



CHINO VALLEY
UNIFIED SCHOOL DISTRICT

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

BOARD OF EDUCATION AGENDA

March 16, 2017

BOARD OF EDUCATION

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

—◆—
SUPERINTENDENT
Wayne M. Joseph

5130 Riverside Drive. Chino. California 91710
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CHINO VALLEY UNIFIED SCHOOL DISTRICT
REGULAR MEETING OF THE BOARD OF EDUCATION
District Office Board Room
5130 Riverside Drive, Chino, CA 91710
5:20 p.m. – Closed Session • 7:00 p.m. – Regular Meeting
March 16, 2017

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.
- Order of business is approximate and subject to change.

I. OPENING BUSINESS

I.A. CALL TO ORDER – 5:20 P.M.

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

Discussion and possible action (times are approximate):

- a. Conference with Legal Counsel - Existing Litigation (Government Code 54954.4(c) and 54956.9)(d)(1): Federal District Court, Case No. EDCV 14-2336-JGB (DTBx) Freedom from Religion Foundation vs. Chino Valley Unified School District Board of Education. (Tyler & Bursch, LLP) (15 minutes)
- b. Conference with Labor Negotiators (Government Code 54957.6): A.C.T. and CSEA negotiations. Agency designated representatives: Dr. Norm Enfield, Sandra Chen, Dr. Grace Park, Lea Fellows, and Richard Rideout. (15 minutes)
- c. Public Employee Discipline/Dismissal/Release (Government Code 54957): (45 minutes)
- d. Public Employee Appointment (Government Code 54957): Construction Coordinator. (10 minutes)

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

1. Report Closed Session Action
2. Pledge of Allegiance

I.C. PRESENTATIONS

1. Student Showcase: Cal Aero Preserve Academy
2. California Institution for Men to HOPE
3. Teaching and Learning Task Force and Professional Development Committee Update
4. California School Dashboard

- I.D. COMMENTS FROM STUDENT REPRESENTATIVE
- I.E. COMMENTS FROM EMPLOYEE REPRESENTATIVES
- I.F. COMMENTS FROM COMMUNITY LIAISONS
- I.G. COMMENTS FROM THE AUDIENCE ON ITEMS NOT ON THE AGENDA
- I.H. CHANGES AND DELETIONS

II. ACTION

II.A. ADMINISTRATION

II.A.1. Sycamore Preparatory Charter School Petition

Page 8 Recommend the Board of Education adopt Resolution 2016/2017-27 Adopting Findings regarding Sycamore Preparatory Charter School Petition pursuant to Education Code section 47605(b).

II.B. BUSINESS SERVICES

II.B.1. 2016/2017 Second Interim Financial Report

Page 75 Recommend the Board of Education approve the 2016/2017 Second Interim Financial Report, and authorize the President of the Board of Education and the Superintendent to sign the positive Certification of Financial Condition for the current and two subsequent fiscal years.

II.C. FACILITIES, PLANNING, AND OPERATIONS

II.C.1. Resolution 2016/2017-24 Authorizing the Issuance and Sale of its Measure M, 2017 General Obligation Refunding Bonds, 2002 Election, 2006 Series D, and Approving Certain Other Matters Relating to Said Bonds

Page 76 Recommend the Board of Education adopt Resolution 2016/2017-24 Authorizing the Issuance and Sale of its Measure M, 2017 General Obligation Refunding Bonds, 2002 Election, 2006 Series D, and Approving Certain Other Matters Relating to Said Bonds.

II.C.2. Resolution 2016/2017-23 Authorizing the Issuance and Sale of its General Obligation Bonds, Election of 2016, Series 2017A, in an Aggregate Principal Amount Not to Exceed \$225,000,000, and Approving Certain Other Matters Relating to Said Bonds

Page 116 Recommend the Board of Education adopt Resolution 2016/2017-23 Authorizing the Issuance and Sale of its General Obligation Bonds, Election of 2016, Series 2017A, in an Aggregate Principal Amount Not to Exceed \$225,000,000, and Approving Certain Other Matters Relating to Said Bonds.

II.D. HUMAN RESOURCES

II.D.1. Resolution 2016/2017-22 Notice of Layoff of Certain Classified Staff Pursuant to Education Code 45117 and 45298

Page 157

Recommend the Board of Education adopt Resolution 2016/2017-22 Notice of Layoff of Certain Classified Staff Pursuant to Education Code 45117 and 45298.

III. CONSENT

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

III.A. ADMINISTRATION

III.A.1. Minutes of the Regular Meeting of February 16, 2017, and March 2, 2017

Page 159

Recommend the Board of Education approve the minutes of the regular meeting of February 16, 2017, and March 2, 2017.

III.B. BUSINESS SERVICES

III.B.1. Warrant Register

Page 173

Recommend the Board of Education approve/ratify the warrant register, provided under separate cover.

III.B.2. Fundraising Activities

Page 174

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

III.B.3. Donations

Page 177

Recommend the Board of Education accept the donations.

III.B.4. Legal Services

Page 179

Recommend the Board of Education approve payment for legal services to the law office of Atkinson, Andelson, Loya, Ruud & Romo.

III.B.5. Applications to Operate Fundraising Activities and Other Activities for the Benefit of Students

Page 180

Recommend the Board of Education approve/ratify the applications to operate fundraising activities and other activities for the benefit of students.

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

III.C.1. School-Sponsored Trips

Page 182

Recommend the Board of Education approve/ratify the school-sponsored trips for: Country Springs ES; Eagle Canyon ES; Oak Ridge ES; Rhodes ES; Liberty ES; Canyon Hills JHS; Ayala HS; Chino HS; Chino Hills HS; and Don Lugo HS.

III.C.2. New Course Exploratory Work Experience (Internship)

Page 185 Recommend the Board of Education approve the new course Exploratory Work Experience (Internship).

III.C.3. Career Technical Education/Carl D. Perkins Advisory Committee

Page 189 Recommend the Board of Education approve the Career Technical Education/Carl D. Perkins Advisory Committee as follows:
Jennell Acker, Teacher, Chino Hills HS (Hospitality & Tourism)
Elena Armijo, Armijo News and ABC Public Relations
Michael Armijo, Armijo News and ABC Public Relations
Reginald Barber, School Resource Officer, Chino HS (Law & Justice)
Laura Beckman, Special Event Coord., Irvine University Center
Alyssa Berry, Teacher, Don Lugo HS (Agriculture)
Michael J Bidart, Trial Lawyer, Shernoff Bidart Echeverria, LLP
Yvette Bookout, Parent, Don Lugo HS
Brian Engstrom, Teacher, Don Lugo HS (Engineering)
Rashi Jeeda, Student, Chino Hills HS (Digital Imaging)
Vanessa Morales, Student, Chino HS (Forensic Science)
Anthony Pittman, Teacher, Ayala HS (Computer Science)
Mike Rolland, Teacher, Chino Hills HS (Digital Design)
Ray Santoyo, Parent, Chino Fire Department
Sally Santoyo, Parent, Chino HS
Sam Sabbara, Teacher, Chino Hills HS (Medical)
Kathy Tan, Parent, Chino HS
Natalie Tong, So. Cal. Prog. Coord., CA Restaurant Association
Educational Foundation
Christopher Torres, Student, Chino HS (Forensic Science)
Lorraine Vara, Teacher, Chino HS (Law & Justice)
Elizabeth Williams, Teacher, Chino HS (Culinary)

III.C.4. Revision of Board Policy 6164.6 Instruction–Identification and Education Under Section 504

Page 191 Recommend the Board of Education approve the revision of Board Policy 6164.6 Instruction–Identification and Education Under Section 504.

III.C.5. Revision of Board Policy 6200 Instruction–Adult Education

Page 195 Recommend the Board of Education approve the revision of Board Policy 6200 Instruction–Adult Education.

III.D. FACILITIES, PLANNING, AND OPERATIONS

III.D.1. Purchase Order Register

Page 199 Recommend the Board of Education approve/ratify the purchase order register, provided under separate cover.

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

Page 200 Recommend the Board of Education approve/ratify the Agreements for Contractor/Consultant Services.

III.D.3. Surplus/Obsolete Property

Page 203 Recommend the Board of Education declare the District property surplus/obsolete and authorize staff to sell/dispose of said property.

III.D.4. Request for Proposal 16-17-01, Data Networking Services Districtwide

Page 205 Recommend the Board of Education approve Request for Proposal 16-17-01, Data Networking Services Districtwide to Time Warner Cable Business Class.

III.D.5. Architectural Firms Under Request for Qualifications 15-16-03 Architectural/Engineering Services on New School Construction

Page 206 Recommend the Board of Education authorize staff to enter into agreements with Flewelling & Moody, HMC Architects, PJHM Architects, and WLC Architects on an as-needed basis as projects develop for architectural services under Request for Qualifications 15-16-03 Architectural/Engineering Services on New School Construction.

III.D.6. Resolutions 2016/2017-25 and 2016/2017-26 for Authorization to Utilize Piggyback Contracts

Page 208 Recommend the Board of Education adopt Resolutions 2016/2017-25 and 2016/2017-26 for authorization to utilize piggyback contracts.

III.E. HUMAN RESOURCES

III.E.1. Certificated/Classified Personnel Items

Page 214 Recommend the Board of Education approve/ratify the certificated/classified personnel items.

III.E.2. Rejection of Claim

Page 219 Recommend the Board of Education reject the claim and refer it to the District's insurance adjuster.

IV. INFORMATION

IV.A. FACILITIES, PLANNING, AND OPERATIONS

IV.A.1. Revision of Board Policy and Administrative Regulation 3311 Business and Noninstructional Operations—Bids

Page 220 Recommend the Board of Education receive for information revision of Board Policy and Administrative Regulation 3311 Business and Noninstructional Operations—Bids.

IV.A.2. New Administrative Regulation 3311.4 Business and Noninstructional Operations—Procurement of Technological Equipment

Page 240

Recommend the Board of Education receive for information new Administrative Regulation 3311.4 Business and Noninstructional Operations—Procurement of Technological Equipment.

IV.B. HUMAN RESOURCES

IV.B.1. Revision of Board Policy 4113 Certificated Personnel—Assignment

Page 243

Recommend the Board of Education receive for information the revision of Board Policy 4113 Certificated Personnel—Assignment.

V. COMMUNICATIONS

BOARD MEMBERS AND SUPERINTENDENT

VI. ADJOURNMENT

Prepared by: Patricia Kaylor, Administrative Secretary, Board of Education
Date posted: March 13, 2017

CHINO VALLEY UNIFIED SCHOOL DISTRICT

Our Motto:

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

DATE: March 16, 2017
TO: Members, Board of Education
FROM: Wayne M. Joseph, Superintendent
**SUBJECT: SYCAMORE 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, Sycamore Preparatory Academy submitted a charter school petition on January 19, 2017.

A public hearing was held on February 16, 2017, 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 Sycamore Preparatory Academy Charter School Petition and the Sycamore Preparatory Academy Charter Petition Budget.

RECOMMENDATION

It is recommended the Board of Education adopt Resolution No. 2016/2017-27 Adopting Findings regarding the Sycamore 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 Sycamore 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. 2016/2017-27 ADOPTING RECOMMENDED FINDINGS OF FACT
REGARDING THE SYCAMORE PREPARATORY ACADEMY 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 Sycamore Preparatory Academy (“SPA”) charter petitioners submitted a charter petition to the District on January 19, 2017 for a grades TK-8 charter school.

WHEREAS, California Education Code section 47605 and California Code of Regulations, title 5, section 11967 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, 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 charter 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 February 16, 2017, a public hearing on the SPA 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 SPA charter petition by teachers employed by the District, other employees of the District, and parents as required by Education Code section 47605(b).

WHEREAS, one teacher employed by the District spoke in opposition to the SPA charter petition, one parent questioned the SPA charter petition regarding concerns about the SPA charter petitioners’ operational history, and two parents spoke in favor of the SPA charter petition. All other members of the public who spoke in support of the SPA charter petition were either employed by or affiliated with SPA.

WHEREAS, all of the members of the CVUSD Board of Education have read and fully considered the SPA charter petition and supporting documents, including the SPA Budget, this Resolution, and the Paul S. Horvat Certified Public Accountant Review and Analysis of the SPA charter petition and Budget.

WHEREAS, in reviewing the SPA 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 SPA charter petition, District staff, working with Superintendent Wayne M. Joseph, with District legal counsel, and with Certified Public Accountant Paul S. Horvat, have reviewed and analyzed all of the information presented by the SPA charter petition and the SPA Budget, including materials related to the operation and potential effects of the proposed SPA charter school.

Because the District staff's review finds that granting the SPA charter petition is not consistent with sound educational practice, District staff have made a recommendation to the CVUSD Board of Education in the form of this Resolution that the January 19, 2017 SPA 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 January 19, 2017 SPA charter petition, hereby **denies** the SPA charter petition pursuant to Education Code section 47605(b) and finds that granting the SPA charter petition is not consistent with sound educational practice based upon the following factual findings specific to the January 19, 2017 SPA charter petition:

- I. THE SPA CHARTER PETITIONERS ARE DEMONSTRABLY UNLIKELY TO SUCCESSFULLY IMPLEMENT THE PROGRAM SET FORTH IN THE SPA CHARTER PETITION [Education Code section 47605(b)(2)];**
- II. THE SPA CHARTER PETITION FAILS TO CONTAIN THE REQUIRED NUMBER OF SIGNATURES [Education Code section 47605(b)(3)];**
- III. THE SPA CHARTER PETITION FAILS TO CONTAIN AN AFFIRMATION THAT THE PROPOSED SPA CHARTER SCHOOL SHALL NOT CHARGE TUITION [Education Code section 47605(b)(4)];**
- IV. THE SPA CHARTER PETITION FAILS TO CONTAIN REASONABLY COMPREHENSIVE DESCRIPTIONS OF SEVEN (7) OF THE FIFTEEN REQUIRED ELEMENTS OF A CHARTER PETITION [Education Code section 47605(b)(5)]; AND**
- V. THE SPA CHARTER PETITION FAILS TO PROVIDE INFORMATION REGARDING THE PROPOSED OPERATION AND POTENTIAL EFFECTS OF THE CHARTER SCHOOL [Education Code section 47605(g)].**

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 SPA CHARTER PETITIONERS ARE DEMONSTRABLY UNLIKELY TO SUCCESSFULLY IMPLEMENT THE PROGRAM SET FORTH IN THE SPA 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 SPA Charter Petitioners Are Demonstrably Unlikely To Successfully Implement The Program Set Forth In The SPA Charter Petition Because The SPA Budget Presents An Unrealistic Financial And Operational Plan For The Proposed SPA 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*” set forth in the charter petition is whether the charter petitioners have presented an unrealistic financial and operational plan for the proposed charter school.

Pursuant to California Code of Regulations, title 5, section 11967.5.1(c)(3),

“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.”

...

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

1. Include, at a minimum, the first-year operational budget, start-up costs, and cash flow, and financial projections for the first three years.

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

Due to discrepancies identified during the District staff’s review of the SPA charter petition, Certified Public Accountant Paul S. Horvat prepared an independent Review and Analysis of the SPA charter petition and Budget. Mr. Horvat’s Certified Public Accountant Review and Analysis is attached as Exhibit A hereto and incorporated herein by this reference.

The Paul S. Horvat Certified Public Accountant Review and Analysis of the SPA charter petition and Budget concludes that SPA’s Budget presents an unrealistic financial and operational plan for the proposed SPA charter school.

The Paul S. Horvat Certified Public Accountant Review and Analysis of the SPA charter petition and Budget also states at pages one and two:

EXECUTIVE SUMMARY

After a comprehensive review of the Sycamore Preparatory Academy charter petition and Budget as submitted to the Chino Valley Unified School District on January 19, 2017, I conclude that the Sycamore Preparatory Academy charter petition’s Budget presents an unrealistic financial and operational plan for the proposed Sycamore Preparatory Academy charter school.

My findings can be summarized as follows:

- 1) *The SPA charter petitioners failed to account for \$225,000 of year one Public Charter School Grant Program (PCSGP) start-up funds costs.*

- 2) *The Sycamore Preparatory Academy charter petition's Budget fails to present sufficient detailed Budget notes that clearly describe SPA's financial budget projections pursuant to California Code of Regulations, Title 5, section 11967.5.1(c)(3)(B).*

SPA fails to provide supplementary information describing how the proposed Sycamore Preparatory Academy 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.

- 3) *The Sycamore Preparatory Academy charter petition's Budget fails to present any staffing, medical and retirement benefits supporting schedules reconciling to the types of staffing position classifications presented in SPA's Budget Narratives, Budget Notes, or Budget assumptions.*
- 4) *The Sycamore Preparatory Academy charter petition's Budget fails to identify how the SPA charter petitioners determined SPA's special education encroachment costs in the SPA Budget or to explain why SPA's special education encroachment costs were sufficient and comparable to other similar types of schools.*
- 5) *The Sycamore Preparatory Academy charter petition's Budget fails to identify how the SPA charter petitioners determined SPA's facilities rental costs in the SPA Budget. The SPA charter petition's Budget fails to explain how the amount of rent presented in the SPA Budget is sufficient and comparable to other similar types of schools when analysis of the Chino and Chino Hills facilities rental market adds \$728,235 in additional rental costs to SPA's proposed Budget.*
- 6) *Because of the material expenditure omissions in the proposed Sycamore Preparatory Academy charter petition Budget, SPA's total expenditures have increased by \$1,545,047 resulting in an ending 2017-2018 year one deficit fund balance of (\$577,638) and deficit fund balance reserve of (7.3%).*

The CVUSD Board of Education hereby specifically adopts the findings of the Paul S. Horvat Certified Public Accountant Review and Analysis of the SPA charter petition and Budget and finds that the SPA charter petitioners are demonstrably unlikely to successfully implement the program set forth in the SPA charter petition because the SPA charter petition and budget present an unrealistic financial and operational plan for the proposed SPA charter school.

B. The SPA Charter Petitioners Are Demonstrably Unlikely to Successfully Implement The Program Set Forth In The SPA Charter Petition Because The SPA Charter Petitioners Personally Lack The Necessary Background In Areas Critical To The Charter School’s Success.

California Code of Regulations, title 5, section 11967.5.1(c)(4) states that a factor to be considered in determining whether charter petitioners are “*demonstrably unlikely to successfully implement the program*” is whether:

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

(A) Curriculum, instruction, and assessment.”

The SPA charter petition fails to demonstrate that the SPA charter petitioners personally have the necessary background in the implementation of an educational program based on Dr. Howard Gardner’s Theory of Multiple Intelligences, and the SPA charter petition fails to include a “*plan to secure the services of individuals who have the necessary background in these areas.*”

Beginning at page 15 of the SPA charter petition, the SPA charter petitioners identify the Theory of Multiple Intelligences as an Instructional Methodology for the proposed SPA charter school.

The SPA charter petitioners refer to the implementation of the Theory of Multiple Intelligences throughout the SPA charter petition:

Page(s)	Language concerning Multiple Intelligences Instructional Methodology from the SPA Charter Petition
18-19	<p><i>“Stage 3: Differentiating Instruction to Meet the Needs of All Learners”</i></p> <p style="text-align: center;">...</p> <p><i>“Incorporating a Multiple Intelligences approach in lesson design and instruction to target the learning strengths of all students.”</i></p>
23	<p><i>“In addition to using Visible Learning strategies, Multiple Intelligences techniques, and varying DoK in the classroom on a daily basis to teach Standards . . .”</i></p>

Page(s) Language concerning Multiple Intelligences Instructional Methodology from the SPA Charter Petition

26 *“Additionally, team members provide support for new staff members by modeling effective lessons embedded with Multiple Intelligences (MI) teaching and assessment strategies.”*

27 *“Students have the opportunity to demonstrate this mastery through a variety of channels such as classroom participation, assessments, and Multiple Intelligences projects.”*

34 *“SPA will utilize a Multiple Intelligences inventory to assess each student in their area of strengths. All students will be assessed in the beginning of the school year to determine the modalities in which they best learn. . . . In addition, the school’s philosophy of Visible Learning and Multiple Intelligences will enhance the total educational program for all identified Gifted and Talented Education (GATE) students*

**Acceleration will be a strategy for pacing students through the curriculum at a rate commensurate with their advanced ability. Pacing will allow students to go as far and as fast as their interests and abilities permit. Instructional groups will be formed to enrich their understanding through the incorporation of Multiple Intelligence teaching methods. This pacing will allow Gifted students to accelerate based on their knowledge of the concepts.”*

36 *“To keep parents informed and assisting in their child’s education, a conference is scheduled with the student’s classroom teacher by the eighth week into the school year. At this conference, the teacher, parents, and student:*

...

- *Review the results of the student’s Multiple Intelligences Survey;*
- *Share feedback on the student’s experiences in and out of the classroom as related to the Multiple Intelligences Survey results.”*

37-38 *“The key features that we believe increase student achievement to its highest possible level are:*

...

- *Having a strong understanding of how children learn and retain information, based on the Theory of Multiple Intelligences.”*

Page(s) Language concerning Multiple Intelligences Instructional Methodology from the SPA Charter Petition

43 “Materials
SPA will utilize curricular materials for the core content areas that will be selected based on an analysis of their alignment with the State Standards, the available assessment and universal access resources that accompany each program, and their fit with the school’s instructional philosophy of an academically rigorous, Multiple Intelligences infused curriculum.”

47 “Comprehensive Learning Experiences Offered to All Students

- *Theory of Multiple Intelligences will be the basis for instruction in all core academic areas:*
 - *ELA/Literacy*
 - *Mathematics*
 - *Science*
 - *History/Social Studies.”*

48 “Expanded Learning Experiences Offered to All Students

- *Instructional lessons taught beyond the walls of the classroom using Theory of Multiple Intelligences.”*

60 *“SPA will be proactive in systematically tracking student progress towards reaching and surpassing state proficiency standards for all students. This will include the following targeted populations: Hispanic or Latino, Students with Disabilities, English Learners, Socioeconomically Disadvantaged students, and foster youths. In addition to state mandated assessments, SPA will regularly administer internal assessments. This internal documentation includes, but is not limited to, diagnostic assessments and tools to measure students’ academic progress, such as:*

...

- *Multiple Intelligences assessments and projects.”*

Page(s)	Language concerning Multiple Intelligences Instructional Methodology from the SPA Charter Petition
61-62	<p><i>“SPA staff will provide a comprehensive instructional program for EL students.”</i></p> <p style="text-align: center;">...</p> <p><i>“Structured, targeted, and rigorous standards-based instruction integrating the Theory of Multiple Intelligences which centers on students’ learning strengths.”</i></p>
73	<p><i>“Staff will be trained on Multiple Intelligences and best practices of teaching.</i></p> <p><i>Staff will integrate tile (sic) Theory of Multiple Intelligences within lessons to address student learning strengths.”</i></p>

As submitted, the SPA charter petition and supporting documents fail to identify any SPA administrators, board members, or staff having any experience or training in implementing an instructional program based on the educational theory of Multiple Intelligences.

Further, the existing 2016 Sycamore Academy of Science and Cultural Arts (“SASCA”) charter school petition, as authorized by the Lake Elsinore Unified School District and operated by the Ronald Reagan Charter School Alliance (“RRCSA”) and lead SPA charter petitioner Barbara Hale, fails to identify any administrators, board members, or staff with any experience in implementing an instructional program based on the educational theory of Multiple Intelligences.

In fact, the SASCA charter petition never mentions Multiple Intelligences once.

The SPA charter petitioners have appropriated without attribution large amounts of language from the September 30, 2016 Oxford Preparatory Academy-Chino Valley (“OPA-Chino”) charter renewal petition. Of the 16,068 words on pages 13 through 52 of the SPA charter petition, 10,456 or 65.07% of the words are directly taken from the September 30, 2016 OPA-Chino charter renewal petition. Seventeen (17) pages between pages 13 and 52 share more than 90% of the exact same language as the September 30, 2016 OPA-Chino charter renewal petition.

