYES Paul Vargas, Robert Elder, Chris Fujii

NOES: 0

ABSTAIN: 0

ABSENT: Larry Moore, Mike Churchill

4. First Amended Bylaws for The Academies of Oxford Prep

Moved (Vargas), Second (Fujii), motion carried by a vote of 3-0 to approve the First Amended Bylaws for The Academies of Oxford Prep as presented. The vote was taken by roll call.

Roll Call Vote:

AYES Paul Vargas, Robert Elder, Chris Fujii

NOES: 0

ABSTAIN: 0

ABSENT: Larry Moore, Mike Churchill

5. Resolution to Ratify Extension of Employee Lease Agreement

Moved (Vargas), Second (Fujii), motion carried by a vote of 3-0 to approve the Resolution to Ratify Extension of Employee Lease Agreement as presented. The vote was taken by roll call.

Roll Call Vote:

AYES Paul Vargas, Robert Elder, Chris Fujii

NOES: 0

ABSTAIN: 0

ABSENT: Larry Moore, Mike Churchill

6. Ratify Authorization of Repayment of Cash-Flow loans for FY 2013-2014 and FY 2014-2015

Moved (Vargas), Second (Fujii), motion carried by a vote of 3-0 to ratify Authorization of Repayment of Cash-Flow loans for Fiscal Years 2013-2014 and 2014-2015. The vote was taken by roll call.

Roll Call Vote:

AYES Paul Vargas, Robert Elder, Chris Fujii

NOES: 0

ABSTAIN: 0

ABSENT: Larry Moore, Mike Churchill

7. Approval of 403(b) Supplemental Retirement Plan

Moved (Vargas), Second (Fujii), motion carried by a vote of 3-0 to approve the 403(b) Supplemental Retirement Plan for Oxford Preparatory Academy. The vote was taken by roll call.

Roll Call Vote:

AYES Paul Vargas, Robert Elder, Chris Fujii

NOES: 0

ABSTAIN: 0

ABSENT: Larry Moore, Mike Churchill

D. ITEMS SCHEDULED FOR INFORMATION**1. Report of the Nominating Committee of Qualified Candidates for Election to the Board of Directors**

Robert Elder, Presiding Chairman, on behalf of the Secretary, presented the report of the Nominating Committee of Qualified Candidates for Election to the Board of Directors. The Nominating Committee has recommended Mike Churchill for the office of Chairman and Paul Vargas for the office of Secretary.

E. PUBLIC COMMENTS ON CLOSED SESSION ITEMS

None

III. CLOSED SESSION – DISCUSSION AND POSSIBLE ACTION

Robert Elder, Presiding Chairman, adjourned to closed session at 11:56 a.m. regarding public employment for Interim Executive Director.

IV. OPEN SESSION

Robert Elder, Presiding Chairman, reconvened the regular meeting of the Board of Directors at 12:17 p.m. The Board met in closed session from 11:56 a.m. to 12:17 p.m. regarding public employment for Interim Executive Director. The Board took action to approve hiring Barbara Black, Executive Vice President as the Interim Executive Director. A roll call vote was taken on the following action:

Roll Call Vote for hiring Interim Executive Director:

*AYES Paul Vargas, Robert Elder, Chris Fujii
NOES: 0
ABSTAIN: 0
ABSENT: Larry Moore, Mike Churchill*

V. ADJOURNMENT

Moved (Fujii), Second (Vargas), motion carried by a vote of 3-0 to adjourned the regular meeting of the Board of Directors for June 29, 2015. The vote was taken by roll call.

Roll Call Vote:

*AYES Paul Vargas, Robert Elder, Chris Fujii
NOES: 0
ABSTAIN: 0
ABSENT: Larry Moore, Mike Churchill*

Robert Elder, Presiding Chairman, adjourned the regular meeting of the Board of Directors for June 29, 2015 at 12:20 p.m.

Mike Churchill, Chairman

Paul Vargas, Secretary

Reported by: Jennifer Laddaga, Coordinator of Administrative Services

EXHIBIT D

Approved Minutes for the June 29, 2015 OPA Board Meeting

Oxford Preparatory Academy

Regular Meeting of the Board of Directors

June 29, 2015
MINUTES

I. PRELIMINARY

A. CALL TO ORDER

The meeting was called to order at 6:10 p.m.

The regular meeting of the Board of Directors was held at the South Orange County campus located at 23000 Via Santa Maria, Mission Viejo, California. The teleconference of the Board of Directors meeting took place at 5862 C Street, Chino, California and 4 Riverside Drive, Andover, Massachusetts.

B. Roll Call

Members	Present	Absent
Bob Kuhnert, Chairman		X
Albert Chang, Vice Chairman	X	
Greg Maddex, Secretary	X	
Bob Lehmeyer, Treasurer	X	
Mike Delgado, Member	X	

C. Pledge of Allegiance

The flag salute was led by Bob Lehmeyer.

D. Approval of Agenda

Moved (Maddex), second (Delgado), motion carried by a vote of 4-0 to approve the agenda for the regular meeting of the Board of Directors for June 29, 2015 as presented. The vote was taken by roll call.

Roll Call Vote:

AYES: Greg Maddex, Michael Delgado, Albert Chang, Bob Lehmeyer

NOES: 0

ABSTAIN: 0

ABSENT: Bob Kuhnert

E. COMMUNICATIONS

Comments from the Board

Mr. Delgado shared that he was very impressed with the promotion ceremonies at both campuses.

Dr. Maddex commented that he continues to be amazed at the caliber of work that is presented at OPA and that OPA is an example of what is achieved by working together.

Mr. Lehmeyer shared that he recently spent time visiting former Board Member, Mary Chladni; said he shared photos of OPA band uniforms, and commented that she was impressed with everything he shared with her about the happenings at OPA.

F. COMMENTS FROM THE AUDIENCE ON ITEMS NOT ON THE AGENDA

Melissa Alsop, a parent and founding member at OPA-South Orange County (SOC) campus, addressed the Board about OPA's lunch program, Board Meeting calendars, school communication, and her appreciation for Oxford Preparatory Academy.

II. OPEN SESSION**A. PRESENTATIONS****OPA-South Orange County Update**

Tammy Lohoff, Dean from OPA-South Orange County (SOC), shared a video that gave an overview highlighting activities at the SOC campus for the 2014-2015 school year.

403(b) Supplementary Retirement Plan

Sherry Taylor of Newcastle Financial Advisors, and Jim Holly from Nationwide Mutual Insurance Co., presented to the Board an overview of the Supplementary 403(b) Retirement Plan that will be offered to employees.

Introduction of New Staff

Barbara Black, Executive Vice President, introduced to the Board, Lisa Hall, Administrator of Educational Programs; Nora Gomez, Coordinator of Human Resources; and Rachel Czarnocki, Manager of Human Resources.

California New Sick Pay Law Effective July 1, 2015

Nora Gomez, Coordinator of Human Resources, presented to the Board the new sick pay law and how it will impact OPA. Mrs. Gomez reported that the new law allows all part time employees to accrue up to 24 hours of sick time per year and that OPA is in compliance with the new law.

B. ITEMS SCHEDULED FOR CONSENT

Moved (Maddex), Second (Delgado), motion carried by a vote of 4-0 to approve items scheduled for consent as presented. The vote was taken by roll call.

Roll Call Vote:

AYES Greg Maddex, Michael Delgado, Albert Chang, Bob Lehmeyer

NOES: 0

ABSTAIN: 0

ABSENT: Bob Kuhnert

II.B.1 Minutes of Regular Meeting of May 26, 2015

Approved the Minutes of Regular Meeting of May 26, 2015.

II.B.2 Warrant Report

Approved the Warrant Report.

II.B.3 Revised Oxford Preparatory Academy Employee Handbook

Approved Revised Oxford Preparatory Academy Employee Handbook

II.B.4 Revised Authorized Signature List

Approved Authorized Signature List

II.B.5 2015-2016 Master Calendars for Oxford Preparatory Academy

Approved 2015-2016 Master Calendars for Oxford Preparatory Academy

C. ITEMS SCHEDULED FOR DISCUSSION/ACTION**1. Public Hearing on Local Control Accountability Plan (LCAP) for Oxford Preparatory Academy-Chino Valley**

Bob Lehmeyer, presiding as Chairman, opened the Public Hearing regarding the Local Control Accountability Plan (LCAP) for Oxford Preparatory Academy at 7:06 p.m. There was one comment stating there might be more accurate income answers by parents if parents had knowledge that the forms were completely confidential and were destroyed after the data was retrieved. Mr. Lehmeyer, presiding as Chairman, closed the Public Hearing at 7:09 p.m.

2. Public Hearing on Local Control Accountability Plan (LCAP) for Oxford Preparatory Academy-South Orange County

Bob Lehmeyer, presiding as Chairman, opened the Public Hearing regarding the Local Control Accountability Plan (LCAP) for Oxford Preparatory Academy at 7:09 p.m. There were no speakers. Mr. Lehmeyer, presiding as Chairman closed the public hearing at 7:09 p.m.