Notably, **7 pages** of the SPA charter petition are **word-for-word** recreations of portions of the September 30, 2016 OPA-Chino charter renewal petition – pages 16, 18, 19, 35, 38, 49, and 50 – the only difference being the name of the charter school: where OPA wrote “**OPA,”** SPA wrote “**SPA”** and where OPA wrote “Oxford,” SPA wrote “Sycamore.”

The CVUSD Board of Education therefore finds that the SPA charter petitioners are demonstrably unlikely to successfully implement the program because the proposed SPA administration, board members, and staff personally lack the necessary background in the areas of “*Curriculum, instruction, and assessment*” to implement an educational program based on the Theory of Multiple Intelligences and because the SPA charter petition fails to contain a “*plan to*

secure the services of individuals who have the necessary background in this area” as required by California Code of Regulations, title 5, section 11967.5.1(c)(4)(A).

C. The SPA Charter Petitioners Are Demonstrably Unlikely To Successfully Implement The Program Set Forth In The Petition Because The SPA Charter Petition Fails To Adequately Describe The Facilities Needed To Operate The Educational Program Proposed In The SPA Charter Petition.

California Code of Regulations, title 5, section 11967.5.1(c)(3)(D) states that another factor to be considered in determining whether charter petitioners are “*demonstrably unlikely to successfully implement the program*” is whether:

“(D) In the area of facilities, the charter and supporting documents do not adequately:

1. Describe the types and potential location of facilities needed to operate the size and scope of educational program proposed in the charter.

2. In the event a specific facility has not been secured, provide evidence of the type and projected costs of the facilities that may be available in the location of the proposed charter school.

3. Reflect reasonable costs for the acquisition or leasing of facilities to house the charter school, taking into account the facilities the charter school may be allocated under the provisions of Education Code section 47614.”

The SPA charter petition and supporting documents fail to adequately describe the reasonable costs necessary for the acquisition or leasing of facilities needed to operate the size and scope of the educational program proposed in the SPA charter petition, in violation of California Code of Regulations, title 5, section 11967.5.1(c)(3)(D).

The SPA charter petition states at page 124:

“In the event that Proposition 39 facilities are not requested or provided, SPA will locate in a private facility within the District boundaries that is in compliance with the California State Building Code. SPA would need approximately 50,625 square feet in order to house the number of student anticipated to enroll in the school during its first charter term.

In the event that a private facility is required, SPA will seek to have the landlord pay for all tenant improvements necessary to convert the facility for the charter school’s use. The tenant improvements will be done in a manner that will ensure that the facility is

compliant with the California State Building Code for educational use. Any private facility will also comply with local zoning, unless zoning exemption is approved pursuant to the Government Code.”

The SPA charter petition and supporting documents name the Los Serranos schoolsite and, alternatively, an undetermined “*private facility within the District boundaries in compliance with the California State Building Code*” as possible facilities, conceding that the SPA charter petitioners have to date failed to secure facilities which can be available in fall 2017 for the 2017-2018 school year.

Pursuant to California Code of Regulations, title 5, section 11967.5.1(c)(3)(D)(2), because facilities have yet to be secured, the SPA charter petitioners must “*provide evidence of the type and projected cost of the facilities that **may be available** in the location of the proposed charter school.*” (Emphasis added.)

Page 4 of the SPA Budget & Narratives states that the SPA charter petitioners expect “*to rent a facility which will be more than adequate in operating a school that is reflective of the enrollment projections. The cost of renting such facility has been budgeted at \$183,020 in year 1 and includes a 3% annual increase in the out-years.*”

However, the SPA charter petitioners reference leasing a private facility without providing any details reflecting the “*reasonable costs for the acquisition or leasing of facilities to house the charter school*” or the location of the buildings.

The SPA charter petition fails to identify whether there are any available facilities that meet the SPA charter petitioners’ stated needs for at least 50,625 square feet within the District’s geographic boundaries and within the proposed SPA charter school’s stated budget for facilities in year 1 (\$183,020).

The SPA charter petition’s budget of \$183,020 for 50,625 square feet of facilities does not “*Reflect reasonable costs for the acquisition or leasing of facilities to house the charter school,*” as required by California Code of Regulations, title 5, section 11967.5.1(c)(3)(D)(3), because leasing 50,625 square feet of facility space at \$183,020 calculates to only \$0.30 per square foot of facility space per month.

Further, the District is advised by an experienced commercial real estate broker that finding 50,000 square feet in the Chino and Chino Hills area is difficult, with few rental options available and that for a landlord to contribute tenant capital improvements towards specialized school improvements, the rental rates are \$2.00 - \$2.35 Full Service Office Gross per square foot per month.

Using \$2.00 per square foot and the SPA charter petition’s stated facility square foot requirement of 50,652 square feet means that the proposed SPA charter school’s monthly rent is **\$101,250. A monthly rent of \$101,250 is \$1,215,000 annually.**

The commercial real estate broker also advised that for commercial industrial property in the Chino or Chino Hills areas, factoring in tenant improvements for costs of constructing classrooms, heating, ventilation and air conditioning, and other costs, the rental price per square foot is \$1.50 - \$1.75.

Using \$1.50 per square foot and the SPA charter petition's stated facility square feet requirement of 50,625 square feet means that the proposed SPA charter school's monthly rent is **\$75,938. A monthly rent of \$75,938 is \$911,256 annually.**

The SPA charter petitioners fail to consider the additional costs with retrofitting an existing building to meet the needs of a school serving a grades TK-8 student population, including installation of a computer network, science labs, kitchen facilities, and student bathrooms. The SPA charter petition promises physical education and sports programs, but the SPA charter petitioners fail to include locker rooms, playing fields, or sports facilities in their facilities requirements.

The CVUSD Board of Education therefore finds that the SPA charter petitioners fail to adequately describe the facilities needed to operate the educational program proposed in the SPA charter petition by failing to provide evidence of the type and projected cost of the facilities for programs promised in the SPA charter petition that may be available in the location of the proposed charter school as required by California Code of Regulations, title 5, section 11967.5.1(c)(3)(D)(2).

II. THE SPA 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 SPA charter petitioners obtain and provide with their charter petition a statutorily required number of parent, legal guardian, or teacher signatures prior to submitting the SPA charter petition to the District's governing board.

Education Code section 47605(a) states:

“(1) The petition may be submitted to the governing board of the school district for review after[:]

...

(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)."

The first two pages of SPA’s charter petition contain twenty (20) names and signatures of individuals purporting to be “*meaningfully interested in teaching at Sycamore Preparatory Academy pursuant to the requirements of Education Code section 47605(a)(1)(B)(3).*” (Emphasis added.)

As submitted to the District on January 19, 2017, page 86 of the SPA charter petition projects states that 31 full-time teachers for grades TK – 8 will be employed at the proposed SPA charter school during its first year of operation.

Therefore, to meet the signature requirement of Education Code section 47605(a)(1)(B), the SPA charter petition must include teacher signatures totaling at least half of 31, or 16, valid and verifiable signatures.

However, as of March 13, 2017, the names and expiration dates of credentials for five of the twenty signatures could not be verified on the California Commission on Teacher Credentialing “*Search for an Educator’s Credential, Certificate and/or Permit Public Search*” website as outlined in the chart below:

Chart 1 – Verification of Meaningfully Interested Teacher Signatures Provided by SPA Charter Petitioners			
Name	Number of Credentialed Individuals	Credential Type(s) Associated with Name	Credential Expiration Date(s)
Stephanie Butler	4		
	Stephanie Callie Butler	Child Development Assistant Permit	8/1/2018
	Stephanie Therese Butler	Single Subject Teaching Credential	8/1/2020
	Stephanie Ann Butler	X – No credential	X
Stephanie Butler	Activity Supervisor Clearance Certificate	3/1/2022	
Baylee Gerges	0	X – No credential	X

Name	Number of Credentialed Individuals	Credential Type(s) Associated with Name	Credential Expiration Date(s)
Crystal Hernandez	7		
	Crystal Suzanne Hernandez	Single Subject Teaching Credential; Crosscultural, Language and Academic Development Certificate	9/1/2018 No expiration
	Crystal Jeanette Hernandez	Certificate of Clearance	7/1/2021
	Crystal Hernandez	CTE Teaching Credential	2/1/2018
	Crystal Joey Hernandez	Multiple Subject Teaching Credential	5/1/2019
	Crystal Faye Hernandez	Multiple Subject Teaching Credential; 30-Day Substitute Teaching Permit	1/1/2022 10/1/2017
	Crystal Hernandez	Pupil Personnel Services Credential; Certificate of Clearance	6/1/2017 5/1/2017
	Crystal Lynette Montegudo Hernandez	Activity Supervisor Clearance Certificate	8/1/2020
Candace Simpson	3		
	Candace A. Simpson	Multiple Subject Teaching Credential;	3/1/2022
	Candace Simpson	X – No credential	X
	Candace Jewell Simpson	Standard Secondary Teaching Credential	No expiration

The District could not verify the information for “*Gabriel*” because the surname is illegible and a Commission on Teacher Credentialing (“CTC”) Educator Search effort did not produce any credentialed individuals. The District searched for “Gabriel Aubrey,” “Gabriel Auby,” “Gabriel Aubey,” and “Gabriel Aubry” on the CTC Educator database but could not find anyone by those names holding any teaching or administrative credentials or certificates.

Further, 10 of the 20 signatures provided by the SPA charter petitioners can be identified as teachers already employed at the existing Sycamore Academy of Science and Cultural Arts (“SASCA”) charter school.

The California Attorney General, in considering 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, has stated 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 (1995).)

Consistent with the California Attorney General’s Opinion, the District has identified the following information relating to signatures from teachers at the existing SASCA charter school:

- **Amanda Avila:** The SASCA “Staff Directory” webpage identifies Ms. Avila as a “Teacher.” According to Ms. Avila’s class webpage, she holds a California Multiple Subject Teaching Credential and teaches “ELA Center- Read to Someone and National History Day Project” classes at SASCA.

Email: a.avila@sycamoreacademycharter.org.

- **Heather Cicalo:** The SASCA “Staff Directory” webpage identifies Mrs. Cicalo as a “Teacher.” According to Mrs. Cicalo’s class webpage, she holds a Multiple Subject Teaching Credential and teaches “Independent Study” classes at SASCA.

Email: h.cicalo@sycamoreacademycharter.org.

- **Samantha Etchandy:** The SASCA “Staff Directory” webpage identifies Mrs. Etchandy as a “Teacher.” According to Mrs. Etchandy’s class webpage, she holds California and New York Multiple Subject Teaching Credentials and teaches “Independent Study” classes at SASCA.

Email: s.etchandy@sycamoreacademycharter.org

- **Lisa Fortin:** The SASCA “Staff Directory” webpage identifies Mrs. Fortin as a “Teacher.” According to Mrs. Fortin’s class webpage, she holds a CLAD Multiple Subject Credential and Education Specialist Credential, and is an “Education Specialist.”

Email: l.fortin@sycamoreacademycharter.org

- **Mireya Gresham:** The SASCA “Staff Directory” webpage identifies Mrs. Gresham as a “Curriculum Specialist, Leadership Team, CTI Coach, Student Council Advisor.” According to Mrs. Gresham’s class webpage, Mrs. Gresham holds a California Multiple Subject Teaching Credential and teaches K-1 classes.

Email: m.gresham@sycamoreacademycharter.org

- **Nona Jones:** The SASCA “Staff Directory” webpage identifies Ms. Jones as a “Home Study Teacher.” According to Ms. Jones’ class webpage, she has taught and supported SASCA since its inception. The Commission on Teacher Credentialing’s Educator Search shows Nona Raivia Jones holds a Multiple Subject Teaching Credential.

Email: n.jones@sycamoreacademycharter.org

- **Alicia Lau:** The SASCA “Staff Directory” webpage identifies Ms. Lau as a “Teacher.” According to Ms. Lau’s class webpage, she has a Masters of Science degree in Curriculum and Instruction and teaches 2nd and 3rd grade “Independent Study” at SASCA.

Email: a.lau@sycamoreacademycharter.org

- **Julie Miranda:** The SASCA “Staff Directory” webpage identifies Mrs. Miranda as a “Teacher, Leadership Team, CTI Coach, and SCEWL Team.” According to Mrs. Miranda’s class webpage, she holds a Social Science Multiple Subject Teaching Credential with CLAD and teaches 4th and 5th grade at SASCA.

Email: j.miranda@sycamoreacademycharter.org

- **Jennifer Smith:** The SASCA “Staff Directory” webpage identifies Mrs. Smith as an “Intern Education Specialist.” According to Mrs. Smith’s webpage, she is working on her credentials in Special Education and Multiple subjects and will work with the K-5 grade students at SASCA.

Email: j.smith@sycamoreacademycharter.org

- **Daniel Steele:** The SASCA “Staff Directory” webpage identifies Mr. Steele as a “Seniors Humanities Teacher.” The Commission on Teacher Credentialing’s Educator Search shows Daniel Christopher Steele holds a Multiple Subject Teaching Credential.

Email: d.steele@sycamoreacademycharter.org

Because these ten individuals are current SASCA teachers and are therefore “*teachers at an already existing charter school,*” their signatures cannot be considered as being meaningfully interested in teaching at the proposed SPA charter school and are invalid for the purposes of Education Code section 47605(b)(3).

Therefore, although the SPA charter petitioners were required to provide at least sixteen (16) signatures of meaningfully interested teachers, only five (5) of the twenty (20) signatures provided by the SPA charter petitioners are verifiable and valid for the purposes of Education Code section 47605(b)(3).

The CVUSD Board of Education therefore finds the SPA charter petition failed to contain the required number of signatures at the time of the submission of the original SPA charter petition to the District on January 19, 2017, in violation of Education Code section 47605(b)(3), and that the SPA charter petition was therefore improperly submitted to the CVUSD Board of Education for consideration.

III. THE SPA CHARTER PETITION FAILS TO CONTAIN AN AFFIRMATION THAT THE PROPOSED SPA CHARTER SCHOOL SHALL NOT CHARGE TUITION. [Education Code section 47605(b)(4)]

The SPA charter petition fails to contain an affirmation that the proposed SPA charter school shall not charge tuition because the SPA charter petition’s supporting documents evidence that the proposed SPA charter school will impose unlawful student fees on SPA pupils in violation of Education Code 47605(b)(4).

Education Code section 47605(b)(4) requires the SPA charter petition to “*contain an affirmation of each of the conditions described in subdivision (d).*” Subdivision (d), in turn, mandates that “*a charter school . . . shall not charge tuition[.]*” (Education Code section 47605(d).)

California Code of Regulations, title 5, section 11967.5.1(e) provides:

“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.)

The California Constitution has guaranteed children in California a system of free schools since 1879. (Cal Const, Art. IX § 5.) As the California Supreme Court has explained, this “*free school guarantee*” means that students in public schools cannot be charged fees for participation in educational activities. (*Hartzell v. Connell*, 35 Cal. 3d 899 (1984).)

Education Code section 49011(a) requires that “A *pupil enrolled in a public school shall not be required to pay a pupil fee for participation in an educational activity.*”

An “*educational activity*” is defined at Education Code section 49010 as:

*“an activity offered by a school, school district, **charter school** or county office of education that constitutes an integral fundamental part of elementary and secondary education, including, but not limited to, curricular and extracurricular activities.”* (Emphasis added.)

The SPA charter petition’s supporting documents include evidence that the proposed SPA charter school will charge its pupils for participating in an educational activity and therefore charge tuition, in violation of Education Code sections 47605(b)(4) and 49011, and the California Constitution.

Prominent charter school law firm Young, Minney & Corr, LLP and the California Charter Schools Association stated in a “*Guidance for Charter Schools Regarding Legally Permissible Pupil Fees and Charges*” publication:

“Although AB 1575 does not specifically address [Parent ‘Fines’ for Late Pick-up], it would likely be prohibited, especially if these consequences impact the student’s privileges or access to the educational program.” (<http://mycharterlaw.com/pdf/CCSA-YMC-Guidance-for-Charter-Schools-for-Legally-Permissible-Pupil-Fees-053113.pdf>.)

The proposed SPA Parent-Student Handbook states at page 6:

“Late Student Pick-Up

*School personnel will supervise students that arrive 15 minutes before the start of the day as well as 20 minutes after the final dismissal. Parents who habitually neglect to pick-up their children on time or drop-off their children more than the time specified above, will have their children sent to Ortega Trails. **There is a \$10 charge per student per incident for this service. The third occurrence will require a meeting with the Administration and, if needed, appropriate authorities will be contacted.*** (Emphasis added.)

The SPA charter petition’s supporting Parent-Student Handbook document imposes charges for “*Late Student Pick-Up*,” amounting to unlawful student fees for public education.

Further, the SPA charter petitioners’ threat to contact “*appropriate authorities*” after the third time a parent/guardian arrives late to pick up his or her children is especially inappropriate

in light of the current national controversy concerning immigration and largely Hispanic communities such as the Chino Valley Unified School District with 57.4% of CVUSD's enrollment identifying as Hispanic or Latino.

The CVUSD Board of Education therefore finds that the SPA charter petition fails to contain an affirmation required under Education Code section 47605(b)(4) that the proposed SPA charter school shall not charge tuition because the SPA charter petition's supporting documents include evidence that the proposed SPA charter school will charge unlawful pupil fees.

IV. THE SPA CHARTER PETITION FAILS TO CONTAIN REASONABLY COMPREHENSIVE DESCRIPTIONS OF SEVEN (7) OF THE FIFTEEN (15) REQUIRED ELEMENTS OF A CHARTER PETITION. [Education Code section 47605(b)(5)]

Education Code section 47605(b)(5) requires that the SPA 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)-(O).

The SPA charter petition's failure to provide a reasonably comprehensive description of even *one statutorily required element* is a legal basis for denial of the SPA charter petition.

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

A. The SPA Charter Petition Fails To Contain A Reasonably Comprehensive Description Of The Educational Program Of The Proposed SPA Charter School. [Education Code section 47605(b)(5)(A); California Code of Regulations, title 5, section 11967.5.1(f)(1)]

Education Code section 47605(b)(5)(A) requires that the SPA charter petition contain a reasonably comprehensive description of the proposed SPA 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."

The SPA charter petition fails to contain a reasonably comprehensive description of the educational program of the proposed SPA charter school as required by California Code of Regulations, title 5, section 11967.5.1(f) because:

1. The SPA charter petition's description of the proposed educational program fails to adequately indicate the specific curriculum the proposed SPA charter school will utilize.

California Code of Regulations, title 5, section 11967.5.1(f)(1)(E) 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:

"(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 curriculum areas adopted by the SBE pursuant to Education Code section 60605 and to achieve the objectives specified in the charter."

The SPA charter petition states at page 14:

"SPA provides a rigorous academic curriculum within a student-centered environment, which enables students to be successful in further academic pursuits. All students are held to high academic

and behavioral standards and perform service within the greater learning community.”

...

Visible learning, research-based instructional strategies, evidence-based practices, standards-based Piagetian programming, GATE strategies, and service learning environment, rigorous academic standards, and a challenging curriculum enriched with higher level questioning and global mindedness. SPA creates a rich environment enabling students to become independent, competent, lifelong learners.”

The SPA charter petition states at pages 43 and 44:

*“SPA will utilize curricular materials for the core content areas that **will be selected** based on an analysis of their alignment with the State Standards, the available assessment and universal access resources that accompany each program, and their fit with the school’s instructional philosophy of an academically rigorous, Multiple Intelligences infused curriculum.*

A collaborative curriculum committee will engage in a thorough and timely curriculum review process and will make recommendations to the Board regarding curriculum purchases. Transitional kindergarten will follow a modified (kindergarten) curriculum for core academic content that is age and developmentally appropriate.” (Emphasis added.)

In stating that the proposed SPA charter school will use curricular materials that “*will be selected,*” the SPA charter petitioners concede that they have not identified and therefore have not determined the curricular materials to be used for the 2017-2018 school year. Accordingly, the District cannot evaluate the proposed SPA charter school’s curricular materials.

The SPA charter petitioners have also failed to present any evidence that they personally have the necessary expertise, personnel, or even a plan to secure the services of individuals who have the necessary background or training to implement an instructional program based on the Theory of Multiple Intelligences.

2. The SPA charter petition’s description of the proposed educational program fails to adequately indicate how the proposed SPA charter school will meet the needs of special student populations.

California Code of Regulations, title 5, section 11967.5.1(f)(1)(G) states that a factor to be considered in determining whether a charter petition contains 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:

“(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.”

In addition to appropriating without attribution large segments of language from the September 30, 2016 OPA-Chino charter renewal petition to describe the proposed SPA charter school’s proposed plan for “*meeting the needs of students with disabilities, English learners, students achieving substantially above or below grade level expectations, and other special student populations*”, the SPA charter petitioners make unsubstantiated claims that contradict the instructional program set out in their charter petition.

The SPA charter petition states at pages 37 and 38:

“Instructional Program

SPA’s program, as explained below, makes significant improvements in the areas of: ELA/Literacy, Mathematics, Science, History/Social Studies, Physical Education, Visual and Performing Arts, World Language, and Technology for all students. Additionally, we continue to close the achievement gap between the highest and lowest performing subgroups, as well as for those students who arc (sic) identified as socioeconomically disadvantaged, having disabilities, and English learners.

The key features that we believe increase student achievement to its highest possible level are:

...

- *Having a strong understanding of how children learn and retain information (sic), based on the Theory of Multiple Intelligences.”* (Emphasis added.)

First, the SPA charter petition claims that the SPA charter petitioners will “*continue to close the achievement gap between the highest and lowest performing subgroups, as well as those students who arc (sic) identified as socioeconomically disadvantaged, having disabilities, and English learners.*”

However, the SPA charter petitioners cannot “*continue to close the achievement gap*” when the proposed SPA charter school **has not begun** to operate or offer instruction to students.

Because the SPA charter petitioners currently operate Sycamore Academy of Science and Cultural Arts, an existing grades K-8 charter school in Wildomar authorized by the Lake Elsinore Unified School District, District staff examined SASCA’s performance on the California Assessment of Student Performance and Progress (“CAASPP”) to verify the SPA charter petitioners’ claims.

SASCA’s CAASPP results identified Students with Disability as SASCA’s lowest performing subgroup and students categorized under Parent Education as “*Graduate School/Post Graduate*” as SASCA’s highest performing subgroup. Below, the District compares performance of these respective subgroups on the 2015 CAASPP and the 2016 CAASPP in Charts 2 and 3, respectively:

Chart 2 - Comparing 2015 CAASPP Performance of SASCA Students with Disability and Parent Education- Graduate School/Post Graduate

	Students with Disability - ELA	Parent Education - Graduate School/Post Graduate -ELA	Difference	Students with Disability - Math	Parent Education - Graduate School/Post Graduate -Math	Difference
Exceeds State Standards	0%	16%	-16%	0%	14%	-14%
Meets States Standards	4%	27%	-23%	0%	22%	-22%
Meets or Exceeds State Standards	4%	43%	-39%	0%	36%	-36%

Source: 2015 CAASP Test Results

Chart 3 - Comparing 2016 CAASPP Performance of SASCA Students with Disability and Parent Education- Graduate School/Post Graduate

	Students with Disability - ELA	Parent Education - Graduate School/Post Graduate -ELA	Difference	Students with Disability - Math	Parent Education - Graduate School/Post Graduate -Math	Difference
Exceeds State Standards	0%	31%	-31%	3%	29%	-26%
Meets States Standards	5%	36%	-31%	5%	21%	-16%
Meets or Exceeds State Standards	5%	67%	-62%	8%	50%	-42%

Source: 2016 CAASP Test Results

Charts 2 and 3 show that the gap between the percentage of SASCA students in these two subgroup meeting or exceeding state standards has actually **increased** by 23% in English Language Arts, from 39% to 62%, and 6% in Math, from 36% to 42%, from the 2015 CAASPP to the 2016 CAASPP.