3. Approve Local Control Accountability Plan (LCAP) for Oxford Preparatory Academy-Chino Valley

Moved (Maddex), second (Delgado), motion carried by a vote of 4-0 to approve the Local Control Accountability Plan (LCAP) for Oxford Preparatory Academy-Chino Valley as presented. The vote was taken by roll call.

Roll Call Vote:

*AYES: Greg Maddex, Michael Delgado, Albert Chang, Bob Lehmeyer
NOES: 0
ABSTAIN: 0
ABSENT: Bob Kuhnert*

4. Approve Local Control Accountability Plan (LCAP) for Oxford Preparatory Academy-South Orange County

Moved (Maddex), second (Delgado), motion carried by a vote of 4-0 to approve the Local Control Accountability Plan (LCAP) for Oxford Preparatory Academy-South Orange County (SOC) as presented. The vote was taken by roll call.

Roll Call Vote:

*AYES: Greg Maddex, Michael Delgado, Albert Chang, Bob Lehmeyer
NOES: 0
ABSTAIN: 0
ABSENT: Bob Kuhnert*

5. Approval of 2015-2016 July 1 (Final) Budget for Oxford Preparatory Academy-Chino Valley

Moved (Delgado), Second (Maddex), motion carried by a vote of 4-0 to approve the 2015-2016 July 1 (Final) Budget for Oxford Preparatory Academy-Chino Valley as presented. The vote was taken by roll call.

Roll Call Vote:

*AYES: Greg Maddex, Michael Delgado, Albert Chang, Bob Lehmeyer
NOES: 0
ABSTAIN: 0
ABSENT: Bob Kuhnert*

6. Approval of 2015-2016 July 1 (Final) Budget for Oxford Preparatory Academy-South Orange County

Moved (Maddex), Second (Delgado), motion carried by a vote of 4-0 to approve the 2015-2016 July 1 (Final) Budget for Oxford Preparatory Academy-South Orange County (SOC) as presented. The vote was taken by roll call.

Roll Call Vote:

*AYES: Greg Maddex, Michael Delgado, Albert Chang, Bob Lehmeyer
NOES: 0
ABSTAIN: 0
ABSENT: Bob Kuhnert*

7. Approval of 403(b) Supplemental Retirement Plan for Oxford Preparatory Academy

Moved (Delgado), Second (Maddex), motion carried by a vote of 4-0 to approve the 403(b) Supplemental Retirement Plan for Oxford Preparatory Academy as presented. The vote was taken by roll call.

Roll Call Vote:

AYES: Greg Maddex, Michael Delgado, Albert Chang, Bob Lehmeyer
 NOES: 0
 ABSTAIN: 0
 ABSENT: Bob Kuhnert

8. Approval of Fifth Amended Bylaws for Oxford Preparatory Academy

Moved (Maddex), Second (Delgado), motion carried by a vote of 4-0 to approve the Fifth Amended Bylaws for Oxford Preparatory Academy as presented. The vote was taken by roll call.

Roll Call Vote:

AYES: Greg Maddex, Michael Delgado, Albert Chang, Bob Lehmeyer
 NOES: 0
 ABSTAIN: 0
 ABSENT: Bob Kuhnert

9. Resolution to Ratify Extension of Employee Lease Agreement

Moved (Maddex), Second (Delgado), motion carried by a vote of 4-0 to approve the Resolution to Ratify Extension of Employee Lease Agreement as presented. The vote was taken by roll call.

Roll Call Vote:

AYES: Greg Maddex, Michael Delgado, Albert Chang, Bob Lehmeyer
 NOES: 0
 ABSTAIN: 0
 ABSENT: Bob Kuhnert

D. ITEMS SCHEDULED FOR INFORMATION**1. Report of the Nominating Committee of Qualified Candidates for Election to the Board of Directors**

Bob Lehmeyer, Presiding Chairman, on behalf of the Secretary, presented the report of the Nominating Committee of Qualified Candidates for Election to the Board of Directors. The Nominating Committee has recommended Bob Kuhnert for the office of Chairman and Greg Maddex for the office of Secretary.

E. PUBLIC COMMENTS ON CLOSED SESSION ITEMS

None

III. CLOSED SESSION – DISCUSSION AND POSSIBLE ACTION

Bob Lehmeyer, Presiding Chairman, adjourned to closed session at 7:31 p.m. regarding public employment for Interim Executive Director.

IV. OPEN SESSION

Bob Lehmeyer, Presiding Chairman, reconvened the regular meeting of the Board of Directors at 8:00 p.m. The Board met in closed session from 7:31 p.m. to 8:00 p.m. regarding public employment for Interim Executive Director. The Board took action to approve hiring Barbara Black, Executive Vice President as the Interim Executive Director and the Public Employee Performance Evaluation. A roll call vote was taken on the following action:

Roll Call Vote for hiring Interim Executive Director:

AYES: Greg Maddex, Bob Lehmeyer, Michael Delgado, Albert Chang
 NOES: 0
 ABSTAIN: 0
 ABSENT: Bob Kuhnert

V. **ADJOURNMENT**

Moved (Maddex), Second (Delgado), motion carried by a vote of 4-0 to adjourned the regular meeting of the Board of Directors for June 29, 2015. The vote was taken by roll call.

Roll Call Vote:

AYES *Greg Maddex, Bob Lehmeyer, Michael Delgado, Albert Chang*

NOES: 0

ABSTAIN: 0

ABSENT: *Bob Kuhnert*

Bob Lehmeyer, Presiding Chairman, adjourned the regular meeting of the Board of Directors for June 29, 2015 at 8:04 p.m.



Albert Chang, Vice Chairman



Greg Maddex, Secretary

Reported by: Jennifer Laddaga, Coordinator of Administrative Services

EXHIBIT E

California Secretary of State Statement of Information - The
Academies of Oxford Prep (filed June 30, 2016)



State of California Secretary of State

N

Statement of Information

(Domestic Nonprofit, Credit Union and General Cooperative Corporations)

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

FE51273

FILED

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

JUN-30 2016

1. CORPORATE NAME

THE ACADEMIES OF OXFORD PREP

2. CALIFORNIA CORPORATE NUMBER

C3514206

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
2281 DIEGUENO RD, BORREGO SPRINGS, CA 92004			

4. MAILING ADDRESS OF THE CORPORATION	CITY	STATE	ZIP CODE

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
BARBARA BLACK	23001 LA PALMA AVE SUITE 210, YORBA LINDA, CA 92887			

6. SECRETARY	ADDRESS	CITY	STATE	ZIP CODE
ROBERT ELDER	23001 LA PALMA AVE SUITE 210, YORBA LINDA, CA 92887			

7. CHIEF FINANCIAL OFFICER/	ADDRESS	CITY	STATE	ZIP CODE
CHRIS FUJII	23001 LA PALMA AVE SUITE 210, YORBA LINDA, CA 92887			

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.)
INCORP SERVICES, INC

9. STREET ADDRESS OF AGENT FOR SERVICE OF PROCESS IN CALIFORNIA, IF AN INDIVIDUAL CITY STATE ZIP CODE

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.

06/30/2016	MICHAEL DELUCA	MANAGER	
DATE	TYPE/PRINT NAME OF PERSON COMPLETING FORM	TITLE	SIGNATURE

SI-100 (REV 01/2016)

APPROVED BY SECRETARY OF STATE

EXHIBIT F

California Secretary of State Statement of Information -
Edlighten Learning Solutions (filed November 23, 2015)



State of California Secretary of State

N

126 SI

FILED Secretary of State State of California NOV 23 2015

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

1. CORPORATE NAME

Edlighten Learning Solutions

NF

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 23001 La Palma Ave Suite 220A Yorba Linda CA 92887

4. MAILING ADDRESS OF THE CORPORATION CITY STATE ZIP CODE 23001 La Palma Ave Suite 220A Yorba Linda CA 92887

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 23001 La Palma Ave Suite 220A Yorba Linda CA 92887

6. SECRETARY ADDRESS CITY STATE ZIP CODE Patti Ricci 23001 La Palma Ave Suite 220A Yorba Linda CA 92887

7. CHIEF FINANCIAL OFFICER/ ADDRESS CITY STATE ZIP CODE Michael DeLuca 23001 La Palma Ave Suite 220A Yorba Linda CA 92887

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 National Registered Agents, Inc C 1941323

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

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.