A similar increase in the achievement gap also exists between the Parent Education – Graduate School/Post Graduate subgroup and Economically Disadvantaged SASCA students:

Chart 4 - Comparing 2015 CAASPP Performance of Economically Disadvantaged SASCA Students and Parent Education-Graduate School/Post Graduate						
	Economically Disadvantaged - ELA	Parent Education - Graduate School/Post Graduate -ELA	Difference	Economically Disadvantaged - Math	Parent Education - Graduate School/Post Graduate -Math	Difference
Exceeds State Standards	5%	16%	-11%	4%	14%	-10%
Meets States Standards	13%	27%	-14%	6%	22%	-16%
Meets or Exceeds State Standards	18%	43%	-25%	10%	36%	-26%

Source: 2015 CASSP Test Results

Chart 5 - Comparing 2016 CAASPP Performance of Economically Disadvantaged SASCA Students and Parent Education-Graduate School/Post Graduate						
	Economically Disadvantaged - ELA	Parent Education - Graduate School/Post Graduate -ELA	Difference	Economically Disadvantaged - Math	Parent Education - Graduate School/Post Graduate -Math	Difference
Exceeds State Standards	8%	31%	-23%	3%	29%	-26%
Meets States Standards	27%	36%	-9%	17%	21%	-4%
Meets or Exceeds State Standards	35%	67%	-32%	20%	50%	-30%

Source: 2016 CASSP Test Results

Charts 4 and 5 show that the gap between the percentage of SASCA students in these two subgroups meeting or exceeding state standards has **increased** by 7% in English Language Arts, from 25% to 32%, and 4% in Math, from 26% to 30%.

In 2014-2015, only 5.8% of SASCA students were classified as English Learners, whereas Lake Elsinore Unified enrolled 14.3%, more than twice the percentage of English Learners.

Due to SASCA’s low percentage of English Learner enrollment, the scores of English Learners on the 2015 CAASPP are not available.

However, SASCA’s English Learners enrollment did meet minimum enrollment for the 2016 CAASPP. Therefore, Chart 6 compares the 2016 CAASPP performance of English Learners for these two subgroups:

Chart 6 - Comparing 2016 CAASPP Performance of SASCA English Learners and Parent Education-Graduate School/Post Graduate						
	English Learners - ELA	Parent Education - Graduate School/Post Graduate -ELA	Difference	English Learners - Math	Parent Education - Graduate School/Post Graduate -Math	Difference
Exceeds State Standards	0%	31%	-31%	0%	29%	-29%
Meets States Standards	6%	36%	-30%	6%	21%	-15%
Meets or Exceeds State Standards	6%	67%	-61%	6%	50%	-44%

Source: 2016 CAASP Test Results

While this comparison does not allow the District to determine whether SASCA “closed the achievement gap” between English Learners and those with parents having Graduate/Post-Graduate education, the data reveals a significant gap in achievement; in English Language Arts, students with parents having a Graduate/Post-graduate degree outperformed English Learners by 61% in ELA and 44% in Math.

Charts 7 and 8 below compare the percentage of SASCA’s English Learners meeting or exceeding state standards to that of Lake Elsinore Unified School District, Riverside County, and the State of California:

Chart 7 - 2016 CAASPP ELA - English Learner				
	SASCA	California	Riverside County	Lake Elsinore USD
Exceeds State Standards	0%	3%	2%	2%
Meets States Standards	6%	10%	10%	8%
Meets or Exceeds State Standards	6%	13%	12%	10%

Source: 2016 CAASP Test Results

On ELA, the percentage of SASCA’s English Learners meeting or exceeding state standards is less than half that of English Learners in California (7% difference), is approximately half that of English learners in Riverside County (6% difference), and nearly half that of English Learners in Lake Elsinore USD (4%).

Chart 8 - 2016 CAASPP Math - English Learner				
	SASCA	California	Riverside County	Lake Elsinore USD
Exceeded	0%	3%	2%	2%
Met	6%	9%	8%	6%
Met or Exceeded	6%	12%	10%	8%

Source: 2016 CASSP Test Results

On Math, the percentage of SASCA’s English Learners meeting or exceeding state standards is half that of English learners in California (6% difference), is approximately half that of English Learners in Riverside County, and about three-quarters of English Learners in Lake Elsinore Unified.

Similarly, Charts 9 and 10 below compare the percentage of SASCA’s Students with Disability meeting or exceeding state standards to that of Lake Elsinore Unified School District, Riverside County, and the State of California:

Chart 9 - 2016 – Students with Disability – ELA				
	SASCA	California	Riverside County	Lake Elsinore USD
Exceeded	0%	4%	3%	2%
Met	5%	9%	8%	6%
Met or Exceeded	5%	13%	11%	8%

Source: 2016 CASSP Test Results

On English Language Arts, the percentage of SASCA’s Students with Disability meeting or exceeding state standards falls behind Students with Disability statewide (8% difference), countywide (6% difference), and district wide (3% difference).

Chart 10 - 2016 – Students with Disability – Math				
	SASCA	California	Riverside County	Lake Elsinore USD
Exceeded	3%	4%	2%	2%
Met	5%	7%	5%	4%
Met or Exceeded	8%	11%	7%	6%

Source: 2016 CASSP Test Results

On Math, the percentage of SASCA English learners meeting or exceeding state standards falls behind Students with Disability state wide (3% difference).

Further, SASCA’s Economically Disadvantaged students struggle with the CAASPP as well. The following charts compare the percentage of SASCA’s Economically Disadvantaged students meeting or exceeding state standards to that of Lake Elsinore Unified School District, Riverside County, and the State of California:

Chart 11 - 2016 – Economically Disadvantaged - ELA				
	SASCA	California	Riverside County	Lake Elsinore USD
Exceeded	8%	10%	10%	8%
Met	27%	25%	25%	25%
Met or Exceeded	35%	35%	35%	33%

Source: 2016 CAASP Test Results

On English Language Arts, the percentage of SASCA’s Economically Disadvantaged students meeting or exceeding state standards is comparable to Economically Disadvantaged students statewide and countywide.

However, SASCA’s Economically Disadvantaged students fall behind local and state standards in Math, as shown in Chart 12 below:

Chart 12 - 2016 – Economically Disadvantaged - Math				
	SASCA	California	Riverside County	Lake Elsinore USD
Exceeded	3%	7%	6%	6%
Met	17%	16%	16%	15%
Met or Exceeded	20%	23%	22%	21%

Source: 2016 CAASP Test Results

On Math, the percentage of SASCA’s Economically Disadvantaged students meeting or exceeding state standards falls behind Economically Disadvantaged students statewide, countywide, and districtwide.

Charts 2-12 above demonstrate that SASCA’s administrators, teachers, and staff have not “closed the achievement gap” over seven-and-a-half years of operation at the existing SASCA charter school, despite California Charter Schools Association Regional Director of the Inland Empire Fátima Adame’s contention at the February 16, 2017 SPA charter petition Public Hearing that the existing SASCA charter school presents a “high quality choice” for parents in the Wildomar area.

Because the SPA charter petitioners, as the current SASCA operators, have failed to implement an educational program that meets the needs of students with disabilities, English learners, and socioeconomically disadvantaged students at the existing SASCA charter school, the SPA charter petition fails to indicate how the proposed SPA charter school will meet those needs, as required by California Code of Regulations, title 5, section 11967.5.1(f)(1)(G).

Second, the SPA charter petition claims that a key feature of the instructional program that will “*increase student achievement to its highest possible level*” is the SPA charter petitioners’ “*strong understanding of how children learn and retain information (sic), based on the Theory of Multiple Intelligences.*”

As stated above, beyond referencing the Theory of Multiple Intelligences throughout the SPA charter petition while using language taken without acknowledgement from the September 30, 2016 OPA-Chino charter renewal petition, the SPA charter petitioners fail to provide any evidence that the SPA charter petitioners and proposed SPA administrators, board members, faculty, or staff possess “*a strong understanding of how children learn and retain information (sic), based on the Theory of Multiple Intelligences*” or any experience in teaching or implementing a curriculum based on the Theory of Multiple Intelligences.

The CVUSD Board of Education therefore finds that the SPA charter petition fails to contain a reasonably comprehensive description of the educational program of the proposed SPA charter school, in violation of Education Code section 47605(b)(5)(A).

B. The SPA Charter Petition Fails To Contain A Reasonably Comprehensive Description Of The Method By Which Pupil Progress In Meeting Pupil Outcome Is To Be Measured.

Education Code section 47605(b)(5)(C) requires that the SPA charter petition contain a reasonably comprehensive description of the “*method by which pupil progress in meeting those pupil outcomes is to be measured. To the extent practicable, the method for measuring pupil outcomes for state priorities shall be consistent with the way information is reported on a school accountability report card.*”

California Code of Regulations, title 5, section 11967.5.1(f)(3) 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 “*method by which pupil progress is to be measured,*” as required by Education Code section 47605(b)(5)(C), at a minimum:

“(A) *Utilizes a variety of assessment tools that are appropriate to the skills, knowledge, or attitudes being assessed, including, at a minimum, tools that employ objective means of assessment consistent with paragraph (2)(A) of subdivision (f) of this section.*”

...

(C) *Outlines a plan for collecting, analyzing, and reporting data on pupil achievement to school staff and to pupils’ parents and guardians, and for utilizing the data continuously to monitor and improve the charter school’s educational program.*”

The SPA charter petition states at pages 27-28:

*“Grades serve a valuable instructional purpose by helping students and parents/guardians identify the student’s areas of strength and those needing improvement. **Teachers evaluate a student’s work according to established SPA standards.** The criteria are appropriate and specific for all students at their grade level according to CCSS. SPA will report grades in a format that aligns with the data received by the state. This format allows parents a means to compare performance to expectations. Teachers are able to monitor growth and growth trajectory which assists in the implementation of MTSS, early intervention.*

***Administration ensures that student grades conform to a uniform grading system.** Grades are based on impartial, consistent observation of the quality of the student’s work, and his/her mastery of course content and objectives. Students have the opportunity to demonstrate this mastery through a variety of channels such as classroom participation, assessments, and Multiple Intelligences projects.*

***Grades are based on objective criteria. Staff communicates their grading criteria to site Administration, parents/guardians, and students at the beginning of the school year, beginning of each trimester, specifically for a product and/or any other time as appropriate for the circumstances.”** (Emphasis added.)*

The SPA charter petition fails to contain the “*established SPA standards*” or “*objective criteria*” by which the proposed SPA charter school will assess the quality of standard-based assessments and assignments.

The SPA charter petition also fails to identify the “*uniform grading system*” that the proposed SPA administration will ensure.

Further, the proposed SPA charter school’s “*Parent-Student Handbook 2015-2016*” states at page 8 that “*homework is scored by student peers.*” The Handbook claims that the proposed SPA charter school:

“teach[es] students acceptable ways to provide constructive feedback and support for their peers when scoring [and] . . . how to assert themselves in a respectful way when they disagree with a score that they are given.”

It is unclear who will be assessing SPA pupils, what assignments will be assessed for grades, and what criteria assessments will be based on.

Without clear criteria or a rubric for the SPA charter petition's proposed "*objective criteria*," it is unclear how the SPA charter petition's use and reporting of the proposed achievement level descriptors will help students to "*identify the student's areas of strength and those needing improvement*."

There is no evidence in the SPA charter petition that the SPA charter petitioners have prepared such criteria or rubric for the proposed SPA charter school.

The CVUSD Board of Education therefore finds that the SPA charter petition fails to contain a reasonably comprehensive description of the method by which pupil progress in meeting pupil outcomes is to be measured, in violation of Education Code section 47605(b)(5)(C).

C. The SPA Charter Petition Fails To Provide A Reasonably Comprehensive Description Of The Governance Structure Of The Proposed Charter School.

Education Code section 47605(b)(5)(D) requires the SPA charter petition contain a reasonably comprehensive description of "[t]he governance structure of the charter school[.]"

California Code of Regulations, title 5, section 11967.5.1(f)(4) states that a factor to be considered in determining if a charter petition contains a "*reasonably comprehensive description*" of each of the specified elements is whether the charter petition's description of the governance structure of the school, 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.*
- 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 SPA charter petition states at page 76:

"Ronald Reagan Charter School Alliance is a nonprofit public benefit corporation governed in accordance with applicable California Corporations Code Sections and its adopted bylaws, which are consistent with the terms of this charter. RRCSA maintains Articles of Incorporation with the California Secretary of State and has tax-exempt status from both the State of California and the IRS."

Article VI, Section 1, Powers of the Bylaws of Ronald Reagan Charter School Alliance states:

*“Subject to the limitations of the California Nonprofit Public Benefit Corporation Law, the corporation’s Articles of Incorporations and the Bylaws, and such local public agency laws as may be applicable to the corporation, **the activities and affairs of the corporation shall be conducted and all corporate powers shall be exercised under the ultimate direction of the Board.** No assignment, referral or delegation of authority by the Board or anyone acting under such delegation shall preclude the Board from exercising full authority over the conduct of the corporation’s activities, and the Board may rescind any such assignment, referral or delegation at any time. Without prejudice to its general powers, but subject to the same limitations set forth above, the Board shall have the following powers in addition to any powers enumerated in these Bylaws and permitted by law and not inconsistent with the corporation’s Articles of Incorporation or these Bylaws of the corporation’s approved charter(s).” (Emphasis added.)*

However, neither the SPA charter petition nor the RRCSA Board of Trustees’ agendas or minutes provide any evidence that the submission of the January 19, 2017 SPA charter petition was authorized by the RRCSA Board of Trustees.

By identifying the RRCSA Board of Trustees as the governing body for the proposed SPA charter school but failing to provide evidence that the RRCSA Board of Trustees authorized the submission of the SPA charter petition, the SPA charter petitioners are in violation of Article VI, Section 1 of RRCSA’s own bylaws.

The SPA charter petition also fails to provide an organizational chart identifying the relationship between the proposed SPA charter school and affiliated entities, including but not limited to, the proposed SPA charter school’s relationship to Sycamore Academy of Sciences and Cultural Arts, the Sycamore Foundation, or the Ronald Reagan Charter School Alliance.

Therefore, it is unclear from the SPA charter petition how the business, operations, and other administrative services of the proposed SPA charter school are to be delegated by and between SPA, SASCA, and RRCSA personnel.

The CVUSD Board of Education therefore finds that the SPA 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,”* in violation of California Code of Regulations, title 5, section 11967.5.1(f)(4).

1. The SPA charter petition fails to include evidence necessary to ensure that there will be active and effective representation of interested parties, including, but not limited to, parents and guardians.

Education Code section 47605(b)(5)(D) requires the SPA charter petition contain a reasonably comprehensive description of “[t]he governance structure of the charter school, including, but not limited to, the process to be followed by the charter school to ensure parent involvement.”

As submitted to the District on January 19, 2017, the SPA 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).

Article IV of the RRCSA Bylaws states:

“Section 2. Number and Qualifications of Trustees

The number of Trustees of the corporation shall not be less than five (5) and not more than nine (9).

No more than two (2) members of the Board may be parents or guardians of children who attend Sycamore Academy of Science and Cultural Arts or any other charter school that the Corporation operates.” (Emphasis added.)

The RRCSA Bylaws restrict the number of parent representatives on the Board of Trustees to no more than two members. While the RRCSA Bylaws allow for the number of Trustees to increase by 4 positions, the RRCSA Bylaws fail to provide any procedures for removing Trustees or increasing the number of authorized Trustees.

Based on RRCSA Board Secretary and Treasurer Daniel Leavitt’s remarks at the February 16, 2017 public hearing, the two parent Trustee positions on the Board are already filled by SASCA parents.

Because the existing five Trustee positions are already filled and because two of the current Trustees are SASCA parents, there will not be any parental involvement from the proposed SPA charter school on the RRCSA Board of Trustees for the foreseeable future.

Even if the RRCSA Board of Trustees were to permit the appointment of additional Trustees and the current parent Trustees’ children were to graduate from SASCA, the RRCSA Bylaws do not require parent Trustees to be representative of both SASCA and the proposed SPA charter school.

Therefore, the RRCSA Bylaws and SPA charter petition fail to provide means for SPA parents to determine or affect the composition of the RRCSA Board of Trustees.

Although the SPA charter petition refers to strategies for engaging parents, the proposed SPA charter school's governance structure actually diminishes the nature and quality of the parental involvement because the RRCSA Board of Trustees, whose members are elected by the existing RRCSA Board of Trustees such that the composition of the RRCSA Board does not require SPA parental approval, makes all financial and policy decisions that impact students and parents at both the existing SASCA and the proposed SPA charter school located in two different geographically and demographically diverse areas.

The SPA charter petition identifies at pages 81 through 82 the following groups as “*provid[ing] parents opportunities for input on schoolwide operations and school involvement activities*”:

- The School Site Council;
- The English Learning Advisory Committee; and
- The Sycamore Foundation.

However, absent from the proposed SPA charter school's description of any of these parent groups are any direct means for the parents of SPA students to influence or to access the RRCSA Board of Trustees, including any procedures allowing SPA parents to evaluate the RRCSA Board of Trustees or to make their concerns regarding the actions of the RRCSA Board of Trustees known.

School Site Council

The SPA charter petition states that the School Site Council “*will be established to further the involvement of parents and guardians in their children's educational program*”; however, the SPA charter petition limits the membership to “*10 members: one (1) administrator, three (3) teachers, one non-certificated staff member, and five (5) parents.*”

Only 50% of the School Site Council, an alleged opportunity for parental input, is made up of parents. Neither the SPA charter petition nor its supporting documents identify the procedure by which the School Site Council carries out its responsibilities; but if it is by majority vote, the parent-members on the School Site Council will never be able to obtain a majority vote and effect desired changes in the SPA charter school's operation.

The District also notes that because the SPA charter petition specifically limits participation on the School Site Council to “*parents,*” guardians of SPA pupils will be left without opportunity to participate in the proposed SPA charter school governance structure.

The SPA charter petitioners specifically claim that “[e]very effort will be made to ensure that representation of various subgroups [on the School Site Council] is made, including: English Language Learners, GATE, and Special Education”, but the SPA charter petition and supporting documents fail to identify any means or mechanisms to ensure these and other subgroups of students are represented.

English Learning Advisory Committee

Further, pursuant to the SPA charter petition, the English Learning Advisory Committee (“ELAC”) will not be established until at least 21 English Learner students are enrolled at the proposed SPA charter school.

Thus, the possibility of meaningful parental involvement through the ELAC is indefinitely delayed.

Sycamore Foundation

The District also notes that the Sycamore Foundation, described at page 82 of the petition as “a non-profit, public benefit, tax-exempt supporting organization to Ronald Reagan Charter School Alliance”, is not a registered corporation with the California Secretary of State. The Sycamore Foundation is not an opportunity for meaningful parental involvement in the proposed SPA charter school because its existence as a public benefit nonprofit corporation cannot be verified.

The SPA charter petition therefore evidences a lack of seriousness of purpose necessary ensure that there will be active and effective representation of parents and guardians, as required by California Code of Regulations, title 5, section 11967.5.1(f)(4)(B).

The CVUSD Board of Education therefore finds that the SPA charter petition fails to contain a reasonably comprehensive description of the governance structure of the proposed SPA charter school because of the SPA charter petitioners’ failure to provide a process to be followed to ensure parental involvement, in violation of Education Code section 47605(b)(5)(D).

2. The SPA charter petition fails to contain a reasonably comprehensive description of the governance structure of the proposed SPA charter school because the SPA charter petition and the Ronald Reagan Charter School Alliance Bylaws contain multiple inconsistencies.

The SPA charter petition and RRCSA Bylaws present multiple inconsistencies in Board duties, responsibilities, and powers.

The chart below identifies conflicts between the SPA charter petition and RRCSA’s Bylaws:

Chart 13 – Comparison of RRCSA Bylaws and SPA Charter Petition		
	Ronald Reagan Charter School Alliance Bylaws	Sycamore Preparatory Academy Charter Petition
Title of Board	Board of Trustees	Board of Directors
Term of Office	<i>“Trustees shall hold office for a term of two (2) years or until a successor has been selected.”</i> (Bylaws, page 3.)	<i>“Each director will hold office unless otherwise removed from office in accordance with the current Bylaws for four (4) years and until a successor director has been designated and qualified.”</i> (Petition, page 77.)
Consecutive Terms	No provision.	<i>“Members may serve any number of consecutive terms.”</i> (Petition, page 77.)
Candidate Development	<i>“. . . select each Trustee from a slate of qualified candidates developed by the School Site Committee of the charter school(s) or absent such a slate, through a process of the Board’s design.”</i> (Bylaws, page 3.) The Bylaws are silent on what the “School Site Committee” is or what it does.	<i>“The SPA School Site Council will . . . be made up of ten (10) members: one (1) administrator, three (3) teachers, one non-certificated staff member, and five (5) parents (including one from each of the following parent groups: English Language Learners, GATE, and Special Education). The responsibilities of [the SPA School Site Council] include: . . . Develop a slate of candidates for open positions on the Ronald Reagan Charter School Alliance as needed.”</i> (Petition, page 81.)

	Ronald Reagan Charter School Alliance Bylaws	Sycamore Preparatory Academy Charter Petition
Duties of Vice-President	<i>“In the absence or disability of the President, Vice President (of if more than (1) Vice President is appointed, in order of their rank as fixed by the Board or if not ranked, the Vice President designated by the Board) shall perform all the duties of the President”</i> (Bylaws, page 10.)	<i>“The duties of the Vice-President, if appointed, include: Fulfills the duties of the Chairman in the Chairman's absence.”</i> (Petition, page 79.)

The cause of these inconsistencies between the RRCSA Bylaws and the SPA charter petition becomes clear after comparing the SPA charter petition with the September 30, 2016 OPA-Chino charter renewal petition.

The SPA charter petition contains internal inconsistencies with RRCSA’s Bylaws because the SPA charter petitioners have, without acknowledging they have done so, copied SPA’s governance structure from the OPA-Chino charter renewal petition.

The chart below compares the SPA charter petition’s proposed governance structure at pages 76, 77, and 79 to the September 30, 2016 OPA-Chino charter renewal petition:

Chart 14 – Comparison of SPA Charter Petition and OPA-Chino Charter Renewal Petition		
	Sycamore Preparatory Academy Charter Petition	OPA-Chino Charter Renewal Petition
Title of Board	Board of Directors	Board of Directors
Description of Organization	<i>“Pursuant to California Education Code Section 47604(c), the District will not be liable for the debts and obligations of SPA, operated by Ronald Reagan Charter School Alliance, a California non-profit public benefit corporation, or for claims arising from the performance of acts, errors, or omissions by SPA as long as the District has complied with all oversight responsibilities required by law.”</i> (Petition, page 76.)	<i>“Pursuant to California Education Code Section 47604(c), the District will not be liable for the debts and obligations of OPA, operated by Oxford Preparatory Academy, a California non-profit public benefit corporation, or for claims arising from the performance of acts, errors, or omissions by OPA as long as the District has complied with all oversight responsibilities required by law.”</i> (OPA-Chino Petition, page 135.)

	Sycamore Preparatory Academy Charter Petition	OPA-Chino Charter Renewal Petition
Board of Directors	<i>“Desired areas of expertise to fulfill the mission and vision of Sycamore Preparatory Academy for students among the board members include: education management and instruction, real estate and construction, public relations and marketing, business, grant writing, school development, legal services, accounting and school finance, nonprofit community development and nonprofit compliance.” (Petition, page 76.)</i>	<i>“Desired areas of expertise to fulfill the mission and vision of Oxford Preparatory Academy for students among the board members include: education management and instruction, real estate and construction, public relations and marketing, business, grant writing, school development, legal services, accounting and school finance, nonprofit community development and nonprofit compliance.” (OPA-Chino Petition, page 135.)</i>
Term of Office	<i>“Each director will hold office unless otherwise removed from office in accordance with the current Bylaws for four (4) years and until a successor director has been designated and qualified.” (Petition, page 77.)</i>	<i>“Each director will hold office unless otherwise removed from office in accordance with the current Bylaws for four (4) years and until a successor director has been designated and qualified.” (OPA-Chino Petition, page 136.)</i>
Consecutive Terms	<i>“Members may serve any number of consecutive terms.” (Petition, page 77.)</i>	<i>“Members may serve any number of consecutive terms.” (OPA-Chino Petition, page 136.)</i>
Meetings	<i>“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. Staff at each site facilitate public participation at each of the sites.</i>	<i>“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.</i>

	Sycamore Preparatory Academy Charter Petition	OPA-Chino Charter Renewal Petition
<p>Meetings (continued)</p>	<p><i>A majority of the directors then in office will constitute a quorum. All acts or decisions of the Board of Directors will be by majority vote of the directors in attendance, based upon the presence of a quorum. Should there be less than a majority of the directors present at any meeting, the meeting will be adjourned. Directors may not vote by proxy.</i></p> <p><i>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.” (Petition, page 77.)</i></p>	<p><i>A majority of the directors then in office will constitute a quorum. All acts or decisions of the Board of Directors will be by majority vote of the directors in attendance, based upon the presence of a quorum. Should there be less than a majority of the directors present at any meeting, the meeting will be adjourned. Directors may not vote by proxy.</i></p> <p><i>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.” (OPA-Chino Petition, page 136.)</i></p>
<p>Decision-Making Process</p>	<p><i>“SPA’s decision-making process, in which all school stakeholders are represented, is designed to:</i></p> <ul style="list-style-type: none"> <i>• Ensure that all decisions made regarding policy and practices are focused to achieve the educational student outcomes outlined in the petition;</i> <i>• Involve all staff members in educational program development;</i> <i>• Include parents, community members, and all school personnel as active partners; and</i> <i>• Guarantee that all stakeholders model a collaborative school culture.</i> <p><i>The model of decision-making is democratic in nature. The Board of Directors reviews the academic program and provides support in achieving short-term and long-term goals set by the school.” (Petition, page 77.)</i></p>	<p><i>“OPA’s decision-making process, in which all school stakeholders are represented, is designed to:</i></p> <ul style="list-style-type: none"> <i>• Ensure that all decisions regarding policy and practices made are focused to achieve the educational student outcomes outlined in the petition;</i> <i>• Involve all staff members in educational program development;</i> <i>• Include parents, community members, and all school personnel as active partners; and</i> <i>• Guarantee that all stakeholders model a collaborative, consensus-driven school culture.</i> <p><i>The model of decision-making is democratic in nature. The Board of Directors reviews the academic program and provides support in achieving short-term and long-term goals set by the school.” (OPA-Chino Petition, page 136.)</i></p>

	Sycamore Preparatory Academy Charter Petition	OPA-Chino Charter Renewal Petition
Duties of Vice-President	<i>“The duties of the Vice-President, if appointed, include: Fulfills the duties of the Chairman in the Chairman's absence.”</i> (Petition, page 79.)	<i>The duties of the Vice-Chairman include: Fulfills the duties of the Chairman in the Chairman's absence.”</i> (OPA-Chino Petition, page 137.)

Chart 14 above again identifies that the SPA charter petitioners submitted the SPA charter petition on January 19, 2017 without acknowledging the extensive amounts of language the SPA charter petitioners copied from OPA-Chino’s charter renewal petition.

Because the SPA charter petitioners largely copied OPA-Chino’s charter renewal petition, the SPA charter petition fails to contain evidence that the organizational and technical designs of the proposed SPA charter school’s governance structure reflect a seriousness of purpose.

The CVUSD Board of Education therefore finds that the SPA charter petition fails to contain a reasonably comprehensive description of the governance structure of the proposed SPA charter school, in violation of Education Code section 47605(b)(5)(D).

D. The SPA Charter Petition Fails To Contain A Reasonably Comprehensive Description Of The Means By Which The Proposed SPA 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 the SPA charter petition 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 SPA charter petition states at page 112 that *“Sycamore Preparatory Academy will strive to have a broad representation of student demographics similar to that of the District.”*

The SPA charter petition therefore fails to provide a reasonable comprehensive description of the means by which the proposed SPA 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 SPA striving to have *“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).

Further, after seven-and-a-half years of operation, RRCSA and SASCA’s recruiting efforts have failed to achieve demographics similar to the Lake Elsinore Unified School District (“LEUSD”) at the existing SASCA charter school. Notably, SASCA’s executive administrator, Executive Director Ms. Barbara Hale, is the lead SPA charter petitioner.

The following charts identify the deficiencies of SASCA’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 LEUSD:

Chart 15 – Comparison: SASCA and LEUSD Demographics in Opening Year (2009-2010)

	Sycamore 2009-10		Lake Elsinore Unified		Difference
	Number of Students	Percentage	Number of Students	Percentage	
Hispanic	98	37.8%	11301	50.9%	13.1%
American Indian	1	0.4%	154	0.7%	0.3%
Asian	2	0.8%	416	1.9%	1.1%
Pacific Islander	0	0.0%	133	0.6%	0.6%
Filipino	3	0.0%	190	0.9%	0.9%
African American	12	4.6%	1183	5.3%	0.7%
White	130	50.2%	8290	37.3%	-12.9%
Two or more	12	4.6%	385	1.7%	-2.9%

Source: 2010 DataQuest Ethnicity by Enrollment

Chart 16 – Comparison: SASCA and LEUSD Demographics in 2015-2016

	Sycamore 2015-16		Lake Elsinore Unified		Difference
	Number of Students	Percentage	Number of Students	Percentage	
Hispanic	231	46.9%	12690	57.1%	10.3%
American Indian	3	0.6%	99	0.4%	-0.2%
Asian	11	2.2%	465	2.1%	-0.1%
Pacific Islander	0	0.0%	89	0.4%	0.4%
Filipino	0	0.0%	393	1.8%	1.8%
African American	20	4.1%	940	4.2%	0.1%
White	179	36.3%	6907	31.1%	-5.2%
Two or more	41	8.3%	614	2.8%	-5.5%

Source: 2016 DataQuest Ethnicity by Enrollment

Charts 15 and 16 demonstrate that SASCA has 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 LEUSD over the past seven-and-a-half years, most notably with the Hispanic student population of the LEUSD.

SASCA’s Hispanic student population remains over 10% less than the LEUSD’s Hispanic student population, despite the SASCA charter school’s seven-and-a-half years of operation. Additionally, SASCA fails to enroll any Filipino students despite the 100% growth in enrollment of Filipino students in the LEUSD from 2009-2010 to 2015-2016.

Because the SASCA administrators have failed to make significant progress towards “*achiev[ing] a racial and ethnic balance among its pupils that is reflective of the general population residing within the territorial jurisdiction*” of the LEUSD at the existing SASCA charter school, the District finds that the SPA charter petitioners are unlikely to achieve a racial and ethnic balance within the Chino Valley Unified School District at the proposed SPA charter school.

The CVUSD Board of Education therefore finds that the SPA charter petition fails to contain a reasonably comprehensive description of the method by which the proposed SPA charter school will achieve a racial and ethnic balance among its pupils that is reflective of the general population residing within the District’s territorial jurisdiction, in violation of Education Code section 47605(b)(5)(G).

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

Education Code section 47605(b)(5)(H) requires the SPA charter petition to contain a reasonably comprehensive description of pupil admission requirements.

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.”

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

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.”

Pages 105 through 106 of the SPA charter petition sets forth the proposed SPA charter school's open enrollment and application process.

The SPA charter petition states the proposed SPA charter school's admission preferences at page 106:

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

- *Currently enrolled students (exempt from lottery);*
- *Children of SPA staff, not to exceed 10% of enrollment;*
- *Siblings of current students;*
- *Children residing within the District; and*
- *All others.”*

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.

Therefore, the decision to permit a lottery admission preference for *“Children of SPA staff”* or *“Siblings of current students”* is to be made by the CVUSD Board of Education, and **not** the SPA charter petitioners.

The CVUSD Board of Education hereby declines to authorize any of the SPA charter petitioners' proposed admissions preferences that are not expressly permitted by the California Education Code.

The SPA charter petition's extension of admissions preferences first to children of SPA staff and then to siblings of current 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[.]**” (Emphasis added.)

Under the SPA charter petition's unlawful and unfair admissions preferences, students who reside in the district are denied admission preference in favor of other students including the children of SPA staff and the siblings of enrolled SPA students.

The extension of admissions preferences to children of SPA staff 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.*”

SPA staff will provide the charter school with goods or services by way of their employment with and/or other support of the proposed SPA charter school.

The CVUSD Board of Education therefore finds that the SPA charter petition’s admission requirements are not in compliance with Education Code section 47605(d), and that the SPA charter petition therefore fails to contain a reasonably comprehensive description of the pupil admission requirements for the proposed SPA charter school, in violation of Education Code 47605(b)(5)(H).

F. The SPA 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.*”

The SPA charter petition fails to provide a reasonably comprehensive description of its dispute resolution procedures because the SPA charter petition does not define the terms “*violation,*” “*issue*” or “*dispute*” as they are used in the SPA charter petition’s description of dispute resolution procedures.

Page 119 of the SPA charter petition states:

“SPA has an internal dispute resolution process to be used for all internal disputes related to SPA’s operations. Parents, students, board members, volunteers, and staff at SPA are provided with a copy of SPA’s policies and dispute resolution process.”

Notably, the District has **not** been “*provided with a copy of SPA’s policies and dispute resolution process*” because the proposed SPA charter school’s internal dispute resolution policies were not included in the SPA charter petition as submitted.

The SPA charter petition fails to define “*internal disputes*” that will be resolved within the charter school’s internal policies, including whether complaints of bullying, unauthorized student fees, or other complaints constitute “*internal disputes.*” The SPA charter petition also fails to contain the proposed charter school’s “*internal dispute resolution process to be used for all internal disputes related to SPA’s operations.*”

Additionally, Education Code section 47605(b)(5)(N) requires the SPA 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 SPA charter petition states at page 119:

*“After this meeting if resolution is not reached, both parties are free to pursue **any other legal remedy available.** However, mediation may be commenced with the agreement of both District and SPA, with the costs of the mediator to be split by both parties.”* (Emphasis added.)

The SPA petitioners have failed to provide procedures to actually **resolve** disputes because there may not be “*any other legal remedy available*” to resolve the dispute.

The CVUSD Board of Education therefore finds that the SPA charter petition fails to provide a reasonably comprehensive description of the proposed SPA charter school’s dispute resolution procedures, in violation of Education Code section 47605(b)(5)(N).

G. The SPA 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 “[t]he *procedures to be used if the charter school closes.*” (Emphasis added.)

California Code of Regulations, title 5, section 11962 provides:

“As used in Education Code sections 47605(b)(5)(P) and 47605.6(b)(5)(Q), ‘procedures’ means, at a minimum, each of the following:

...

(f) Completion of an independent final audit within six months after the closure of the school that may function as the annual audit, and that includes at least the following:

- (1) An accounting of all financial assets, including cash and accounts receivable and an inventory of property, equipment, and other items of material value.*
- (2) An accounting of the liabilities, including accounts payable and any reduction in apportionments as a result of audit findings or other investigations, loans, and unpaid staff compensation.*
- (3) An assessment of the disposition of any restricted funds received by or due to the charter school.”* (Emphasis added.)

The SPA charter petition fails to provide a reasonably comprehensive description of its closure procedures because the SPA charter petition fails to require “*An accounting of all financial assets, including cash and accounts receivable and an inventory of property, equipment, and other items of material value*” in its independent final audit upon closure.

The SPA charter petition states at page 121 that “*The final audit will delineate the disposition of all assets and liabilities[,]*” but violates the specific requirements of California Code of Regulations, title 5, section 11962 by failing to require “*at least . . . an accounting of all financial assets . . . and other items of material value.*”

The CVUSD Board of Education therefore finds that the SPA charter petition fails to provide a reasonably comprehensive description of the proposed SPA charter school’s procedures to be used if the charter school closes, in violation of Education Code section 47605(b)(5)(O).

V. THE SPA CHARTER PETITION FAILS TO PROVIDE INFORMATION REGARDING THE PROPOSED OPERATION AND POTENTIAL EFFECTS OF THE PROPOSED SPA CHARTER SCHOOL. [Education Code section 47605(g)]

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.”

A. The SPA Charter Petition Fails To Provide Information Regarding The Potential Effects Of The Manner In Which Administrative Services Of The School Are To Be Provided.

Education Code section 47605(g) further requires the SPA charter petitioners to “*provide information regarding the proposed operation and potential effects of the charter school, including, but not limited to ... the manner in which administrative services of the school are to be provided[.]*”

Page 123 of the SPA charter petition states:

“The Ronald Reagan Charter School Alliance, the governing board for SPA, will oversee the work of SPA’s in-house and back office service provider, including, but not limited to: financial reporting, general accounting, payroll, accounts payable/receivable, budget development, and attendance reporting.

Consultants may also assist SPA staff and the Board of Directors on business issues that could arise during the year.

At this time, RRCSA contracts with SavantCo Education for several financial and business services including financial reporting, developing and maintaining budgets, required attendance reports,

payroll and retirement reporting. While there is no discussion to change this service provider at this time, it is noted that a change in the contracted services occurs within the normal business operations of the Charter school and such a change does not constitute a material revision to the charter.

...

*Sycamore Preparatory Academy will ensure that all contractors perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders. **Sycamore Preparatory Academy approves only responsible contractors possessing the ability to perform successfully under the terms and conditions of a proposed procurement, and in compliance with conflict of interest laws referenced herein. Consideration will be given to matters such as contractor integrity, compliance with public policy, record of past performance, and financial and technical resources.***” (Emphasis added.)

However, the District’s research reveals that the SPA charter petition’s claim that SPA approves “*only responsible contractors*” while considering “*contractor integrity, compliance, with public policy, [and] record of past performance,*” is contradicted by the SPA charter petitioners’ decision to hire SavantCo Education to provide accounting and business services to SASCA and to retain SavantCo Education to provide accounting and business services for the proposed SPA charter school.

As recently as May 2016, the Fiscal Crisis & Management Assistance Team (“FCMAT”) investigated SavantCo Education’s relationship to the Hope Academy Charter School and published the “*San Bernardino County Superintendent of Schools Extraordinary Audit of the Hope Academy Charter School*” on May 2, 2016. (<http://fcmat.org/wp-content/uploads/sites/4/2016/05/SBCSS-Hope-Academy-final-report.-5-2-2016pdf.pdf>.)

Page 5 of the Hope Academy FCMAT report states:

“On November 23, 2015, the Morongo Unified School District superintendent wrote a letter to the superintendent of the San Bernardino County Superintendent of Schools expressing concerns regarding conflict of interest. The concern focused on the involvement of the former superintendent/executive director of Hope Academy serving as a majority owner in SavantCo Education, the charter school’s back-office service provider. A review of the master services agreement with the academy indicates that SavantCo Education was to perform finance and accounting; payroll, business consulting; board meeting support; attendance and student information systems; charter development; grant administration; and financing support.”

Based on these concerns, the county office evaluated the preliminary investigation conducted by the district. Upon review of the allegations, the county office requested the Fiscal Crisis and Management Assistance Team (FCMAT) in December 2015 to provide for the assignment of professionals to study specific aspects of alleged fraud, misappropriation of funds and possible criminal activity in the Hope Academy Charter School organization.”

The Hope Academy FCMAT report found the following regarding SavantCo Education:

At page 17:

“Until July 2014, the academy contracted with EdTec Inc., a back-office service provider, for accounting, finance, payroll, and attendance, grant administration, human resources, governance support, board presentation, compliance and accountability and facilities services. The monthly fee was \$9,771.25.

*On March 11, 2014, the Hope Academy governing board approved a master services agreement with SavantCo Education effective July 1, 2014 through June 30, 2015 for a monthly fee of \$58,000, **almost six times** the amount previously paid to EdTec for similar services.*

FCMAT found invoices from SavantCo Education to Hope Academy from as early as January 2014, before the board authorized a master services agreement, totaling \$130,890.40 in addition to the EdTec monthly charges of approximately \$10,000.” (Emphasis added.)

At page 27:

“Charges of \$58,000 per month by SavantCo Education exceed industry standards according to the audit report and two separate back-office services providers. Levels of back-office services range greatly, however, based on the number of students in the charter school and the mater agreement provided by SavantCo Education, comparative services should range from \$20,000 to \$30,000 per month. EdTec had previously charged \$9,771 per month, and the current back-office provider charges \$22,000 per month.

As previously stated in this report as well as the audit report, SavantCo Education charged a premium price for the monthly back-office services in addition to other expenses that should not have been charged to Hope Academy. Prior to FCMAT’s investigation, the new academy superintendent billed SavantCo Education for unauthorized charges totaling \$130,016.02.”

Additionally, SavantCo Education has been linked to the Celerity Global Development, an entity affiliated with the Celerity Educational Group, a charter organization managing seven charter schools in Southern California.

On January 25, 2017, federal agents from the Department of Homeland Security and Federal Bureau of Investigation raided the offices of Celerity Educational Group as part of an ongoing investigation into allegations of fraud and fiscal mismanagement. The inspector general for the U.S. Department of Education is also involved in the investigation.

The 2014 Internal Revenue Service Form 990 “*Return of Organization Exempt From Income Tax*” for Celerity Global Development identifies SavantCo Education at Part VI Section C as the “*person who possesses the organization’s books and records*” and at Part VII Section B as an independent contractor that received \$478,320 in compensation during the applicable tax year.

Based on SavantCo Education’s involvement with two large-scale charter school scandals, it is clear that the SPA charter petitioners **do not** hire “*only responsible contractors,*” nor did the SPA charter petitioners consider “*contractor integrity, compliance with public policy, [and] record of past performance.*”

The District notes the RRCSA’s relationship with SavantCo Education (“SavantCo”) is suspect because the available RRCSA Board minutes and agendas do not evidence that the RRCSA Board of Trustees ever ratified any contract between RRCSA and SavantCo.

Therefore, it appears that any services provided by SavantCo to SASCA were not properly ratified by the RRCSA Board of Trustees in violation of the Ronald Reagan Charter School Alliance Financial Policies and Procedures.

The Ronald Reagan Charter School Alliance Financial Policies and Procedures approved by the RRCSA Board on August 10, 2015 state:

“1. PURCHASES

- a. *Authorization of Expenditures: All purchases of goods and services shall be consistent with the Board approved budget. All proposed expenditures must be approved by the Director/Principal who will review the proposed expenditure to determine whether it is consistent with the Board adopted budget and sign the check request and purchase order forms. Professional consulting services in total annual amounts greater than \$10,000 will require Board approval/execution.*

- b. *Contracts*
 - i. *All professional consulting services shall be provided for under a contract.*

- ii. *Contracts for other goods and services exceeding \$10,000 on an annual basis shall be presented to the Board for approval prior to signing. Length of the contracts shall be at the discretion of the Board. In general, contracts exceeding \$10,000 shall be let after a bidding process of sufficient duration to ensure competition. However, the Director/Principal may make a finding to the Board for sole sourcing a contract exceeding \$10,000; in this case, the Board may approve the contract in arrears **at the time of contract execution.**" (Emphasis added.)*

SavantCo first appears on a RRCSA Board Agenda for the May 26, 2015 Regular Board Meeting as Information Item 10.4 “*Savantco Financial Update Report (Attachment 10.4).*”

Thereafter, SavantCo and SavanTech, an entity identified by the May 2, 2016 Fiscal Crisis & Management Assistance Team San Bernardino County Superintendent of Schools Extraordinary Audit of the Hope Academy Charter School as related entity, appeared regularly on agenda for RRCSA Board meetings, including on SASCA check registers.

The following chart identifies transactions involving SavantCo Education (Vendor Identification 62-0000-0-0000-0000-5813-00) and SavanTech (Vendor Identification 62-0000-0-0000-0000-5820-00):

Vendor Identification	Service Type	Description	Amount
62-0000-0-0000-0000-5813-00	Business Services	April 2015 monthly contract fee	\$10,000
62-0000-0-0000-0000-5813-00	Business Services	May 2015 monthly contract fee	\$10,000
62-0000-0-0000-0000-5813-00	Business Services	June 2015 monthly contract fee	\$10,000
62-0000-0-0000-0000-5813-00	Business Services	October 2015 monthly contract fee	\$10,000
62-0000-0-0000-0000-5813-00	Business Services	November 2015 monthly contract fee	\$10,000
62-0000-0-0000-0000-5813-00	Business Services	December 2015 monthly contract fee	\$10,000
62-0000-0-0000-0000-5813-00	Business Services	January 2016 monthly contract fee	\$10,000
62-0000-0-0000-0000-5820-00	Computer Services	Network & Phone Setup – 35 hours x 85/hour Network Cabling Project – 18 hours x 65/hour	\$4,145

Vendor Identification	Service Type	Description	Amount
62-0000-0-0000-0000-5813-00	Business Services	February 2016 monthly contract fee	\$10,000
62-0000-0-0000-0000-5813-00	Business Services	March 2016 monthly contract fee	\$10,000
62-0000-0-0000-0000-5813-00	Business Services	April 2016 monthly contract fee	\$10,000
62-0000-0-0000-0000-5813-00	Business Services	May 2016 monthly contract fee	\$10,000
62-0000-0-0000-0000-5813-00	Business Services	June 2016 monthly contract fee	\$10,000
62-0000-0-0000-0000-5813-00	Business Services	July 2016 monthly contract fee	\$7,800
62-0000-0-0000-0000-5813-00	Business Services	August 2016 monthly contract fee	\$10,000
62-0000-0-0000-0000-5813-00	Business Services	September 2016 monthly contract fee	\$10,000
62-0000-0-0000-0000-5813-00	Business Services	October 2016 monthly contract fee	\$10,000
62-0000-0-0000-0000-5813-00	Business Services	November 2016 monthly contract fee	\$10,000
62-0000-0-0000-0000-5813-00	Business Services	December 2016 monthly contract fee	\$10,000

RRCSA Board Agendas therefore evidence that, since April 2015, RRCSA has paid SavantCo and SavanTech at least **\$181,945**. From the agenda for the August 7, 2013 RRCSA Board meeting until the January 23, 2017 RRCSA Board meeting, there is no evidence of the contract between RRCSA and SavantCo being approved by the RRCSA Board.

In paying SavantCo at least \$60,000 in 2015 and at least \$97,800 in 2016, the SPA charter petitioners were required to seek and obtain RRCSA Board approval pursuant to RRCSA’s own Financial Policies and Procedures.

In comparison, the RRCSA Board did approve the Third Amended & Restated Statement of Work #1 by and between Edtec, Inc. and Sycamore Academy of Science and Cultural Arts at the April 15, 2014 RRCSA Board meeting.

In identifying SavantCo, the SPA charter petitioners failed to provide adequate information regarding the manner in which administrative services of the school are provided because RRCSA’s decision to retain SavantCo violates RRCSA Board policy regarding purchases and contradicts the SPA charter petition’s policy regarding the hiring of “*responsible contractors*.”

The CVUSD Board of Education therefore finds that the SPA charter petition fails to identify a responsible contractor for administrative services, and the SPA charter petition therefore fails to provide information regarding the proposed operation and potential effects of the charter school, in violation of Education Code section 47605(g).

NOW THEREFORE, BE IT FURTHER RESOLVED that the terms of this Resolution are severable. Should it be determined that one or more of the findings and/or the factual determinations supporting the findings are invalid, the remaining findings and/or factual determinations and the denial of the January 19, 2017 Sycamore Preparatory Academy 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. 2016/2017-27 was considered, passed and adopted by the Chino Valley Unified School District Board of Education at its regular meeting of March 16, 2017.