11/18/2015

Michael DeLuca

CFO

[Signature]

DATE

TYPE/PRINT NAME OF PERSON COMPLETING FORM

TITLE

SIGNATURE

APPROVED BY SECRETARY OF STATE

EXHIBIT G

California Secretary of State Statement of Information -
Edlighten Learning Solutions (filed September 23, 2016)



State of California Secretary of State

N

Statement of Information

(Domestic Nonprofit, Credit Union and General Cooperative Corporations)

FG05251

FILED

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

SEP-23 2016

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

IMPORTANT – READ INSTRUCTIONS BEFORE COMPLETING THIS FORM

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
23001 LA PALMA AVE SUITE 220A, YORBA LINDA, CA 92887			

4. MAILING ADDRESS OF THE CORPORATION	CITY	STATE	ZIP CODE

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
MICHAEL DELUCA	23001 E LA PALMA AVE SUITE 220A, YORBA LINDA, CA 92887			

6. SECRETARY	ADDRESS	CITY	STATE	ZIP CODE
MICHAEL CHURCHILL	23001 LA PALMA AVE SUITE 220A, YORBA LINDA, CA 92887			

7. CHIEF FINANCIAL OFFICER/	ADDRESS	CITY	STATE	ZIP CODE
MICHAEL CHURCHILL	23001 LA PALMA AVE SUITE 220A, YORBA LINDA, CA 92887			

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: This person designated as the corporation's agent MUST have agreed to act in that capacity prior to the designation.]
NATIONAL REGISTERED AGENTS INC	

9. STREET ADDRESS OF AGENT FOR SERVICE OF PROCESS IN CALIFORNIA, IF AN INDIVIDUAL	CITY	STATE	ZIP CODE

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.

09/23/2016	MICHAEL DELUCA	CEO	
DATE	TYPE/PRINT NAME OF PERSON COMPLETING FORM	TITLE	SIGNATURE

EXHIBIT H


California Department of Education School Directory – Oxford
Preparatory Academy – San Diego County

California Department of Education

Home / Resources / School Directory / Details

California School Directory

School: Oxford Preparatory Academy - San Diego County

County	San Diego
District	Borrego Springs Unified
School	Oxford Preparatory Academy - San Diego County
CDS Code	37 67983 0128579
Low Grade	K
High Grade	12
Web site	www.oxfordchampions.org
School Email	barbara.black@oxfordchampions.com
Phone Number	(909) 464-2672
Fax Number	(909) 248-0459
Charter	Yes
Charter Number	1590
Charter Funding Type	Directly funded
NCES/Federal School ID	13716
School Address	2281 Diegueno Dr. Borrego Springs, CA 92004-5002 Google Map 
Mailing Address	2281 Diegueno Dr. Borrego Springs, CA 92004-5002
Administrator(s)	Barbara Black Administrator (909) 464-2672 barbara.black@oxfordchampions.com

Status	Closed
Open Date	2013-09-03
Close Date	2016-06-30
School Type	K-12 Schools (Public)
Year Round	No
Statistical Info	Quick Link to DataQuest Reports
CDS Coordinator (Contact for Data Updates)	Lisa Zierath 760-767-5335 Ext. 321 E-mail Update Request

Questions: CDS Administration | cdsadmin@cde.ca.gov | 916-327-4014

Page generated: 11/19/2016 12:09:28 PM

EXHIBIT I

California Secretary of State Business Entity Detail – The Academies of Oxford Prep


[Secretary of State Main Website](#)
[Business Programs](#)
[Notary & Authentications](#)
[Elections](#)
[Campaign & Lobbying](#)

Business Entities (BE)

Online Services

- [E-File Statements of Information for Corporations](#)
- [Business Search](#)
- [Processing Times](#)
- [Disclosure Search](#)

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- [Tax Information](#)
- [Starting A Business](#)

Customer Alerts

- [Business Identity Theft](#)
- [Misleading Business Solicitations](#)

Business Entity Detail

Data is updated to the California Business Search on Wednesday and Saturday mornings. Results reflect work processed through Friday, November 18, 2016. Please refer to **Processing Times** for the received dates of filings currently being processed. The data provided is not a complete or certified record of an entity.

Entity Name:	THE ACADEMIES OF OXFORD PREP
Entity Number:	C3514206
Date Filed:	10/11/2012
Status:	ACTIVE
Jurisdiction:	CALIFORNIA
Entity Address:	2281 DIEGUENO RD
Entity City, State, Zip:	BORREGO SPRINGS CA 92004
Agent for Service of Process:	INCorp SERVICES, INC.
Agent Address:	5716 CORSA AVE STE 110
Agent City, State, Zip:	WESTLAKE VILLAGE CA 91362-7354

* Indicates the information is not contained in the California Secretary of State's database.

- If the status of the corporation is "Surrender," the agent for service of process is automatically revoked. Please refer to California Corporations Code **section 2114** for information relating to service upon corporations that have surrendered.
- For information on checking or reserving a name, refer to **Name Availability**.
- For information on ordering certificates, copies of documents and/or status reports or to request a more extensive search, refer to **Information Requests**.
- For help with searching an entity name, refer to **Search Tips**.
- For descriptions of the various fields and status types, refer to **Field Descriptions and Status Definitions**.

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EXHIBIT J

Oxford Preparatory Academy Executive Administrative Team



OPA's Leadership Team

[Home](#) » [About](#) » OPA's Leadership Team

- [Home](#)

Oxford Preparatory Academy Executive Leadership

	<p>Barbara Black EXECUTIVE DIRECTOR barbara.black@oxfordchampions.com Executive Director's Blog</p>	
◦ About OPA		
	<p>Monica Power MANAGING DIRECTOR monica.power@oxfordchampions.com ▪ University Search</p>	

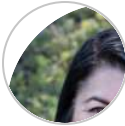





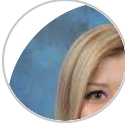













OPA – Chino Valley Site Administration

	<ul style="list-style-type: none"> ▪ Mission & Vision <p>Andrew Crowe CHANCELLOR andrew.crowe@oxfordchampions.com Chancellor's Blog ▪ Student Goals</p>	
	<p>Garrett Bridges DEAN Garrett.Bridges@oxfordchampions.com University Theme</p>	
	<p>Cyndi Valenta Programs and Academics Cyndi.Valenta@oxfordchampions.com</p>	

Executive Cabinet

	<ul style="list-style-type: none"> ▪ Accolades <p>Amy Valenzuela Cafeteria ACADEMIC OFFICER amy.valenzuela@oxfordchampions.com</p>	
	<p>Juliette Ugartechea CHIEF FINANCIAL OFFICER juliette.ugartechea@oxfordchampions.com</p>	
▪ Board of Directors		
	<p>Jared McLeod CHIEF OPERATIONS OFFICER jared.mcleod@oxfordchampions.com</p>	

Executive Administration Team

	<p>Carrie Birchler COORDINATOR OF COMMUNICATION AND PUBLIC RELATIONS carrie.birchler@oxfordchampions.com</p>	
	<p>Nicholas Califato COORDINATOR OF BUSINESS SERVICES nick.califato@oxfordchampions.com</p>	
	<ul style="list-style-type: none"> ▪ Garrett Bridges – Dean <p>Lisa Czarnocki COORDINATOR OF ATTENDANCE lisa.czarnocki@oxfordchampions.com Report an Absence</p> <ul style="list-style-type: none"> ▪ Cyndi Valenta – Dean 	
	<p>Rachel Czarnocki COORDINATOR OF HUMAN RESOURCES rachel.czarnocki@oxfordchampions.com OPA's Leadership Team Human Resources Website</p>	
	<p>Rachel Foy COORDINATOR OF MULTIMEDIA DESIGN AND DIGITAL COMMUNICATION rachel.foy@oxfordchampions.com</p>	
	<p>Lisa Hall COORDINATOR OF EDUCATIONAL PROGRAMS lisa.hall@oxfordchampions.com Scholar Academy Website</p> <ul style="list-style-type: none"> ▪ Chino Valley (TK-8th and Independent Study) 	
	<p>Denise Hobbensiefken COORDINATOR OF INDEPENDENT STUDY denise.hobbensiefken@oxfordchampions.com SOG Mission Veto (TK-8th and Independent Study)</p>	
	<p>Cathy Kelley COORDINATOR OF ADMINISTRATIVE SERVICES cathy.kelley@oxfordchampions.com</p>	
	<p>Fox Lehjika COORDINATOR OF WORLD LANGUAGE fox.lehjika@oxfordchampions.com</p>	
	<ul style="list-style-type: none"> ▪ Summer Enrichment <p>Christian Marquez COORDINATOR OF FACILITIES christian.marquez@oxfordchampions.com</p> <ul style="list-style-type: none"> ▪ Academy Fund 	

- [Board of Directors](#)
- [Executive Director](#)
- [Chancellor](#)

EXHIBIT K

Signed Sue Roche letter dated May 30, 2012



Oxford Preparatory Academy Charter Schools

5862 C Street, Chino, California 91710 • Office: 909-464-2672 • FAX: 909-248-0459 •

www.oxfordchampions.com

Sue Roche, President/Executive Director

Jason Watts, Director of Educational Services

Barbara Black, Director of School Development

June 5, 2012

VIA ELECTRONIC MAIL

Wayne Joseph, Superintendent
Chino Valley Unified School District
5130 Riverside Drive
Chino, CA 91710

Dear Superintendent Joseph:

Thank you for the timely response to our May 30, 2012 letter. Attached is the executed "Letter to CVUSD" as deemed acceptable by counsel in the June 4, 2012 correspondence, as well as Oxford Preparatory Academy's Lottery Protocol with the suggested revisions.