DENYING THE JANUARY 19, 2017 SYCAMORE PREPARATORY ACADEMY 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 regular meeting thereof held on the 16th of March 2017 and passed by a _____ vote of said Board.

IN WITNESS WHEREOF I have hereunto set my hand and seal this March 16, 2017.

Wayne M. Joseph
Secretary, Board of Education

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March 9, 2017

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 Sycamore Preparatory Academy Charter Petition and Budget as Submitted on January 19, 2017

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

Thank you for providing the Sycamore Preparatory Academy (SPA) January 19, 2017 charter school petition and Budget for my review.

As you requested, I have reviewed the SPA January 19, 2017 charter school petition and Multi-Year Projection (Budget) as submitted by the Sycamore Preparatory Academy charter petitioners. My findings after my review and analysis are presented in this report.

EXECUTIVE SUMMARY

After a comprehensive review of the Sycamore Preparatory Academy charter petition and Budget as submitted to the Chino Valley Unified School District on January 19, 2017, I conclude that the Sycamore Preparatory Academy charter petition's Budget presents an unrealistic financial and operational plan for the proposed Sycamore Preparatory Academy charter school.

My findings can be summarized as follows:

- 1) The SPA charter petitioners failed to account for \$225,000 of year one Public Charter School Grant Program (PCSGP) start-up funds costs.
- 2) The Sycamore Preparatory Academy charter petition's Budget fails to present sufficient detailed Budget notes that clearly describe SPA's financial budget projections pursuant to California Code of Regulations, Title 5, section 11967.5.1(c)(3)(B).

SPA fails to provide supplementary information describing how the proposed Sycamore Preparatory Academy 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.

- 3) The Sycamore Preparatory Academy charter petition's Budget fails to present any staffing, medical and retirement benefits supporting schedules reconciling to the types of staffing position classifications presented in SPA's Budget Narratives, Budget Notes, or Budget assumptions.

- 4) The Sycamore Preparatory Academy charter petition's Budget fails to identify how the SPA charter petitioners determined SPA's special education encroachment costs in the SPA Budget or to explain why SPA's special education encroachment costs were sufficient and comparable to other similar types of schools.
- 5) The Sycamore Preparatory Academy charter petition's Budget fails to identify how the SPA charter petitioners determined SPA's facilities rental costs in the SPA Budget. The SPA charter petition's Budget fails to explain how the amount of rent presented in the SPA Budget is sufficient and comparable to other similar types of schools when analysis of the Chino and Chino Hills facilities rental market adds \$728,235 in additional rental costs to SPA's proposed Budget.
- 6) Because of the material expenditure omissions in the proposed Sycamore Preparatory Academy charter petition Budget, SPA's total expenditures have increased by \$1,545,047 resulting in an ending 2017-2018 year one deficit fund balance of (\$577,638) and deficit fund balance reserve of (7.3%).

CHINO VALLEY UNIFIED SCHOOL DISTRICT STANDARDS FOR REVIEWING THE SYCAMORE PREPARATORY ACADEMY CHARTER PETITION AND BUDGET

The Chino Valley Unified School District (CVUSD) standards for reviewing charter petitions comply with Education Code 47605(g) and 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. SPA'S UNREALISTIC START-UP BUDGET

The SPA charter petitioners have presented a Multi-Year Projection (Budget), Budget Narratives, and Budget Assumptions which identifies Public Charter School Grant Program (PCSGP) funding revenue. However, the SPA charter petitioners failed to present any PCSGP allowable start-up costs in SPA's Budget. By law, PCSGP start-up revenue is intended to be spent on allowable start-up costs.

For purposes of this report, "Budget Notes" and "Budget Assumptions" refers to the SPA charter petition's "Budget Narratives" found on the first page under the SPA's charter petition's "Budget Documents" tab.

The SPA Budget Notes at 1.3, Start-up Revenues, state,

"SPA anticipates receiving start-up funding from the Public Charter Schools Grant Program (PCSGP) which provides funding for Planning Year and Implementation Years 1 and 2."

The SPA charter petition at page 124, Financial Statements, states,

"The petitioner or petitioners shall also be required to provide financial statements that include a proposed first-year operational budget, including startup costs, and cashflow and financial projections for the first three years of operation" Education Code §47605(g). (Emphasis Added)

SPA's 2017-2018, year one or start-up year Budget identifies PCSGP revenue of \$225,000, and an additional \$150,000 in the 2018-2019, year two, totaling \$375,000 for the proposed SPA charter school. However, the SPA charter petition, Budget, and Budget Notes fail to present any required allowable PCSGP start-up costs describing in detail how the PCSGP funds will be spent or why identifying allowable start-up costs was not considered necessary.

Education Code section 47605(g) and CCR, Title 5, section 11967.5.1(c)(3)(B) requires the SPA charter petitioners to present a first-year budget including start-up costs.

The SPA charter petitioners have failed to present any start-up costs in the SPA charter petition, Budget, or Budget Notes. Furthermore, the SPA charter petition, Budget, and Budget Notes fail to explain how SPA's start-up costs will be funded should SPA not be awarded the PCSGP grant.

The California Department of Education (CDE) has provided Public Charter School Grant Program resources at the CDE's website at, <http://www.cde.ca.gov/sp/cs/as/csexpenses.asp>.

The CDE website describes allowable PCSGP expenditures and factors affecting charter school's eligibility for reimbursement and provides the following guidance:

Federal Guidance

Federal guidance pertaining to allowable costs under the PCSGP may be found in the following documents:

- [Elementary and Secondary Education Act \(ESEA\) 5204\(f\)\(3\)](#)
- [U.S. Department of Education \(ED\) Charter Schools Program \(CSP\) Nonregulatory Guidance](#)

- [Office of Management and Budget \(OMB\) Circular A-21, Cost Principles for Educational Institutions](#)
- [OMB Circular A-87, Cost Principles for State, Local and Indian Tribal Governments](#)
- [OMB Circular A-122, Cost Principles for Non-Profit Organizations](#)
- [ED Cash Management Policies for Grants and Cooperative Agreements](#)

The CDE has provided Public Charter School Grant Program resources in the CDE’s website at, <http://www.cde.ca.gov/sp/cs/as/csexpenses.asp>.

The CDE website states at Factors Affecting Eligibility for Reimbursement:

“There are a number of factors that contribute towards the allowability of an expense. Developing an understanding of these principles will aid you in allocating expenses to the grant when the eligibility of an expense is not clear, or when an allocated expense is called into question and there is a need to obtain clarification. The factors are as follows:

Grant funds are intended to supplement, not supplant, state or local funds.

Supplanting is the use of PCSGP funds to pay for costs that would normally be paid using state or local funds. This primarily includes the operational costs of the school, such as rent and teacher salaries.

Federal nonregulatory guidance (D-3) indicates: “If the charter school can show that the state or local funds it has received are necessary to meet expenses other than the one at issue, then the charter school has met its burden of showing that the “other initial operational costs” cannot be met from state or local sources and, therefore, is allowable under the CSP grant.”

Costs incurred must correlate to a grant objective or a Work Plan objective.

The purpose of the PCSGP grant is to foster the development of high-quality charter schools in California. The Work Plan is the medium by which applicants propose activities with measurable outcomes that will enhance the quality of their school.

Other grant objectives include: informing the community about the school; and acquiring necessary equipment, educational materials, supplies, and curriculum.

Costs incurred must be one-time in nature and may not include ongoing operational costs.

When making the distinction between one-time and ongoing costs, it is helpful to ask the following questions:

Is the expense required to operate the school?

Will the school continue to incur the expense after the grant has ended?

Answering “yes” to either of the above questions most likely indicates that the expense is not one-time in nature, and is most likely not allowable.

Costs incurred must be obligated during the grant project period.

Costs must be incurred during the grant project period in order to be eligible for reimbursement. Therefore, costs related to developing the charter petition or for services rendered beyond the duration of the grant project period are not allowable.

Purchases or contracts for goods and services must follow pertinent procurement regulations.

Procurement regulations ensure the appropriate use of federal funds, prevent conflicts of interest, and promote open competition between vendors offering similar goods and services. Most, if not all, purchases under the grant must comply with appropriate procurement regulations. You may find additional information on procurement in Appendix C of the 2010—2015 PCSGP Request for Applications.

All purchases must be reasonable and necessary to the completion of the grant objectives or the initial operation of the school.

Goods and services purchased using grant funds should correlate to some need reflected in the approved charter petition or the approved Work Plan in the grant application. Expenses will be questioned if they appear to be unreasonable or unnecessary to the essential operation of the charter school or the completion of the grant objectives.”

The SPA Budget, Budget Notes, and charter petition fail to present the SPA charter petitioners PCSGP Work Plan, fail to identify any allowable start-up costs, and fail to demonstrate in SPA’s Budget how the grant funds correlate to a need reflected in the SPA charter petition.

The SPA Budget’s 2017-2018 year one fund balance includes \$225,000 in start-up revenue; however, the SPA Budget fails to budget any start-up costs. As a result of the SPA charter petitioners only recognizing start-up revenues while start-up costs fail to be budgeted, SPA’s year one fund balance is overstated by \$225,000. Also, because start-up costs are not budgeted while start-up revenue is used as part of SPA’s year one Cash Flow, SPA’s year one Cash Flow is overstated by \$225,000.

SPA’s 2017-2018 year one available Cash Flow at the end of year one is stated as \$226,423.

However, because SPA is recognizing start-up revenues as contributing to cash in-flows and start-up cash costs or expenditures fail to be budgeted, SPA’s 2017-2018 year one ending Cash Flow of \$226,423 is overstated by SPA’s unbudgeted start-up costs of \$225,000.

SPA’s 2017-2018 year one Cash Flow ending cash balance of \$226,423 is reduced by unbudgeted start-up costs of \$225,000, which leaves SPA with only \$1,423 in year one, 2017-2018 ending cash flow.

Therefore, the SPA charter petitioners have:

- Prepared a Budget based on PCSGP revenue which SPA may not be awarded,
- Failed to present any start-up costs in SPA’s Budget or Cash Flow,
- Failed to present any PCSGP start-up costs Budget Notes,
- Failed to describe the factors affecting eligibility for PCSGP grant reimbursement, and
- Used PCSGP start-up revenues of \$225,000 to subsidize SPA’s 2017-2018 year one operations, fund balance, and cash flow.

The SPA Budget fails to present detailed PCSGP start-up costs and Budget Notes as required by CCR, Title 5, section 11967.5.1(c)(3)(B) and Education Code section 47605(g).

The SPA charter petitioners' failure to Budget for start-up costs, using start-up revenue to subsidize non-start-up Cash Flow, and the petitioners' failure to provide any start-up Budget Notes describing start-up costs or why start-up costs are not budgeted result in the SPA charter petition and Budget presenting an unrealistic financial operational plan for the proposed SPA charter school.

II. SPA'S UNREALISTIC BUDGET NOTES AND ASSUMPTIONS

Detailed Budget Notes and supporting schedules are a critical component of constructing and implementing a charter school budget.

Explaining throughout SPA's Budget how SPA arrived at each of its presented Budget line item amounts would have demonstrated that the SPA charter petitioners are competent, transparent, understand financial accounting, the timing of charter school cash flow, and how SPA will receive and spend the proposed SPA charter school's funds; however, the SPA charter petitioners failed to provide any such detailed explanations.

The Sycamore Preparatory Academy Budget contains a column labeled "Assumptions".

SPA's budgeted expenditures begin with certificated salaries and SPA's assumptions or Budget Notes for certificated salaries states,

"Projected salary increases based on historical data and projected enrollment growth..."

SPA's budgeted Books and Supplies and Services and Other Operating Expenditures Budget assumptions/Budget Notes states,

"Projection based on similar sized schools..."

However, no other charter school historical data of similar type, size, and location to the proposed SPA charter school was provided in the SPA charter petition Budget, nor referenced in any of the SPA charter school Budget Notes.

The SPA charter petition did include audit reports of the Ronald Reagan Charter School Alliance, doing business as, Sycamore Academy of Science and Cultural Arts ("SASCA"), for the fiscal years ending, June 30, 2013, 2014, and 2015; however, SPA failed to present the June 30, 2016, the most current and comparative year audit report.

Furthermore, the SPA charter petitioners failed to describe in the SPA charter petition or Budget Notes why the June 30, 2016 Ronald Reagan Charter School Alliance audit report was not included with the SPA charter petition. The SASCA audit reports are insufficient documentation as historical comparative data because the audit reports fail to present comparative detailed account level financial amounts similar to those presented in the SPA Budget.

5 CCR section 11967.5.1(c)(3)(B) requires the SPA charter petitioners to present detailed budget notes and assumptions that clearly describe how SPA's budget amounts were determined. SPA 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.

SPA's failure to present detailed budget notes and assumptions means SPA cannot demonstrate that SPA has submitted a Budget based on sound and verifiable data.

Examples of unsupported or missing SPA Budget notes, assumptions, schedules, and documentation are:

1. Payroll and Staffing:

The SPA charter petition fails to present any Payroll and Staffing Detail. Without any payroll and staffing detail schedules, the certificated and non-certificated budgeted amounts for SPA's payroll categories such as Certificated Teachers' Salaries or Clerical and Office Salaries cannot be compared, or reconciled, in order to determine if the amounts budgeted by the SPA charter petitioners are reasonable.

Salary and Staffing Schedules:

a. The SPA charter petition Budget Notes states,

“Calculations for Certificated Salaries is based on an enrollment population of 620 students and 180 students in grades 7 – 8. In addition, a competitive salary schedule has been used to recruit qualified talent. SPA will have a full-time Pupil Support to assist students with SPED and ELD needs. The school will also have a full-time Principal and Assistant Principal...Non-certificated salaries include positions for Office Clerk, Office Coordinator, Operations Coordinator, Custodians and Paraprofessionals.”

- The SPA Budget Notes fail to include the referenced “competitive salary schedule” from which salaries could be compared to other charter schools to determine if SPA's salaries are actually competitive.
- The SPA Budget Notes at Expenditures, 1.1 Salaries and Benefits, presents a table containing seven certificated and non-certificated full time equivalent payroll categories.
- The table of seven certificated and non-certificated full time equivalent payroll categories is not titled.
- The SPA Budget identifies thirteen certificated and non-certificated payroll categories.
- The SPA Budget Notes fail to describe why the SPA charter petitioners failed to include a full time equivalent staffing table reconciling to the SPA Budget's thirteen payroll categories.
- Because no Payroll and Staffing Detail schedule was provided, SPA's claims of having budgeted for staff positions for full-time Pupil Support to assist students with SPED and ELD needs, a full-time Principal and Assistant Principal, Office Clerk, Office Coordinator, Operations Coordinator, Custodians and Paraprofessionals cannot be confirmed. Also, these positions and other similar positions cannot be reconciled with SPA's Budget to identify how many staff are represented in each category, or the salaries for each position in each category.
- Because no Payroll and Staffing Detail schedules were provided by the SPA charter petitioners, the SPA Budget expense categories such as Other Certificated Salaries, Non-certificated support salaries, Other Non-certificated Salaries, and Other Non-certificated substitutes, including the total amounts reported in the Budget cannot be reconciled to the salaries for each position.
- The SPA charter petition or Budget Notes fail to identify if any of SPA's staff positions will be shared within the Ronald Reagan Charter School Alliance, doing business as Sycamore Academy of Science and Cultural Arts, or to state that there will not be any shared positions.

2. Health & Welfare Benefits:

Health and Welfare Benefits presented in the SPA Budget are \$312,000 for certificated positions and \$40,000 for classified positions, totaling \$352,000.

The SPA charter petition Budget or Budget Notes fail to present any detailed staffing benefits schedules describing the medical benefits each staffing category or classification of employee will receive.

- Health & Welfare Benefits total \$352,000.
 - The SPA Budget Notes state, “SPA expects to provide medical benefits per eligible employees at a rate of \$8,000 in year 1”.
 - The SPA Budget Notes fail to define which employees qualify as eligible employees for medical benefits.
 - The SPA Budget Notes at Expenditures, 1.1 Salaries and Benefits, present a table of seven certificated and non-certificated full time equivalent payroll categories which when counted totals 48.5 full time equivalent staff.

Total Health & Welfare Benefits of \$352,000 divided by \$8,000 per eligible employee represents at total of 44 employees.
 - The SPA charter petition, Budget, or Budget Notes fail to describe where the Health & Welfare Benefits for the additional 4.5 ($48.5 - 44 = 4.5$) full time equivalent staff are listed or budgeted.
 - The SPA Budget Notes fail to contain any Budget Notes or staffing benefits schedules describing which classifications of SPA employees will receive medical benefits or why certain SPA employees will not be eligible for medical benefits.

The SPA charter petition, Budget and Budget Notes fail to present any staffing benefits detail allocation tables or schedules identifying which SPA staff positions will receive any Health & Welfare benefits, the types of benefits each staff member will receive, or the benefits amounts.

SPA’s Budget also fails to describe:

- Which health plans are offered,
- Who are the health plan providers,
- SPA’s health plan’s compliance with the Affordable Health Care Act,
- How SPA determined health and welfare benefits for each classification of SPA employees,
- How SPA’s employees qualify and vest for health and welfare benefits, and
- How SPA’s per employee benefits costs compare to other similar charter school’s or school district’s employee benefits costs.

Retirement Benefits:

The SPA charter petition, Element 11: Retirement Programs and Benefits, at page 115 states,

“The Ronald Reagan Charter School Alliance also reserves the right to offer additional retirement plans...Employee compensation and benefits are specified in the Employment Agreement for each employee.”

“Additional retirement plans” are mentioned in the SPA charter petition; however, the SPA charter petition and Budget Notes fail to identify, describe, or present:

- The types of additional retirement plans available,
- Which SPA employees qualify and how SPA employees will qualify to be considered for participation in the additional retirement plans,
- The costs of any additional retirements plans,
- Why no additional retirement plan costs are presented in the SPA Budget, and
- Why no sample Employment Agreements for each classification of employee is presented in the SPA charter petition to evaluate and reconcile the types of employment agreements proposed with the SPA Budget.

III. SPA’S UNREALISTIC SPECIAL EDUCATION ENCROACHMENT COSTS

Special education and related services are discussed in the SPA charter petition at pages 54 through 59.

Special Education costs encroachment is not discussed in the SPA charter petition. The SPA Budget Notes at 1.3 Services and Operating Expenses states *“The budget reflects SPED fees (SPED employee, third party vendor, encroachment) that exceed SPED revenues.”*

The SPA Budget identifies a total of \$23,712 for Special Education Encroachment.

SPA failed to present any Budget Notes or analysis describing how the SPA charter petitioners calculated their special education encroachment amount of \$23,712.

Using comparable Special Education data from the CVUSD and SPA’s projected year one average daily attendance of 760, SPA should have but failed to budget for any special education encroachment costs this report calculates as \$615,524.

SPA’s projected special education encroachment of \$615,524 is determined by dividing the 2015-2016 CVUSD total unfunded special education costs of \$21,936,424 by Chino Valley Unified School District’s total ADA of 27,086.61 which results in \$809.90 per ADA of special education encroachment.

Using the Chino Valley Unified School District’s special education encroachment costs as a similar school in the area in which SPA intends to operate that experiences a per ADA encroachment rate of \$809.90 per ADA and applying \$809.90 per ADA of encroachment costs to SPA’s total ADA of 760 results in SPA’s special education encroachment calculated amount of \$615,524.

The SPA charter petition and Budget fail to present detailed Budget notes and assumptions that document why the SPA charter petitioners did not provide detailed special education Budget Notes based on historical data from charter schools or school districts of similar type, size, and location.

5 CCR section 11967.5.1(c)(3)(B) requires the SPA charter petitioners to provide detailed budget notes and assumptions that clearly describe how SPA's budget amounts were determined.

Because the SPA charter petitioners failed to provide detailed special education costs or Budget Notes, the SPA charter petition and Budget fail to comply with 5 CCR section 11967.5.1(c)(3)(B) and have presented an unrealistic financial and operational plan for the proposed SPA charter school.

IV. SPA'S UNREALISTIC FACILITIES RENT

The SPA charter petition at page 124, states,

"In the event the Proposition 39 facilities are not requested or provided, SPA will locate in a private facility within the District boundaries that is in compliance with the California State Building Code. Spa would need approximately 50,625 square feet in order to house the number of students anticipated to enroll in the school during its first charter term.

In the event that at private facility is required, SPA will seek to have the landlord pay for all tenant improvements necessary to convert the facility for the charter school's use. The tenant improvements will be done in a manner that will ensure that the facility is compliant with the California State Building Code for educational use. Any private facility will also comply with local zoning, unless a zoning exemption is approved pursuant to the Government Code."

The SPA Budget identifies first year 2017-2018 rent as \$183,021.

SPA's Budget Notes at 1.3 Services and Other Operating Expenditures states that SPA's Services and Other Operating Expenditures costs are projected based on similar sized charter schools. However, the SPA Budget and Budget Notes fail to present any similar sized charter school's rent analysis or any comparative rents for a facility of 50,625 square feet.

The SPA charter petition or Budget further fail to present any of the following:

- Contingency rental costs should SPA not request Proposition 39 facilities or Proposition 39 facilities not be provided.
- A description of the proposed type of facility to be leased, how many bathrooms, the availability of cafeteria, kitchen and food service facilities, proximity to business establishments, proximity to residential neighborhoods, and if the potential landlord is related in any way to any of the charter petitioners, petitioners' friends or family members.
- If the proposed facility to be leased is suitable for all of the programs to be offered by SPA, including classroom instruction, special education services, physical education, administration, food services, or other school programs.
- A description of how SPA's rent is or will be calculated, if rents are tied to the Consumer Price Index (CPI), or if there are any additional Common Area Maintenance (CAM) charges, etc.

- What type of deposit may be required, whom if anyone is guaranteeing the lease, if any collateral is required, and if so, what the collateral may be comprised of, or, if there is an exit provision for early termination of the lease in the event the charter school closes.

Without any facilities rent expense Budget Notes provided by the SPA charter petitioners, this analysis cannot determine if the SPA budgeted facilities rent amount reflects market rents in the Chino Valley Unified School District attendance area, what competitive lease prices are in the surrounding cities, or if the monthly lease cost represents a competitive dollar amount per square foot.

The California Code of Regulations, Subchapter 19-Charter Schools, Article 2-General Provisions describes the criteria for Review and Approval of Charter School Petitions.

CCR, 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:

(D) In the area of facilities, the charter and supporting documents do not adequately:

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

The Chino Valley Unified School District surveyed the Chino and Chino Hills commercial rental market and concluded that finding 50,000 square feet in the Chino and Chino Hills area is difficult with few rental options available. The CVUSD commercial rental market survey also found that for a landlord to contribute tenant capital improvements towards specialized school improvements, the rental rates are \$2,00 - \$2.35 per square foot for a full-service lease.

Using \$2.00 per square foot and SPA’s facility square feet requirement of 50,625 square feet means that monthly rent is \$101,250. A monthly rent of \$101,250 is \$1,215,000 annually.

The CVUSD commercial rental market survey also reviewed industrial property. Factoring in tenant improvements for costs of classrooms, heating, ventilation and air conditioning, and other costs, the rental price per square foot is \$1.50 - \$1.75. Using \$1.50 per square foot and SPA’s facility square feet requirement of 50,625 square feet means that monthly rent is \$75,938. A monthly rent of \$75,938 is \$911,256 annually.

Based on CVUSD’s rental market survey and using the lower \$1.50 per square foot rental rate calculated at a \$911,256 annual rental cost, SPA’s Budgeted annual year one 2017-2018 rent of \$183,021 is understated by \$728,235.

The SPA Budget’s facilities rental expense information and understated rental costs fail to conform to CCR, Title 5 section 11967.5.1(c)(3)(D) and therefore present an unrealistic financial and operational plan for the proposed charter school.

V. SPA’S UNREALISTIC FINANCIAL RESERVES

Required reserves for economic uncertainties are defined at 5 CCR §15450 Reserves:

“(a) Available reserves for any of the budget year or two subsequent fiscal years are not less than the following percentages or amounts as applied to total expenditures and other financing uses:

the greater of 5% or \$55,000 for districts with 0-300 ADA
the greater of 4% or \$55,000 for districts with 301-1,000 ADA
3% for districts with 1,001-30,000 ADA
2% for districts with 30,001-400,000 ADA
1% for districts with 400,001 and over ADA”

The SPA Budget Notes at 1.6, Reserve Requirement, states,

“In each year, SPA plans to exceed a budget reserve equal to 5% of total annual operating expenditures or \$50,000, whichever is greater.”

To meet the 5 CCR §15450 Reserves requirement, since SPA’s 2017-2018 year one ADA is 760, SPA’s reserve requirement is 4% or \$55,000.

As described in this report, the SPA Budget fails to identify start-up costs of \$225,000, understated its special education encroachment costs by \$591,812, and understated SPA’s facilities rental expense by \$728,235.

Table I below presents the effect of these omissions on SPA’s 2017-2018 year one expenditures, ending fund balance, and fund balance reserves.

Table I

Sycamore Preparatory Academy			
Expenditures Adjustments			
Expenditures Adjustments Effect on Fund Balance			
Description	Year-One 2017-18	Adjustments	Adjusted Year-One 2017-18
Total Revenues	\$ 6,802,968		\$ 6,802,968
Total Expenditures	\$ 6,335,559		\$ 6,335,559
Unrecorded Expenditures:			
Start-Up Costs	-	\$ 225,000	225,000
Special Education Encroachment Costs	-	591,812	591,812
Facilities Rental Costs	-	728,235	728,235
Total Adjusted Expenditures	6,335,559	1,545,047	7,880,606
Other Financing Sources	500,000		500,000
Net Increase (Decrease) in Fund Balance	967,409	(1,545,047)	(577,638)
Beginning Fund Balance	-		-
Ending Fund Balance	\$ 967,409	(1,545,047)	\$ (577,638)
Fund Balance Reserve as a percentage of total expenses	15.3%		-7.3%

Fund balance reserves are calculated by dividing ending fund balance by total expenditures. The material omissions from the SPA Budget of start-up costs, special education encroachment costs, and facilities rental costs increase total expenditures by \$1,545,047, and reduce ending fund balance to a deficit or negative (\$577,638). The increase in expenditures and negative fund balance produce a deficit or negative fund balance reserve of (7.3%).

The SPA 2017-2018 year one ending fund balance fails to meet sufficient reserve requirements for contingencies, fund balance reserves, and reserves for economic uncertainties as required by CCR, Title 5, section 15450 and fails to meet SPA's own 5% reserve requirement.

Therefore, SPA's failure to meet the 5% reserve requirement results in the SPA charter petitioners having submitted an unrealistic financial operational plan for the proposed SPA charter school.

CONCLUSION

When providing the SPA charter petitioner's budget as required by Education Code section 47605(g) and California Code of Regulations, Title 5, section 11967.5.1(c)(3)(B), the SPA charter school petitioners should have but failed to provide complete and accurate Budget Notes and Assumptions describing in detail the amounts presented in SPA's Budget.

Detailed Budget Notes and SPA's documentation supporting SPA's Budget amounts are a critical component of the basis upon which approval of the SPA charter petition is granted. The SPA charter petitioners failed to provide any historical spending experience or budget analysis comparing Sycamore Preparatory Academy and other start-up charter school budgets in California with the proposed Sycamore Preparatory Academy Budget.

The Sycamore Preparatory Academy charter petitioners also failed to:

- Identify any Public Charter School Grant Program start-up costs,
- Describe in detail how SPA's budgeted special education encroachment costs were sufficient when a comparative analysis of special education costs determines that SPA's special education encroachment costs are understated by \$591,812,
- Present any comparative facilities rent expense analysis correlating to the SPA charter petitions required 50,625 square feet of rental space.

Material expense omissions in the SPA Budget understate SPA's total expenditures, reduce fund balance to a deficient of (\$577,638) and result in a negative or deficit fund balance reserve of (-7.3%).

The SPA Budget also fails to reconcile salaries and benefits to any salary schedule or payroll and benefits schedule.

Overall, in my professional opinion, because of the material nature of the SPA charter petitioners' omissions from the SPA Budget and Budget Notes, including SPA's unsubstantiated and understated special education encroachment costs, understated facilities rent expenses, and unbudgeted PCSGP start-up costs, the Sycamore Preparatory Academy charter petition and Budget present an unrealistic financial and operational plan for the proposed SPA charter school.

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

Sincerely,



Paul S. Horvat, CPA

CHINO VALLEY UNIFIED SCHOOL DISTRICT

Our Motto:

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

DATE: March 16, 2017
TO: Members, Board of Education
FROM: Wayne M. Joseph, Superintendent
PREPARED BY: Sandra H. Chen, Assistant Superintendent, Business Services
Liz Pensick, Director, Business Services
SUBJECT: 2016/2017 SECOND INTERIM FINANCIAL REPORT

=====

BACKGROUND

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

The Second Interim Financial Report (submitted under separate cover) presents actual data as of January 31, 2017. This report must be approved and certified as positive, qualified, or negative by the Board of Education and submitted to the County Superintendent of Schools by March 15, 2017. The three certifications are defined as follows:

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

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

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

RECOMMENDATION

It is recommended the Board of Education approve the 2016/2017 Second Interim Financial Report, and authorize the President of the Board of Education and the Superintendent to sign the positive Certification of Financial Condition for the current and two subsequent fiscal years.

FISCAL IMPACT

Financial information presented for this Second Interim Report reflects a balanced budget for fiscal years 2016/2017, 2017/2018, and 2018/2019.

CHINO VALLEY UNIFIED SCHOOL DISTRICT

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Humility • Civility • Service

DATE: March 16, 2017
TO: Members, Board of Education
FROM: Wayne M. Joseph, Superintendent
PREPARED BY: Gregory J. Stachura, Asst. Supt., Facilities, Planning, and Operations
SUBJECT: RESOLUTION 2016/2017-24 AUTHORIZING THE ISSUANCE AND SALE OF ITS MEASURE M, 2017 GENERAL OBLIGATION REFUNDING BONDS, 2002 ELECTION, 2006 SERIES D, AND APPROVING CERTAIN OTHER MATTERS RELATING TO SAID BONDS

=====

BACKGROUND

The District has an opportunity to lower the interest costs and reduce the annual debt service on a portion of its outstanding Measure M, General Obligation Bonds, 2002 Election, 2006 Series D, which would result in gross savings in today’s market of approximately \$15.7 million to the District’s taxpayers.

Stifel, Nicolaus & Company, Incorporated, the Underwriter, and Norton Rose Fulbright US LLP, Bond Counsel, have prepared the necessary legal documentation to proceed with the refunding process. The following documents, each of which is a necessary part of the proposed refunding of the District’s Measure M, General Obligation Bonds, 2002 Election, 2006 Series D, are on file with the Clerk of the Board.

- Escrow Agreement
- Purchase Contract
- Preliminary Official Statement, including the Continuing Disclosure Undertaking

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

RECOMMENDATION

It is recommended the Board of Education adopt Resolution 2016/2017-24 Authorizing the Issuance and Sale of its Measure M, 2017 General Obligation Refunding Bonds, 2002 Election, 2006 Series D, and Approving Certain Other Matters Relating to Said Bonds.

FISCAL IMPACT

\$15.7 million estimated savings to taxpayers in 2017-2031.

WMJ:GJS:pw

RESOLUTION NO. 2016/2017-24

RESOLUTION OF THE BOARD OF EDUCATION OF THE CHINO VALLEY UNIFIED SCHOOL DISTRICT OF THE COUNTY OF SAN BERNARDINO, CALIFORNIA AUTHORIZING THE ISSUANCE AND SALE OF ITS 2017 GENERAL OBLIGATION REFUNDING BONDS, IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$55,000,000, AND APPROVING CERTAIN OTHER MATTERS RELATING TO SAID BONDS

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EXHIBIT B	FORM OF 15c2-12 CERTIFICATE	B-1

RESOLUTION OF THE BOARD OF EDUCATION OF THE CHINO VALLEY UNIFIED SCHOOL DISTRICT OF THE COUNTY OF SAN BERNARDINO, CALIFORNIA AUTHORIZING THE ISSUANCE AND SALE OF ITS 2017 GENERAL OBLIGATION REFUNDING BONDS, IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$55,000,000, AND APPROVING CERTAIN OTHER MATTERS RELATING TO SAID BONDS

WHEREAS, a duly called election was held in the Chino Valley Unified School District, a unified school district duly organized and existing under the laws of the State of California (the “**District**”), County of San Bernardino (the “**County**”), State of California, on March 5, 2002 (the “**Election**”), and thereafter canvassed pursuant to law; and

WHEREAS, at the Election, there was submitted to and approved by the requisite fifty-five percent (55%) vote of the qualified electors of the District a question as to the issuance and sale of general obligation bonds of the District for various purposes set forth in the ballot submitted to the voters, in the maximum aggregate principal amount of \$150,000,000 to finance the projects described in the proposition (“**Measure M**”) payable from the levy of an *ad valorem* property tax against the taxable property in the District (the “**Authorization**”); and

WHEREAS, as authorized at the Election, the Board of Education of the District (the “**Governing Board**”) has previously approved the issuance, among other series, of \$49,999,999.20 aggregate initial principal or issue amount of the District’s General Obligation Bonds, 2002 Election, 2006 Series D (the “**Prior Bonds**”), of which \$48,838,268.55 of initial issue amount is presently outstanding and subject to refunding; and

WHEREAS, pursuant to Articles 9 and 11 of Chapter 3 of Part 1 of Division 2 of Title 5 of the California Government Code (commencing with Sections 53550 and 53580, respectively), the District is authorized to issue, or cause to be issued, general obligation bonds to refund all or a portion of the Prior Bonds (once refunded, the “**Refunded Bonds**”); and

WHEREAS, the Governing Board has now determined that conditions in the financial markets have become favorable for the refunding of the Refunded Bonds by issuing its 2017 General Obligation Refunding Bonds (the “**Bonds**”), resulting in substantial savings to the taxpayers of the District; and

WHEREAS, pursuant to Section 53558(a) of the Government Code, the District is authorized to deposit certain proceeds of the sale of the Bonds in escrow in an amount sufficient to pay the principal of and interest and redemption premiums, if any, on the Refunded Bonds as they become due or at designated dates prior to maturity, and to use certain proceeds of the Bonds to pay the costs of issuance of the Bonds; and

WHEREAS, this Governing Board has determined that it is desirable to sell the Bonds pursuant to a negotiated sale to Stifel, Nicolaus & Company, Incorporated, as underwriter of the Bonds (the “**Underwriter**”) pursuant to a Contract of Purchase (as defined herein), a form of

which has been submitted to this meeting of the Governing Board and is on file with the Secretary of the Governing Board (the “**Secretary**”); and

WHEREAS, a form of escrow agreement (the “**Escrow Agreement**”), by and between the District and The Bank of New York Mellon Trust Company, N.A., as escrow agent (the “**Escrow Agent**”), directing the establishment of an escrow fund for deposit of certain proceeds of sale of the Bonds for the purpose of paying and redeeming the Refunded Bonds has been submitted to this meeting of the Governing Board and is on file with the Secretary; and

WHEREAS, a form of the preliminary official statement (the “**Preliminary Official Statement**”) relating to the Bonds has been submitted to this meeting of the Governing Board and is on file with the Secretary; and

WHEREAS, a form of continuing disclosure undertaking (the “**Continuing Disclosure Undertaking**”), attached as Appendix D to the Preliminary Official Statement, has been submitted to this meeting of the Governing Board and is on file with the Secretary; and

WHEREAS, this Governing Board desires that the County should levy and collect an *ad valorem* property tax on all taxable property within the District sufficient to provide for payment of the Bonds (with certain property subject to limitations), and intends by the adoption of this Resolution to notify the Board of Supervisors of the County, the Auditor-Controller /Treasurer-Tax Collector of the County (the “**Auditor-Controller**” or “**Treasurer**” as applicable) and other officials of the County that they should take such actions as shall be necessary to provide for the levy and collection of such tax and payment of the Bonds; and

WHEREAS, this Governing Board recognizes that California Senate Bill No. 222 (Chapter 78, Statutes of 2015) (“**SB 222**”) as codified in Section 15251 of the California Education Code and commencing with Section 53515 of the California Government Code, provides that general obligation bonds of the District shall be secured by a statutory lien on all revenues received pursuant to the levy and collection of taxes levied to pay the bonds, when collected by the County, to secure repayment of bonds, effective January 1, 2016; and

WHEREAS, the pledge of tax revenues and grant of a lien thereon and security interest therein included in this Resolution to secure payment of the G.O. Bonds (as defined herein) is intended to be a consensual security agreement with the registered owners of the G.O. Bonds separate and apart from, and in addition to, any statutory lien on such revenues to which they are entitled; and

WHEREAS, all acts, conditions and other matters required by law to be done or performed have been done and performed in strict conformity with the laws authorizing the issuance of general obligation bonds of the District, and the indebtedness of the District, including this proposed issue of the Bonds, is within all limits prescribed by law;

NOW THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED by the Board of Education of the Chino Valley Unified School District as follows:

SECTION 1. Definitions. Capitalized terms used but not defined herein shall have the meanings set forth in the Recitals hereto. Additionally, the following terms shall for all purposes of this Resolution have the following meanings:

“Authorized Investments” shall mean legal investments authorized by Section 53601 of the Government Code.

“Authorized Officer” and “Authorized Officers” has the meaning provided in Section 6 herein.

“Authorizing Law” shall mean Articles 9 and 11 of Chapter 3 of Part 1 of Division 2 of Title 5 (commencing with Sections 53550 and 53580, respectively) of the Government Code.

“Board of Supervisors” shall mean the Board of Supervisors of the County.

“Bond Counsel” shall mean Norton Rose Fulbright US LLP.

“Bond Register” shall mean the books referred to in Section 15 of this Resolution.

“Business Day” shall mean a day which is not a Saturday, Sunday or a day on which banking institutions in the State or the State of New York and the New York Stock Exchange are authorized or required to be closed.

“Code” shall mean the Internal Revenue Code of 1986, as amended.

“Common Issue Bonds” means the Bonds and any other tax-exempt obligations sold within 15 days of the Bonds that are part of the same issue pursuant to section 1.150-1(c) of the Regulations.

“Contract of Purchase” shall mean the Purchase Contract by and between the District and the Underwriter relating to the Bonds.

“Costs of Issuance” shall mean all of the authorized costs of issuing the Bonds as described in the Authorizing Law, including but not limited to, all printing and document preparation expenses in connection with this Resolution, the Bonds and the Preliminary Official Statement and the Official Statement pertaining to the Bonds and any and all other agreements, instruments, certificates or other documents prepared in connection therewith; underwriters’ fees; rating agency fees; auditor’s fees; CUSIP service bureau charges; legal fees and expenses of counsel with respect to the financing, including the fees and expenses of Bond Counsel and Disclosure Counsel; the fees and expenses of the Paying Agent, Escrow Agent and Verification Agent; the fees and expenses of the Structuring/Pricing Consultant; fees for credit enhancement (if any) relating to the Bonds; and other fees and expenses incurred in connection with the issuance of the Bonds, to the extent such fees and expenses are approved by the District.

“County Office of Education” shall mean the Office of Education of the County and such other persons as may be designated by the County Office of Education to perform any operational and disbursement functions hereunder.

“Date of Delivery” shall mean the date on which the Underwriter purchase the Bonds.

“Debt Service” shall have the meaning given to that term in Section 17 of this Resolution.

“Debt Service Fund” shall mean the Debt Service Fund established pursuant to Section 17 of this Resolution.

“Defeasance Securities” shall mean lawful money or noncallable direct obligations issued by the United States Treasury or obligations which are unconditionally guaranteed by the United States of America and permitted under Section 149(b) of the Code and Regulations which, in the opinion of Bond Counsel, will not impair the exclusion from gross income for federal income tax purposes of interest on the Bonds.

“Depository” shall mean DTC and its successors and assigns or if (a) the then-acting Depository resigns from its functions as securities depository for the Bonds, or (b) the District discontinues use of the Depository pursuant to this Resolution, any other securities depository which agrees to follow procedures required to be followed by a securities depository in connection with the Bonds.

“Disclosure Counsel” shall mean Norton Rose Fulbright US LLP, in its capacity as disclosure counsel to the District with respect to the Bonds.

“DTC” shall mean The Depository Trust Company, and its successors and assigns.

“EMMA” shall mean the Electronic Municipal Market Access website of the MSRB, currently located at <http://emma.msrb.org>.

“Escrow Fund” shall mean the fund by that name established under the Escrow Agreement, into which the net proceeds of sale of the Bonds (or bonds otherwise designated) shall be deposited in order to effect the refunding of the Refunded Bonds.

“Federal Securities” shall mean direct obligations of the United States Treasury or obligations which are unconditionally guaranteed by the United States or which are issued or guaranteed by the Export-Import Bank of the United States, the Farmers Home Administration, the General Services Administration, the Small Business Administration, the Government National Mortgage Association, the United States Department of Housing and Urban Affairs and the Federal Housing Administration (including obligations issued or held in book-entry form on the books of the Department of the Treasury of the United States), provided the principal of and interest on such obligations are backed by the full faith and credit of the United States of America.

“Fiscal Year” shall mean the twelve-month period commencing on July 1 of each year and ending on the following June 30 or any other fiscal year selected by the District.

“G.O. Bonds” shall mean all general obligation bonds of the District heretofore or hereafter issued pursuant to voter approved measures of the District, including Measure G and Measure M.

“Information Services” shall mean EMMA and, in accordance with then-current guidelines of the Securities and Exchange Commission, such other addresses and/or such other services providing information with respect to called bonds as the District may designate in a certificate of the District delivered to the Paying Agent.

“Interest Payment Date” shall mean February 1 and August 1 in each year, commencing on August 1, 2017, or as otherwise specified in the Contract of Purchase.

“Measure G” shall mean the general obligation bond proposition approved by more than 55% of District voters on November 8, 2016 authorizing the issuance of up to an aggregate principal amount of \$750,000,000 in general obligation bonds to finance the projects described in the proposition, payable from *ad valorem* property taxes.

“Moody’s” shall mean Moody’s Investors Service, its successors and assigns, except that if such corporation shall no longer perform the functions of a securities rating agency for any reason, the term “Moody’s” shall be deemed to refer to any other nationally recognized securities rating agency selected by the District.

“MSRB” shall mean the Municipal Securities Rulemaking Board or any other entity designated or authorized by the Securities and Exchange Commission to receive the reports described in the Continuing Disclosure Undertaking. Until otherwise designated by the MSRB or the Securities and Exchange Commission, filings with the MSRB are to be made through EMMA.

“Nominee” shall mean the nominee of the Depository which may be the Depository, as determined from time to time by the Depository.

“Official Statement” shall mean the final official statement of the District describing the Bonds.

“Outstanding” when used with reference to the Bonds, shall mean, as of any date, Bonds theretofore issued or thereupon being issued under this Resolution except:

- (i) Bonds canceled at or prior to such date;
- (ii) Bonds in lieu of or in substitution for which other Bonds shall have been delivered pursuant to Section 13 hereof; and
- (iii) Bonds for the payment or redemption of which funds or eligible securities in the necessary amount shall have been set aside (whether on or prior to the maturity or redemption date of such Bonds), in accordance with Section 41 of this Resolution.

“Owner” shall mean the registered owner, as indicated in the Bond Register, of any Bond.

“Participant” shall mean a member of or participant in the Depository.

“Paying Agent” shall mean the paying agent designated pursuant to Section 30 hereof.

“Pledged Moneys” shall have the meaning given to that term in Section 18 of this Resolution.

“Principal” or “Principal Amount” shall mean, as of any date of calculation, with respect to any Bond, the principal amount thereof.

“Rebate Fund” shall mean the Rebate Fund established pursuant to Section 19 of this Resolution.

“Record Date” shall mean the close of business on the fifteenth calendar day of the month next preceding an Interest Payment Date.

“Regulations” shall mean the regulations of the United States Department of the Treasury proposed or promulgated under Sections 103 and 141 through 150 of the Code which by their terms are effective with respect to the Bonds and similar Treasury Regulations to the extent not inconsistent with Sections 103 and 141 through 150 of the Code, including regulations promulgated under Section 103 of the Internal Revenue Code of 1954, as amended.

“S&P” shall mean S&P Global Ratings, its successors and assigns, except that if such corporation shall no longer perform the functions of a securities rating agency for any reason, the term “S&P” shall be deemed to refer to any other nationally recognized securities rating agency selected by the District.

“Securities Depositories” shall mean The Depository Trust Company, 55 Water Street, New York, New York 10041, Facsimile transmission: (212) 785-9681, (212) 855-3215, and, in accordance with then-current guidelines of the Securities and Exchange Commission, such other addresses and/or such other securities depositories as the District may designate in a certificate delivered to the Paying Agent.

“Structuring/Pricing Consultant” shall mean Keygent LLC, as Structuring/Pricing Consultant to the District.

“Superintendent” shall mean the Superintendent of the District.

“Supplemental Resolution” shall mean any resolution supplemental to or amendatory of this Resolution, adopted by the District in accordance with Section 38 or Section 39 hereof.

“Tax Certificate” means the Tax Certificate delivered by the District on the Date of Delivery.

“Term Bond” shall mean any Bond which, by its terms, has a single maturity but is subject to mandatory sinking fund redemption prior to the date of such maturity.

“Verification Agent” shall mean Grant Thornton LLP, certified public accountants, in their capacity as verification agent for the sufficiency of amounts on deposit in the Escrow Fund for the payment and redemption of the Refunded Bonds.

SECTION 2. Rules of Construction. Words of the masculine gender shall be deemed and construed to include correlative words of the feminine and neuter genders, and vice versa. Except where the context otherwise requires, words importing the singular shall include the plural and vice versa, and words importing persons shall include firms, associations and corporations, including public bodies, as well as natural persons.

SECTION 3. Authority for this Resolution. This Resolution is adopted pursuant to the provisions of the Authorizing Law.

SECTION 4. Resolution to Constitute Consensual Agreement. In consideration of the purchase and acceptance of any and all of the Bonds authorized to be issued hereunder by those who shall own the same from time to time, this Resolution shall be deemed to be and shall constitute a consensual agreement among the District and the Owners from time to time of the Bonds; and the pledge made and lien and security interest granted in this Resolution shall be for the equal benefit, protection and security of the registered owners of any and all of the G.O. Bonds, all of which, regardless of the time or times of their issuance or maturity, shall be of equal rank without preference, priority or distinction of any of the G.O. Bonds over any other thereof.

SECTION 5. Approval of Documents; Determination of Method of Sale and Terms of Bonds.

(a) The Authorized Officers, in consultation with Bond Counsel, the Structuring/Pricing Consultant and the other officers of the District are, and each of them acting alone is, hereby authorized and directed to issue and deliver the Bonds and to establish the initial aggregate principal amount thereof; *provided, however*, that such aggregate principal amount of the Bonds shall not exceed \$55,000,000.