Element 8 of the Petition reads, "The total number of students receiving enrollment preferences as children of faculty...shall not exceed 10 % of the total enrollment." To comply with the Petition language and provide the opportunity for new faculty members to enroll their children, Oxford Preparatory Academy reserves some openings for newly hired faculty. All openings will be filled prior to school commencing, thus ensuring no students on the wait list are deprived of otherwise available seats that may remain vacant all year.

Although we appreciate your suggestion to conduct the lottery with the assistance of a service organization, an Oxford Preparatory Academy representative, traditionally a Corporate Board member, principal or director, will draw names from the drum. In this case, following the Petition makes the most sense when considering the prior experience and efficiency of a public lottery conducted without third party involvement.

Due to time constraints, we will not be conducting an electronic public lottery this year, however, we may use it in future lotteries after offering assurances that the electronic selection method will be random, fair and unbiased. As stated in the Protocol, "names/numbers" will be assigned and can be used as alternating ways of identifying students entered into the lottery.

Thank you for your continued efforts in resolving these final matters.

Regards,

Sue Roche
President/Executive Director
Oxford Preparatory Academy

SR: km



Oxford Preparatory Academy

Charter Schools

5862 C Street, Chino, California 91710 - (909) 464-2672 - www.opacharterschools.com

Sue Roche, President & Executive Director

Jason Watts, Vice President & Director of Educational Services

Barbara Black, Director of School Development

May 30, 2012

VIA: Hand Delivery and Electronic Mail

Wayne_Joseph@chino.k12.ca.us

Wayne Joseph, Superintendent
Chino Valley Unified School District
5130 Riverside Drive
Chino, CA 91710

Dear Superintendent Joseph:

This letter serves as official documentation that Oxford Preparatory Academy – Chino Valley (OPA) has made an agreement with the Chino Valley Unified School District to be held accountable for complying with the federal non-regulatory guidance for conducting a public random drawing outlined in the 2007 Request for Application, Appendix J during the grant project period and as updated as stated below in 2011. The lottery protocol in Appendix R has been revised to comply with the PCSGP grant funding requirements for one (1) lottery.

The Hierarchy of Exemptions and Preferences for Enrollment

- Children of faculty;
- All enrollment exemptions or preferences for children of Founding Members expire July 1, 2012;
- Siblings of currently enrolled students; and
- Children of Chino Valley Unified School District residents (5:1 weighting) according to Federal Law and Guidance, "A charter school may not have separate lottery pools, but may have weighted lotteries when they are necessary to comply with applicable State law." The weighting factor needs to be established by agreement between the charter school and its chartering authority.

Waiting list priority is based upon the "hierarchy of exemptions and preferences for enrollment." The total number of students receiving enrollment preferences as children of faculty shall not exceed 10% of the total enrollment.

In Element 8, Section H. of the December 19, 2011 "Revisions to Petition" *Public Charter School Grant Program* ("PCSGP"), it states that Oxford Preparatory Academy reserves the right to modify the enrollment process and preferences to comply with the requirement of the "PCSGP," with the approval of the District Superintendent.

Please see the attached new *Chino Lottery Protocol*.

Sue Roche
Sue Roche, President/Executive Director
Authorized Agent

June 6, 2012
Date

CHINO VALLEY UNIFIED SCHOOL DISTRICT
Wayne Joseph
Wayne Joseph, Superintendent
Authorized Agent

6/7/12
Date

Corporate Board of Directors

Bob Kuhnert, Chairman – Albert Chang, Vice-Chairman – Mary Chladni, Secretary – Robert Lehmeier, Treasurer



LOTTERY PROTOCOL CHINO

"WE BELIEVE IN KEEPING FAMILIES TOGETHER"

Oxford Preparatory Academy (OPA) conducts an Open Enrollment for thirty (30) days in the spring of each year for parents who are interested in enrolling their child(ren) for the next school year. This year the Open Enrollment period was from February 23, 2012 through March 23, 2012. During that time parents were given the opportunity to complete the application requirements for attendance at OPA, and to fill out and submit an enrollment packet.