(b) The form of the Contract of Purchase is hereby approved. The Authorized Officers are, and each of them acting alone is, authorized and directed to execute and deliver the Contract of Purchase to the Underwriter for and in the name and on behalf of the District, with such additions, changes or corrections therein as the Authorized Officer executing the same on behalf of the District may approve, in his or her discretion, as being in the best interests of the District including, without limitation (i) such changes as are necessary to reflect the final terms of the Bonds to the extent such terms differ from those set forth in this Resolution, such approval to be conclusively evidenced by such Authorized Officer's execution thereof and (ii) any other documents required to be executed thereunder. The Authorized Officers are, and each of them acting alone is, hereby authorized and directed to determine the specific maturities and amounts of the Prior Bonds or portions thereof to be refunded based upon market conditions existing at the time of the pricing of the Bonds. In addition, the Authorized Officers are, and each of them acting alone is, hereby authorized to negotiate with the Underwriter the terms, maturities, interest rates and series of the Bonds and the purchase price of the Bonds to be paid by the Underwriter, which purchase price shall reflect an Underwriter's discount of not more than 0.50% (not including original issue discount) of the principal amount thereof. The interest rate on the Bonds shall not exceed the maximum allowed under law.

(c) The form of the Escrow Agreement is hereby approved. The Authorized Officers are, and each of them acting alone is, hereby authorized and directed, for and in the name of and on behalf of the District, to execute and deliver the Escrow Agreement in substantially the form on file with the District and considered at this meeting, with such changes therein as the Authorized Officer executing the same on behalf of the District may approve, in his or her discretion, as being in the best interests of the District, such approval to be conclusively evidenced by the execution and delivery of the Escrow Agreement by such Authorized Officer. The Authorized Officers are, and each of them acting alone is, hereby authorized and directed to make changes to the Escrow Agreement to achieve the purposes for which the Bonds are being executed and delivered.

(d) The form of the Continuing Disclosure Undertaking is hereby approved. The Authorized Officers are, and each of them acting alone is, hereby authorized to execute and deliver the Continuing Disclosure Undertaking on behalf of the District, with such changes therein as the Authorized Officer executing the same on behalf of the District may approve, in his or her discretion, as being in the best interests of the District, such approval to be conclusively evidenced by such Authorized Officer's execution thereof, and any other documents required to be executed thereunder, and to deliver the same to the Underwriter. The District hereby covenants and agrees that it will comply with and carry out all of the provisions of the Continuing Disclosure Undertaking. Notwithstanding any other provision of this Resolution, failure of the District to comply with the Continuing Disclosure Undertaking shall not be considered an event of default as to the Bonds and shall not be deemed to create any monetary liability on the part of the District to any other persons, including Owners of the Bonds.

(e) The form of the Preliminary Official Statement is hereby approved. This Governing Board also hereby authorizes the use and distribution by the Underwriter of: (a) the Preliminary Official Statement with such changes as the Authorized Officer executing the certificate described below may approve, such approval to be conclusively evidenced by such Authorized Officer's execution of such certificate; and (b) an Official Statement in substantially the form of the Preliminary Official Statement with such changes as may be necessary or desirable in connection with the sale of the Bonds as determined by the Authorized Officer executing the Official Statement, such determination to be conclusively evidenced by the execution and delivery of the Official Statement by such Authorized Officer; and (c) any amendments or supplements to the Preliminary Official Statement or the Official Statement which an Authorized Officer may deem necessary or desirable, such determination to be conclusively evidenced by the execution of such amendment or supplement or of a certificate as described below by such Authorized Officer. The Authorized Officers are, and each of them acting alone hereby is, authorized to approve such additions, deletions or changes to the Preliminary Official Statement and Official Statement, as are necessary or desirable to effect the purposes of this Resolution and to comply with applicable laws and to deliver copies of the Preliminary Official Statement and the Official Statement. The Authorized Officers also are, and each of them acting alone hereby is, authorized to determine whether any Preliminary Official Statement and/or Official Statement, and any amendments or supplements thereto, shall be used in connection with the sale of the Bonds. Upon approval of the Preliminary Official Statement by such Authorized Officer as evidenced by execution of a certificate substantially in the form of Exhibit B attached hereto and by this reference incorporated herein, with such changes as may be

necessary or desirable, the Preliminary Official Statement shall be deemed final as of its date except for the omission of certain information as provided in and pursuant to Rule 15c2-12 promulgated under the Securities Exchange Act of 1934.

(f) This Governing Board also hereby authorizes the preparation of a paying agent agreement in connection with the Bonds, in such form as shall be determined by an Authorized Officer, such determination to be conclusively evidenced by the execution and delivery of the paying agent agreement by such Authorized Officer.

SECTION 6. Authorization of Officers. The officers of the District, including but not limited to the Superintendent, the Assistant Superintendent of Business Services, the Assistant Superintendent of Facilities, Planning and Operations of the District, and their authorized designees or representatives (each, an “**Authorized Officer**” and together, the “**Authorized Officers**”) are, and each of them acting alone is, hereby authorized to execute any and all certifications and documents and do and perform any and all acts and things, from time to time, consistent with this Resolution and necessary or appropriate to carry the same into effect and to carry out its purposes.

SECTION 7. Use of Bond Proceeds. The proceeds of the Bonds, together with other available funds, shall be applied to pay the principal of and interest and redemption premium, if any, on the Refunded Bonds as they become due or at their redemption dates and to pay Costs of Issuance.

SECTION 8. Designation and Form; Payment.

(a) An issue of Bonds in one or more series entitled to the benefit, protection and security of this Resolution is hereby authorized. Such Bonds shall be general obligations of the District, payable as to Principal of and premium, if any, and interest from *ad valorem* property taxes to be levied upon all of the taxable property in the District. The Bonds shall be designated the “Chino Valley Unified School District 2017 General Obligation Refunding Bonds” with such insertions as shall be appropriate to describe the series, federally taxable or tax-exempt status, and/or tranches. The aggregate principal amount of the Bonds shall not exceed \$55,000,000. The Bonds may be issued as serial bonds or term bonds and shall be subject to redemption as set forth in the Contract of Purchase, subject to the provisions of this Resolution. The Authorized Officers are, and each of them acting alone is, hereby authorized, upon consultation with the Structuring/Pricing Consultant, the Underwriter and Bond Counsel, to determine whether the interest on the Bonds, or on any series of Bonds, shall be subject to federal income taxes or exempt from federal income taxes.

(b) The form of the Bonds shall be substantially in conformity with the standard form of registered unified school district general obligation bonds, a copy of which is attached hereto as Exhibit A hereto and incorporated herein by this reference, with such changes as are necessary to reflect the final terms of the Bonds.

(c) The Principal of and premium, if any, and interest on any Bond are payable in lawful money of the United States of America. Principal of the Bonds and premium, if any, is

payable upon surrender thereof at maturity or earlier redemption at the office designated by the Paying Agent.

SECTION 9. Description of the Bonds.

(a) The Bonds shall be issued in fully registered form, in denominations of \$5,000 or any integral multiple thereof and shall be dated and shall mature on the dates, in the years and in the Principal Amounts, and interest shall be computed at the rates, set forth in the Contract of Purchase.

(b) Interest on each Bond shall accrue from its dated date as set forth in the Contract of Purchase. Interest on Bonds shall be computed using a year of 360 days comprised of twelve 30-day months and shall be payable on each Interest Payment Date to the Owner thereof appearing on the Bond Register as of the close of business on the Record Date. Interest on each Bond will be payable from the Interest Payment Date next preceding the date of registration thereof, unless (i) it is registered after the close of business on any Record Date and before the close of business on the immediately following Interest Payment Date, in which event interest thereon shall be payable from such following Interest Payment Date; or (ii) it is registered prior to the close of business on the first Record Date, in which event interest shall be payable from its dated date; *provided, however*, that if at the time of registration of any Bond, interest thereon is in default, interest with respect thereto shall be payable from the Interest Payment Date to which interest has previously been paid or made available for payment. Payments of interest on the Bonds will be made on each Interest Payment Date by check or draft of the Paying Agent sent by first-class mail, postage prepaid, to the Owner thereof appearing on the Bond Register on the Record Date, or by wire transfer to any Owner of \$1,000,000 aggregate principal amount or more of such Bonds, to the account specified by such Owner in a written request delivered to the Paying Agent on or prior to the Record Date for such Interest Payment Date; *provided, however*, that payments of defaulted interest shall be payable to the person in whose name such Bond is registered at the close of business on a special record date fixed therefor by the Paying Agent which shall not be more than fifteen days and not less than ten days prior to the date of the proposed payment of defaulted interest.

SECTION 10. Federal Tax Covenants.

(a) Definitions. When used in this Section, the following terms have the following meanings:

“*Closing Date*” means the date on which the Common Issue Bonds are first authenticated and delivered to the initial purchasers against payment therefor.

“*Code*” means the Internal Revenue Code of 1986, as amended by all legislation, if any, effective on or before the Closing Date.

“*Computation Date*” has the meaning set forth in Section 1.148-1(b) of the Regulations.

“*Gross Proceeds*” means any proceeds as defined in Section 1.148-1(b) of the Regulations, and any replacement proceeds as defined in Section 1.148-1(c) of the Regulations, of the Common Issue Bonds.

“*Investment*” has the meaning set forth in Section 1.148-1(b) of the Regulations.

“*Nonpurpose Investment*” means any investment property, as defined in section 148(b) of the Code, in which Gross Proceeds of the Common Issue Bonds are invested and which is not acquired to carry out the governmental purposes of the Common Issue Bonds.

“*Rebate Amount*” has the meaning set forth in Section 1.148-1(b) of the Regulations.

“*Yield*” of

(i) any Investment has the meaning set forth in Section 1.148-5 of the Regulations; and

(ii) of the Common Issue Bonds has the meaning set forth in Section 1.148-4 of the Regulations.

(b) Not to Cause Interest to Become Taxable. The District shall not use, permit the use of, or omit to use Gross Proceeds or any other amounts (or any property the acquisition, construction or improvement of which is to be financed directly or indirectly with Gross Proceeds) in a manner which if made or omitted, respectively, would cause the interest on any Common Issue Bond to become includable in the gross income, as defined in section 61 of the Code, of the owner thereof for federal income tax purposes. Without limiting the generality of the foregoing, unless and until the District receives a written opinion of counsel nationally recognized in the field of municipal bond law to the effect that failure to comply with such covenant will not adversely affect the exemption from federal income tax of the interest on any Common Issue Bond, the District shall comply with each of the specific covenants in this Section.

(c) No Private Use or Private Payments. Except as permitted by section 141 of the Code and the Regulations and rulings thereunder, the District shall at all times prior to the last stated maturity of Common Issue Bonds:

(i) exclusively own, operate and possess all property the acquisition, construction or improvement of which is to be financed or refinanced directly or indirectly with Gross Proceeds of the Common Issue Bonds (including property financed with Gross Proceeds of the Refunded Bonds), and not use or permit the use of such Gross Proceeds (including all contractual arrangements with terms different than those applicable to the general public) or any property acquired, constructed or improved with such Gross Proceeds (including property financed with Gross Proceeds of the Refunded Bonds) in any activity carried on by any person or entity (including the United States or any agency, department and instrumentality thereof) other than a state or local government, unless such use is solely as a member of the general public; and

(ii) not directly or indirectly impose or accept any charge or other payment by any person or entity who is treated as using Gross Proceeds of the Common Issue Bonds or any property the acquisition, construction or improvement of which is to be financed or refinanced directly or indirectly with such Gross Proceeds, other than

taxes of general application within the District or interest earned on investments acquired with such Gross Proceeds pending application for their intended purposes.

(d) No Private Loan. Except to the extent permitted by section 141 of the Code and the Regulations and rulings thereunder, the District shall not use Gross Proceeds of the Common Issue Bonds to make or finance loans to any person or entity other than a state or local government. For purposes of the foregoing covenant, such Gross Proceeds are considered to be “loaned” to a person or entity if: (1) property acquired, constructed or improved with such Gross Proceeds is sold or leased to such person or entity in a transaction which creates a debt for federal income tax purposes; (2) capacity in or service from such property is committed to such person or entity under a take-or-pay, output or similar contract or arrangement; or (3) indirect benefits, or burdens and benefits of ownership, of such Gross Proceeds or any property acquired, constructed or improved with such Gross Proceeds are otherwise transferred in a transaction which is the economic equivalent of a loan.

(e) Not to Invest at Higher Yield. Except to the extent permitted by section 148 of the Code and the Regulations and rulings thereunder, the District shall not at any time prior to the final stated maturity of the Common Issue Bonds directly or indirectly invest Gross Proceeds in any Investment, if as a result of such investment the Yield of any Investment acquired with Gross Proceeds, whether then held or previously disposed of, exceeds the Yield of the Common Issue Bonds.

(f) Not Federally Guaranteed. Except to the extent permitted by section 149(b) of the Code and the Regulations and rulings thereunder, the District shall not take or omit to take any action which would cause the Common Issue Bonds to be federally guaranteed within the meaning of section 149(b) of the Code and the Regulations and rulings thereunder.

(g) Information Report. The District shall timely file the information required by section 149(e) of the Code with the Secretary of the Treasury on Form 8038-G or such other form and in such place as the Secretary may prescribe.

(h) Rebate of Arbitrage Profits. Except to the extent otherwise provided in section 148(f) of the Code and the Regulations and rulings thereunder:

(i) The District shall account for all Gross Proceeds (including all receipts, expenditures and investments thereof) on its books of account separately and apart from all other funds (and receipts, expenditures and investments thereof) and shall retain all records of accounting for at least six years after the day on which the last outstanding Common Issue Bond is discharged. However, to the extent permitted by law, the District may commingle Gross Proceeds of the Common Issue Bonds with other money of the District, provided that the District separately accounts for each receipt and expenditure of Gross Proceeds and the obligations acquired therewith.

(ii) Not less frequently than each Computation Date, the District shall calculate the Rebate Amount in accordance with rules set forth in section 148(f) of the Code and the Regulations and rulings thereunder. The District shall maintain such

calculations with its official transcript of proceedings relating to the issuance of the Common Issue Bonds until six years after the final Computation Date.

(iii) As additional consideration for the purchase of the Common Issue Bonds by the initial purchasers and the loan of the money represented thereby and in order to induce such purchase by measures designed to ensure the excludability of the interest thereon from the gross income of the owners thereof for federal income tax purposes, the District shall pay to the United States out of the Rebate Fund, its general fund, or other appropriate fund, the amount that when added to the future value of previous rebate payments made for the Common Issue Bonds equals (A) in the case of a Final Computation Date as defined in Section 1.148-3(e)(2) of the Regulations, one hundred percent (100%) of the Rebate Amount on such date; and (B) in the case of any other Computation Date, ninety percent (90%) of the Rebate Amount on such date. In all cases, the rebate payments shall be made at the times, in the installments, to the place and in the manner as is or may be required by section 148(f) of the Code and the Regulations and rulings thereunder, and shall be accompanied by Form 8038-T or such other forms and information as is or may be required by Section 148(f) of the Code and the Regulations and rulings thereunder.

(iv) The District shall exercise reasonable diligence to assure that no errors are made in the calculations and payments required by paragraphs (ii) and (iii), and if an error is made, to discover and promptly correct such error within a reasonable amount of time thereafter (and in all events within one hundred eighty (180) days after discovery of the error), including payment to the United States of any additional Rebate Amount owed to it, interest thereon, and any penalty imposed under Section 1.148-3(h) of the Regulations.

(i) Not to Divert Arbitrage Profits. Except to the extent permitted by section 148 of the Code and the Regulations and rulings thereunder, the District shall not, at any time prior to the earlier of the stated maturity or final payment of the Common Issue Bonds, enter into any transaction that reduces the amount required to be paid to the United States pursuant to Subsection (h) of this Section because such transaction results in a smaller profit or a larger loss than would have resulted if the transaction had been at arm's length and had the Yield of the Common Issue Bonds not been relevant to either party.

(j) Elections. The District hereby directs and authorizes the Superintendent, Assistant Superintendent of Business Services, and the Assistant Superintendent of Facilities, Planning and Operations either or any combination of them, to make elections permitted or required pursuant to the provisions of the Code or the Regulations, as they deem necessary or appropriate in connection with the Common Issue Bonds, in the Tax Certificate or similar or other appropriate certificate, form or document.

(k) Bonds Not Hedge Bonds.

(i) At the time the original bonds refunded by the Bonds were issued, the District reasonably expected to spend at least 85% of the spendable proceeds of such bonds within three years after such bonds were issued.

(ii) Not more than 50% of the original bonds refunded by the proceeds of the Bonds were invested in Nonpurpose Investments having a substantially guaranteed Yield for a period of 4 years or more.

SECTION 11. Book-Entry System.

(a) The Bonds shall be initially issued in the form of a separate single fully registered Bond for each maturity of the Bonds.

Upon initial issuance, the ownership of each such global Bond shall be registered in the Bond Register in the name of the Nominee as nominee of the Depository. Except as provided in subsection (c) hereof, all of the Outstanding Bonds shall be registered in the Bond Register in the name of the Nominee and the Bonds may be transferred, in whole but not in part, only to the Depository, to a successor Depository or to another nominee of the Depository or of a successor Depository. Each Bond shall bear a legend describing restrictions on transfer, as may be prescribed by the Depository.

With respect to Bonds registered in the Bond Register in the name of the Nominee, the District shall have no responsibility or obligation to any Participant or to any person on behalf of which such a Participant holds a beneficial interest in the Bonds. Without limiting the immediately preceding sentence, the District shall have no responsibility or obligation with respect to (i) the accuracy of the records of the Depository, the Nominee or any Participant with respect to any beneficial ownership interest in the Bonds, (ii) the delivery to any Participant, beneficial owner or any other person, other than the Depository, of any notice with respect to the Bonds, including any Redemption Notice (as defined in Section 27 below), (iii) the selection by the Depository and the Participants of the beneficial interests in the Bonds to be redeemed in part, or (iv) the payment to any Participant, beneficial owner or any other person, other than the Depository, of any amount with respect to Principal of, premium, if any, and interest on the Bonds. The District and the Paying Agent may treat and consider the person in whose name each Bond is registered in the Bond Register as the holder and absolute Owner of such Bond for the purpose of payment of Principal of, premium, if any, and interest on such Bond, for the purpose of giving Redemption Notices and other notices with respect to such Bond, and for all other purposes whatsoever, including, without limitation, registering transfers with respect to the Bonds.

The Paying Agent shall pay all Principal of, premium, if any, and interest on the Bonds only to the respective Owners, as shown in the Bond Register, and all such payments shall be valid hereunder with respect to payment of Principal of, premium, if any, and interest on the Bonds to the extent of the sum or sums so paid. No person other than an Owner, as shown in the Bond Register, shall receive a Bond evidencing the obligation to make payments of Principal of, premium, if any, and interest, pursuant to this Resolution. Upon delivery by the Depository to the Paying Agent and the District of written notice to the effect that the Depository has determined to substitute a new nominee in place of the Nominee, and subject to the provisions hereof with respect to Record Dates, the word Nominee in this Resolution shall refer to such new nominee of the Depository.

(b) In order to qualify the Bonds for the Depository's book-entry system, the District is hereby authorized to execute and deliver or shall have executed and delivered to the Depository a letter from the District representing such matters as shall be necessary to so qualify the Bonds (the "**Representation Letter**"). The execution and delivery of the Representation Letter shall not in any way limit the provisions of subsection (a) hereof or in any other way impose upon the District any obligation whatsoever with respect to persons having beneficial interests in the Bonds other than the Owners, as shown in the Bond Register. In addition to the execution and delivery of the Representation Letter, the District and its Authorized Officers are hereby authorized to take any other actions, not inconsistent with this Resolution, to qualify the Bonds for the Depository's book-entry program.

(c) If at any time the Depository notifies the District that it is unwilling or unable to continue as Depository with respect to the Bonds or if at any time the Depository shall no longer be registered or in good standing under the Securities Exchange Act or other applicable statute or regulation and a successor Depository is not appointed by the District within 90 days after the District receives notice or becomes aware of such condition, as the case may be, subsection (a) hereof shall no longer be applicable and the District shall cause the issuance of certificated securities representing the Bonds as provided below. In addition, the District may determine at any time that the Bonds shall no longer be lodged with a Depository and that the provisions of subsection (a) hereof shall no longer apply to the Bonds. In any such event the District shall cause the execution and delivery of certificated securities representing the Bonds as provided below. Bonds issued in exchange for global Bonds pursuant to this subsection (c) shall be registered in such names and delivered in such denominations as the Depository shall instruct the District. The District shall cause delivery of such certificated securities representing the Bonds to the persons in whose names such Bonds are so registered.

If the District determines to replace the Depository with another qualified securities depository, the District shall prepare or cause to be prepared a new fully registered global Bond for each of the maturities of the Bonds, registered in the name of such successor or substitute securities depository or its nominee, or make such other arrangements as are acceptable to the District and such securities depository and not inconsistent with the terms of this Resolution.

(d) Notwithstanding any other provision of this Resolution to the contrary, so long as any Bond is registered in the name of the Nominee, all payments with respect to Principal Amount of, premium, if any, and interest on such Bond and all notices with respect to such Bond shall be made and given, respectively, as provided in the Representation Letter or as otherwise instructed by the Depository.

(e) The initial Depository under this Resolution shall be DTC. The initial Nominee shall be Cede & Co., as nominee of DTC.

SECTION 12. Execution of the Bonds.

(a) The Bonds shall be executed in the manner required by the Authorizing Law. In case any one or more of the Authorized Officers who shall have signed any of the Bonds shall cease to be such officer before the Bonds so signed shall have been issued by the District, such Bonds may, nevertheless, be issued, as herein provided, as if the Authorized Officers who signed

such Bonds had not ceased to hold such offices. Any of the Bonds may be signed on behalf of the District by such persons as at the time of the execution of such Bonds shall be duly authorized to hold or shall hold the proper offices in the District, although at the date borne by the Bonds such persons may not have been so authorized or have held such offices.

(b) The Bonds shall bear thereon a certificate of authentication executed manually by the Paying Agent. Only such Bonds as shall bear thereon such certificate of authentication duly executed by the Paying Agent shall be entitled to any right or benefit under this Resolution and no Bond shall be valid or obligatory for any purpose until such certificate of authentication shall have been duly executed by the Paying Agent. Such certificate of the Paying Agent upon any Bond shall be conclusive evidence that the Bond so authorized has been duly authenticated and delivered under this Resolution and that the Owner thereof is entitled to the benefit of this Resolution.

SECTION 13. Transfer and Exchange. The registration of any Bond may be transferred upon the Bond Register upon surrender of such Bond to the Paying Agent. Such Bond shall be endorsed or accompanied by delivery of the written instrument of transfer shown in Exhibit A hereto, duly executed by the Owner or such Owner's duly authorized attorney, and payment of such reasonable transfer fees as the Paying Agent may establish. Upon such registration of transfer, a new Bond or Bonds, of like tenor, series and maturity in the same Principal Amount and in authorized denominations, will be executed and delivered to the transferee in exchange therefor.

The Paying Agent shall deem and treat the person in whose name any Outstanding Bond shall be registered upon the Bond Register as the absolute owner of such Bond, whether the Principal of and premium, if any, or interest on such Bond shall be overdue or not, for the purpose of receiving payment of Principal of and premium, if any, and interest on such Bond and for all other purposes, and any such payments so made to any such Owner or upon such Owner's order shall be valid and effective to satisfy and discharge the liability upon such Bond to the extent of the sum or sums so paid, and the District or the Paying Agent shall not be affected by any notice to the contrary.

Bonds may be exchanged at the office of the Paying Agent for Bonds of like series, tenor and maturity of other authorized denominations. All Bonds surrendered in any such exchange shall thereupon be cancelled by the Paying Agent. The Paying Agent may charge the Owner a reasonable sum for each new Bond executed and delivered upon any exchange (except in the case of the first exchange of any Bond in the form in which it is originally delivered, for which no charge shall be imposed) and the Paying Agent may require the payment by the Owner requesting such exchange of any tax or other governmental charge required to be paid with respect to such exchange.

The Paying Agent shall not be required to register the transfer or exchange of any Bond (i) during the period beginning at the close of business on any Record Date through the close of business on the immediately following Interest Payment Date, or (ii) that has been called or is subject to being called for redemption, during a period beginning at the opening of business 15 days before any selection of Bonds to be redeemed through the close of business on the

applicable redemption date, except for the unredeemed portion of any Bond to be redeemed only in part.