The OPA Charter Petition, Element 8 states, *"Following the open enrollment period each year, applications will be counted to determine whether any grade level has received more applications than availability. In the event that this happens, the school will hold a random public lottery to determine enrollment for the impacted grade levels, with the exception of existing students who are guaranteed enrollment in the following school year."*

The following are the lottery procedures:

- The lottery will take place within ninety (90) calendar days of closing the open enrollment period as defined above;
- The lottery will take place on the school's campus or in a facility large enough to allow all interested parties who wish to attend to do so;
- All interested parties will know, prior to the holding of the lottery, how many openings are available in the school and in the different grades served by the school;
- The lottery will take place on a given published date;
- Oxford Preparatory Academy will comply with all applicable state and federal laws and with the Chartering Authority's policy as it relates to the oversight of charter schools;
- The lottery shall draw student names/numbers from a "drum" during a public forum;
- A representative of Oxford Preparatory Academy shall draw the student names/numbers;
- As each student's name/number is drawn in their grade level, they are placed in either an opening or on the waiting list;
- As long as there are openings when a student's name/number is drawn, their siblings are placed either in an opening or on the waiting list at his/her grade level; and
- The drawing shall continue until all names are drawn.

When we receive more applications than we have openings, a random public drawing/lottery is conducted to establish **Placement, Sibling Priority, and Waiting** lists for each grade level.

In addition to the existing students who are guaranteed enrollment, as stated in the OPA petition, the "hierarchy of exemptions and preferences for enrollment" must also be followed. Students qualifying for these exemptions and preferences may be found in the Charter Petition, Element 8, Section F.

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. Some openings will be reserved until no later than the first day of school for newly hired staff children. The total number of students receiving enrollment exemptions and preferences as children of faculty shall not exceed 10% of the total enrollment.
2. Siblings of currently enrolled students will be placed in remaining openings. When there are not enough openings to accommodate the siblings, a Sibling Priority List will be established. The order on the Sibling Priority List will be determined by the students' previous lottery numbers from the 2011 lottery. These siblings will not be a part of the 2012 random public drawing.

3. All other students who enrolled during the Open Enrollment Period, whether they reside within the Chino Valley Unified School District (CVUSD) or outside of the CVUSD will be included in the lottery.
4. Those students who reside in the CVUSD will be given a “weighted” preference during the lottery. It will be a 5:1 ratio. This is to comply with the “hierarchy of exemptions and preferences for enrollment” and with federal guidelines of the Public Charter Schools Grant Program (PCSGP) for grant funding. The federal government requires that a charter school may not have separate lottery pools, but may have weighted lotteries.

OXFORD PREPARATORY ACADEMY RANDOM PUBLIC DRAWING/LOTTERY

- ❖ With the exceptions listed above, all students who enrolled during the Open Enrollment Period will participate in one lottery.
- ❖ Cards containing student names/numbers indicating their grade level and their siblings will be placed in the “lottery” drum by an OPA Representative. Traditionally a Corporate Board Member, Principal or Director.
- ❖ Due to the “weighted” preference, an in-district student will have five (5) entries whereas an out-of-district student would have only one (1) entry.

As the student names/numbers are randomly selected:

- ❖ They will be displayed and recorded.
- ❖ If there is an opening for the student selected:
 - The student will be placed in their designated grade level;
 - Siblings will be placed, provided space is available, in their designated grade level; and
 - Remaining siblings not placed in their designated grade levels will be placed on the ~~waiting~~-Sibling Priority-list at his/her grade level.
- ❖ If there is no opening for the student selected:
 - The student will be placed at the bottom of the Waiting list.
- ❖ If there is no opening for the student represented by the number selected, and their sibling(s) is/are selected for placement during the lottery:
 - Their sibling(s) will be placed in their designated grade level(s); and
 - The student will be moved from the Waiting list to the bottom of the Sibling Priority list.
- ❖ Once a student’s name/number has been drawn, and the student has been placed on the Placement, Sibling Priority, or Waiting list, duplicate entries selected as a result of preference weighting shall be eliminated.
- ❖ All names/numbers are drawn until each student has been placed in an opening or on the waiting list.
- ❖ The waiting list will expire at the end of each school year. Students not placed and remaining on the waiting list at the end of each school year must go through the Open Enrollment Process for the upcoming school year, if they remain interested in attending the school.

Notification: A Placement List, Sibling Priority List or Standard Waiting List postcard will be mailed to the address on record of each applicant within 2 weeks following the lottery, informing them of the lottery results for their children.

Confirmation of Acceptance/Decline Placement: Parents shall have three (3) business days from the date of first notification to accept or decline placement. In addition, the school shall attempt on at least two additional occasions to contact the parent(s)/guardian(s) of students promoted from the Waiting list.

Please be advised that grade level student/teacher ratios are estimates only. Oxford Preparatory Academy reserves the right to alter the ratios while maintaining the total school population that is agreed upon in the Charter Petition.

Revised 6/6/12