SECTION 14. Bonds Mutilated, Destroyed, Stolen or Lost. In case any Bond shall become mutilated, the Paying Agent, at the expense of the Owner, shall deliver a new Bond of like date, interest rate, maturity, Principal Amount and tenor as the Bond so mutilated in exchange and substitution for such mutilated Bond, upon surrender and cancellation thereof. All Bonds so surrendered shall be cancelled. If any Bond shall be destroyed, stolen or lost, evidence of such destruction, theft or loss may be submitted to the Paying Agent and if such evidence is satisfactory to the Paying Agent that such Bond has been destroyed, stolen or lost, and upon furnishing the Paying Agent with indemnity satisfactory to the Paying Agent and complying with such other reasonable regulations as the Paying Agent may prescribe and paying such expenses as the Paying Agent may incur, the Paying Agent shall, at the expense of the Owner, execute and deliver a new Bond of like date, interest rate, maturity, Principal Amount and tenor in lieu of and in substitution for the Bond so destroyed, stolen or lost. Any new Bonds issued pursuant to this Section in substitution for Bonds alleged to be destroyed, stolen or lost shall constitute original additional contractual obligations on the part of the District, whether or not the Bonds so alleged to be destroyed, stolen or lost are at any time enforceable by anyone, and shall be equally secured by and entitled to equal and proportionate benefits with all other Bonds issued under this Resolution in any moneys or securities held by the Paying Agent for the benefit of the Owners of the Bonds.

SECTION 15. Bond Register. The Paying Agent shall keep or cause to be kept at its office sufficient books for the registration and registration of transfer of the Bonds. Upon presentation for registration of transfer, the Paying Agent shall, as above provided and under such reasonable regulations as it may prescribe subject to the provisions hereof, register or register the transfer of the Bonds, or cause the same to be registered or cause the registration of the same to be transferred, on such books. While the Bonds are held in the book-entry system, the Paying Agent is not required to keep a separate Bond Register.

SECTION 16. Unclaimed Money. All money which the Paying Agent shall have received from any source and set aside for the purpose of paying or redeeming any of the Bonds shall be held in trust for the respective Owners of such Bonds, but any money which shall be so set aside or deposited by the Paying Agent and which shall remain unclaimed by the Owners of such Bonds for a period of one year after the date on which any payment or redemption price with respect to such Bonds shall have become due and payable shall be transferred to the general fund of the District (the "**General Fund**"); *provided, however*, that the Paying Agent, before making such payment, shall cause notice to be mailed to the Owners of such Bonds, by first-class mail, postage prepaid, not less than 90 days prior to the date of such payment to the effect that said money has not been claimed and that after a date named therein any unclaimed balance of said money then remaining will be transferred to the General Fund. Thereafter, the Owners of such Bonds shall look only to the General Fund for payment of such Bonds.

SECTION 17. Application of Proceeds.

(a) A portion of the net proceeds of sale of the Bonds shall be transferred to the Escrow Agent for deposit into the Escrow Fund in an amount necessary to purchase the Defeasance Securities needed to defease, pay and redeem the Refunded Bonds.

(b) Accrued interest, if any, and except as shall otherwise be directed by the District in accordance with applicable law, any original issue premium received by the District from the sale of the Bonds, shall be kept separate and apart in separate funds hereby created and established within the interest and sinking fund of the District to be designated as the “Chino Valley Unified School District 2017 General Obligation Refunding Bonds Debt Service Fund” (collectively with the interest and sinking fund of the District, the “**Debt Service Fund**”). Amounts in the Debt Service Fund may be used only for payment of principal of, premium, if any, and interest on the G.O. Bonds. Any excess proceeds of the Bonds not needed for the authorized purposes set forth herein for which the Bonds are being issued shall be transferred to the Debt Service Fund and applied to the payment of the principal of and interest on the G.O. Bonds. The Treasurer is directed to create any accounts and subaccounts in the Debt Service Fund as provided in the Tax Certificate and Section 10 of this Resolution. Proceeds of the G.O. Bonds (and earnings from the investment thereof) deposited to the Debt Service Fund and available to pay Debt Service, and earnings from the investment of monies held in the Debt Service Fund, shall be used for the payment of the Principal of and interest on the Bonds before any other Pledged Moneys.

(c) All Pledged Taxes (defined below) shall be deposited upon collection by the County into the Debt Service Fund for the G.O. Bonds and used for the payment of the principal of, premium, if any, and interest on the G.O. Bonds.

(d) On or before the Business Day immediately preceding each Interest Payment Date, the District shall transfer, or cause to be transferred, from the Debt Service Fund to the Paying Agent, an amount, in immediately available funds, sufficient to pay all the Principal of, premium, if any, and interest on the Bonds coming due (collectively, “**Debt Service**”) on such payment date. Debt Service on the Bonds shall be paid by the Paying Agent in the manner provided by law for the payment of Debt Service.

(e) The District shall cause moneys to be transferred to the Rebate Fund to the extent needed to comply with the Tax Certificate and Section 10 of this Resolution. Any amounts on deposit in the Debt Service Fund when there are no longer any Bonds Outstanding shall be transferred to the General Fund of the District, subject to any conditions set forth in the Tax Certificate and Section 10 of this Resolution.

(f) Certain proceeds of the Bonds may be applied to pay Costs of Issuance as provided in Section 20 below.

(g) Except as required to satisfy the requirements of Section 148(f) of the Code or to comply with the provisions of the Tax Certificate and Section 10(h) of this Resolution, earnings from the investment of monies held in the Debt Service Fund shall be retained in the Debt Service Fund and used to pay the Principal of and interest on the Bonds when due.

SECTION 18. Payment of and Security for the Bonds.

(a) There shall be levied by the County on all the taxable property in the District, in addition to all other taxes, a continuing direct *ad valorem* property tax annually during the period the Bonds are Outstanding in an amount sufficient, together with moneys on deposit in the Debt Service Fund and available for such purpose, to pay the principal of, premium, if any, and interest on the Bonds as it becomes due and payable, which taxes (the “**Pledged Taxes**”), when collected by the County, shall be placed in the Debt Service Fund of the District.

(b) The District hereby irrevocably pledges and grants a security interest in and lien on all of the Pledged Taxes, all revenues from the property taxes collected from the levy by the County Board of Supervisors for the payment of the G.O. Bonds, all penalties and interest at any time collected with respect to the Pledged Taxes, and all proceeds derived from any of the foregoing, including all monies, securities or other funds held in or required hereby to be deposited into the Debt Service Fund from time to time (collectively, the “**Pledged Moneys**”), to the payment of the principal of and interest on the G.O. Bonds. This pledge and grant of a security interest and lien shall be valid and binding from the date hereof for the benefit of the registered owners of the G.O. Bonds and successors thereto. The Pledged Moneys shall immediately be subject to the pledge, security interest and lien created hereby, which shall immediately attach to the Pledged Moneys as the District acquires any interest therein, and shall be effective, binding, and enforceable against the District, its successors, creditors and all others irrespective of whether those parties have notice of the pledge, security interest or lien, and without the need of any physical delivery, recordation, filing, or further act. The tax levy may include an allowance for a reasonably required reserve in accordance with the Tax Certificate, established for the purpose of ensuring that the tax or assessment actually collected is sufficient to pay the annual debt service requirements on the G.O. Bonds due in such year. The District covenants to cause the County to take all actions necessary to levy such *ad valorem* property tax in accordance with this Section, Section 15140 *et seq.* of the California Education Code and Sections 53506 *et seq.* and 53559 of the California Government Code. “G.O. Bonds” for purpose of this pledge contained herein means all general obligation bonds of the District heretofore or hereafter issues pursuant to voter approved measures of the District, including Measure G and Measure M, as all such general obligation bonds are required by State law to be paid from the Debt Service Fund.

(c) This pledge and grant of a consensual lien and security interest is an agreement between the District and the registered owners of the G.O. Bonds to provide security for the G.O. Bonds in addition to any statutory lien that may exist, and the G.O. Bonds and each of the other bonds secured by such pledge and grant of a lien and security interest are, will be, or were issued to finance one or more of the projects specified in the applicable voter-approved measure.

SECTION 19. Establishment and Application of Rebate Fund. There is hereby established in trust a special fund designated “Chino Valley Unified School District 2017 General Obligation Refunding Bonds Rebate Fund” (the “**Rebate Fund**”) which shall be held by the Treasurer for the account of the District and which shall be kept separate and apart from all other funds and accounts held hereunder. The District shall transfer, or cause to be transferred, moneys to the Rebate Fund in accordance with the provisions of the Tax Certificate and Section 10(h) of this Resolution. Amounts on deposit in the Rebate Fund shall only be applied to

payments made to the United States or otherwise transferred to other accounts or funds established hereunder in accordance with the Tax Certificate and Section 10 of this Resolution.

SECTION 20. Payment of Costs of Issuance. Premium or proceeds of the sale of the Bonds desired to pay certain all or a portion of certain costs of issuing the Bonds may be deposited in the fund of the District known as the “Chino Valley Unified School District 2017 General Obligation Refunding Bonds Costs of Issuance Fund” (the “**Costs of Issuance Fund**”), and those proceeds shall be used solely for the purpose of paying Costs of Issuance of the Bonds. The Costs of Issuance Fund may be held and administered by the Paying Agent. Any amounts remaining in the Costs of Issuance Fund following the earlier of the day which is 180 days following the Date of Delivery or the day on which the Paying Agent pays the final invoice for Costs of Issuance, as directed by the District, shall be transferred by the Paying Agent to the Debt Service Fund and to be used to pay the Principal of, and premium, if any, and interest on the Bonds. Underwriter’s discount and other Costs of Issuance may be retained from original issue premium obtained upon sale, pursuant to the terms of the Contract of Purchase. Costs authorized to be paid from the proceeds of the Bonds are all of the authorized costs of issuance set forth in California Government Code Sections 53550(e), 53550(f) and 53587.

SECTION 21. Negotiated Sale/Method of Sale. The Bonds shall be sold by negotiated sale to the Underwriter inasmuch as: (i) such a sale will allow the District to integrate the sale of the Bonds with other public financings undertaken, or to be undertaken, by the District in order to refinance outstanding debt or finance and fund its public education facilities; (ii) such a sale will allow the District to utilize the services of consultants who are familiar with the financial needs, status and plans of the District; and (iii) such a sale will allow the District to control the timing of the sale of the Bonds to the municipal bond market and, potentially, take advantage of interest rate opportunities for the favorable sale of the Bonds to such market and resulting in lower tax levies against the taxpayers of the District.

SECTION 22. Engagement of Consultants; Parameters of Sale. In accordance with Section 15146(b)(1)(C) of the California Education Code, Keygent LLC, has been selected as the Structuring/Pricing Consultant to the District, Norton Rose Fulbright US LLP has been selected as the District’s Bond Counsel and Disclosure Counsel and Stifel, Nicolaus & Company, Incorporated has been selected to act as the Underwriter with respect to the authorization, sale and issuance of the Bonds. The estimated Costs of Issuance associated with the sale of the Bonds are approximately 0.75% of the estimated principal amount of the Bonds, which include Bond Counsel and Disclosure Counsel fees, costs of printing the Preliminary Official Statement and Official Statement, rating agency fees, Structuring/Pricing Consultant fees and expenses, Paying Agent, Escrow Agent and Verification Agent fees and other related costs. In addition, the estimated Underwriter’s discount, which is not included in the above percentage, shall not exceed 0.50% of the estimated principal amount of the Bonds. An estimate of the itemized fees and expenses is on file with the Superintendent. If it appears in the best interests of the District to acquire credit enhancement to secure the payment of all or a portion of the principal and interest with respect to the Bonds, or obtain a legal opinion addressed to the rating agency(ies) from Bond Counsel or special revenue opinion counsel which is necessary to obtain a rating that provides for a lower cost of funds to the District, then an Authorized Officer may so provide in the Contract of Purchase.

SECTION 23. Establishment of Additional Funds and Accounts. If at any time it is deemed necessary or desirable by the District, the Treasurer, the County Office of Education, or the Paying Agent, the District may establish additional funds under this Resolution and/or accounts within any of the funds or accounts established hereunder.

SECTION 24. Request for Necessary County Actions.

(a) The Board of Supervisors, the Auditor-Controller, the Treasurer and other officials of the County, are hereby requested to take and authorize such actions as may be necessary pursuant to law to provide for the levy and collection of a property tax on all taxable property of the District sufficient to provide for payment of all principal of, redemption premium, if any, and interest on the Bonds as the same shall become due and payable as necessary for the payment of the Bonds, and the Secretary of the Governing Board is hereby authorized and directed to deliver certified copies of this Resolution to the Registrar-Recorder/County Clerk of the Board of Supervisors of the County, the Auditor-Controller of the County, and the Treasurer. The Governing Board hereby agrees to reimburse the County for any costs associated with the levy and collection of said tax, upon such documentation of said costs as the District shall reasonably request.

(b) The Board of Supervisors, the Auditor-Controller, the Treasurer and other officials of the County, are hereby requested to take and authorize such actions as may be necessary, upon, but only upon, the defeasance or redemption of the Refunded Bonds from proceeds of the Bonds, to discontinue the levy of property taxes on all taxable property of the District for the payment of the Refunded Bonds, pursuant to Section 53561 of the Government Code.

SECTION 25. Redemption. The Bonds shall be subject to redemption as provided in the Contract of Purchase.

SECTION 26. Selection of Bonds for Redemption.

(a) Whenever provision is made in this Resolution or in the Contract of Purchase for the redemption of the Bonds and less than all Outstanding Bonds are to be redeemed, the Paying Agent, upon written instruction from the District given as provided herein, shall select Bonds for redemption in the manner directed by the District.

(b) With respect to any Bonds, the Paying Agent shall select such Bonds for redemption as directed by the District, or, in the absence of such direction, in inverse order of maturity and within a maturity, by lot. Within a maturity, the Paying Agent will select Bonds for redemption by lot. Redemption by lot shall be in such manner as the Paying Agent shall determine; *provided, however*, that the portion of any Bond to be redeemed in part shall be in the Principal Amount of \$5,000 or any integral multiple thereof.

(c) In the event that a Term Bond is optionally redeemed, the Principal amount of each remaining sinking fund payment with respect to such Term Bond will be reduced as directed by the District in the aggregate amount equal to the amount so redeemed.

SECTION 27. Notice of Redemption. When redemption is authorized or required pursuant to this Resolution or the Contract of Purchase, the Paying Agent, upon written instruction from the District, shall give notice (each, a “**Redemption Notice**”) of the redemption of the Bonds. Such Redemption Notice shall specify: (a) the Bonds or designated portions thereof (in the case of redemption of the Bonds in part but not in whole) which are to be redeemed, (b) the date of redemption, (c) the place or places where the redemption will be made, including the name and address of the Paying Agent, (d) the redemption price, (e) the CUSIP numbers (if any) assigned to the Bonds to be redeemed, (f) the bond numbers of the Bonds to be redeemed in whole or in part and, in the case of any Bond to be redeemed in part only, the Principal Amount of such Bond to be redeemed, and (g) the original issue date, interest rate and stated maturity date of each Bond to be redeemed in whole or in part. Such Redemption Notice shall further state (i) that on the specified date there shall become due and payable upon each Bond or portion thereof being redeemed the redemption price, together with the interest accrued to the redemption date, and (ii) that from and after such date, interest with respect thereto shall cease to accrue and be payable.

The Paying Agent shall take the following actions with respect to such Redemption Notice:

(a) At least 20 but not more than 45 days prior to the redemption date, such Redemption Notice shall be given to the respective Owners of Bonds designated for redemption by first-class mail, postage prepaid, at their addresses appearing on the Bond Register and to the MSRB.

(b) In the event that the Bonds shall no longer be held in book-entry-only form, at least 35 but not more than 45 days before the redemption date, such Redemption Notice shall be given by (i) first-class mail, postage prepaid, (ii) telephonically confirmed facsimile transmission, or (iii) overnight delivery service, to each of the Securities Depositories and the MSRB.

(c) Such redemption notice shall be given to such other persons as may be required by the Continuing Disclosure Undertaking.

Neither failure to receive any Redemption Notice nor any defect in any such Redemption Notice so given shall affect the sufficiency of the proceedings for the redemption of the affected Bonds. Each check issued or other transfer of funds made by the Paying Agent for the purpose of redeeming Bonds shall bear the CUSIP number identifying, by issue and maturity, the Bonds being redeemed with the proceeds of such check or other transfer.

A Redemption Notice given hereunder may be conditioned upon the satisfaction of certain conditions and/or the receipt of sufficient moneys to pay the redemption price of the designated Bonds and may be rescinded by the District at any time prior to the scheduled date of redemption by so notifying the Paying Agent (who shall provide notice to the Owners of affected Bonds and the Information Services) in the event such conditions are not met and are not expected to be met and/or such funds are not received or are not expected to be received. A Redemption Notice may be rescinded by written notice given to the Paying Agent by the District and the Paying Agent shall provide notice of such rescission as soon thereafter as practicable in

the same manner, and to the same recipients, as notice of such redemption was given, but in no event later than the date set for redemption.

SECTION 28. Partial Redemption of Bonds. Upon the surrender of any Bond redeemed in part only, the Paying Agent shall execute and deliver to the Owner thereof a new Bond or Bonds of like tenor and maturity and of authorized denominations equal in Principal Amounts to the unredeemed portion of the Bond surrendered. Such partial redemption shall be valid upon payment of the amount required to be paid to such Owner, and the District shall be released and discharged thereupon from all liability to the extent of such payment.

SECTION 29. Effect of Notice of Redemption. Notice having been given as aforesaid, and the moneys for the redemption (including the interest to the applicable date of redemption) having been set aside in the Debt Service Fund or deposited with a duly appointed escrow agent, in trust, the Bonds to be redeemed shall become due and payable on such date of redemption.

If on such redemption date, money for the redemption of all the Bonds to be redeemed as provided in this Resolution and the Contract of Purchase, together with interest to such redemption date, shall be held by the Paying Agent or deposited with a duly appointed escrow agent, in trust, so as to be available therefor on such redemption date, and any conditions to such redemption described in the Redemption Notice shall be met, and if notice of redemption thereof shall have been given as aforesaid, then from and after such redemption date, interest on the Bonds to be redeemed shall cease to accrue and become payable. All money held by or on behalf of the Paying Agent for the redemption of Bonds shall be held in trust for the account of the Owners of the Bonds so to be redeemed.

All Bonds paid at maturity or redeemed prior to maturity pursuant to the provisions of this Resolution and the Contract of Purchase shall be cancelled upon surrender thereof and delivered to or upon the order of the District. All or any portion of a Bond purchased by the District shall be cancelled by the Paying Agent upon written notice by the District given to the Paying Agent.

SECTION 30. Paying Agent; Appointment and Acceptance of Duties.

(a) The Treasurer of the County is hereby appointed as the initial authenticating agent, bond registrar, transfer agent and paying agent, and may act through its designated agent, The Bank of New York Mellon Trust Company, N.A. (collectively, the “**Paying Agent**”). All fees and expenses incurred for services of the Paying Agent shall be the responsibility of the District and may be paid from the annual *ad valorem* property tax levy supporting the Bonds. The Paying Agent shall keep accurate records of all funds administered by it and all of the Bonds paid and discharged by it.

(b) Unless otherwise provided, the office of the Paying Agent designated by the Paying Agent shall be the place for the payment of principal of, premium, if any, and interest on the Bonds.

SECTION 31. Liability of Paying Agent. The Paying Agent makes no representations as to the validity or sufficiency of this Resolution or of any Bonds issued hereunder or as to the

security afforded by this Resolution, and the Paying Agent shall incur no liability in respect hereof or thereof.

SECTION 32. Evidence on Which Paying Agent May Act. The Paying Agent, upon receipt of any notice, resolution, request, consent, order, certificate, report, opinion, bond, or other paper or document furnished to it pursuant to any provision of this Resolution, shall examine such instrument to determine whether it conforms to the requirements of this Resolution and shall be protected in acting upon any such instrument believed by it to be genuine and to have been signed or presented by the proper party or parties. The Paying Agent may consult with counsel, who may or may not be counsel to the District, and the opinion of such counsel shall be full and complete authorization and protection in respect of any action taken or suffered by it under this Resolution in good faith and in accordance therewith.

SECTION 33. Compensation. The District shall pay to the Paying Agent from time to time reasonable compensation for all services rendered under this Resolution, and also all reasonable expenses, charges, counsel fees and other disbursements, including those of its attorneys, agents, and employees, incurred in and about the performance of their powers and duties under this Resolution, all of which may, pursuant to Education Code Section 15232, be paid from the County's annual levy of *ad valorem* property taxes.

SECTION 34. Ownership of Bonds Permitted. The Paying Agent or the Underwriter may become the Owner of any Bonds.

SECTION 35. Resignation or Removal of Paying Agent and Appointment of Successor.

(a) The initially appointed Paying Agent may resign from service as Paying Agent at any time. Prior to such resignation, a new Paying Agent shall be appointed by the District in accordance with applicable law, which shall be the Treasurer or a bank or trust company doing business in and having a corporate trust office in Los Angeles or San Francisco, California, with at least \$75,000,000 in net assets. Such successor Paying Agent shall signify the acceptance of its duties and obligations hereunder by executing and delivering to the District a written acceptance thereof. Resignation of the initial or a successor Paying Agent shall be effective upon appointment and acceptance of a successor Paying Agent.

(b) Any Paying Agent appointed may resign from service as Paying Agent and may be removed at any time by the District as provided in the Paying Agent's service agreement. If at any time the Paying Agent shall resign or be removed, a new Paying Agent shall be appointed in accordance with applicable law, which shall be either the Treasurer or a bank or trust company doing business in and having a corporate trust office in Los Angeles or San Francisco, California, with at least \$75,000,000 in net assets. Such successor Paying Agent shall signify the acceptance of its duties and obligations hereunder by executing and delivering to the District, a written acceptance thereof. Resignation or removal of the Paying Agent shall be effective upon appointment and acceptance of a successor Paying Agent.

(c) In the event of the resignation or removal of the Paying Agent, such Paying Agent shall pay over, assign and deliver any moneys held by it as Paying Agent to its successor. The

District shall promptly provide notice of the name and principal corporate trust office address of the Paying Agent appointed to replace any resigned or removed Paying Agent to the Owners of the Bonds by first-class mail, postage prepaid, at their addresses appearing on the Bond Register.

SECTION 36. Investment of Certain Funds. Moneys held in all funds and accounts established hereunder shall be invested and reinvested in Authorized Investments to the fullest extent practicable as shall be necessary to provide moneys when needed for payments to be made from such funds and accounts, subject to any conditions in the Tax Certificate and Section 10 of this Resolution. All investment earnings on amounts on deposit in the Debt Service Fund shall remain on deposit in such fund.

SECTION 37. Valuation and Sale of Investments. Obligations purchased as an investment of moneys in any fund or account shall be deemed at all times to be a part of such fund or account. Profits or losses attributable to any fund or account shall be credited or charged to such fund or account. In computing the amount in any fund or account created under the provisions of this Resolution for any purpose provided in this Resolution, obligations purchased as an investment of moneys therein shall be valued at cost, plus, where applicable, accrued interest.

SECTION 38. Supplemental Resolutions with Consent of Owners. This Resolution, and the rights and obligations of the District and of the Owners of the Bonds issued hereunder, may be modified or amended at any time by a Supplemental Resolution adopted by the District with the written consent of Owners owning at least 60% in aggregate Principal Amount of the Outstanding Bonds, exclusive of Bonds, if any, owned by the District. Notwithstanding the foregoing, no such modification or amendment shall, without the express consent of the Owner of each Bond affected, reduce the Principal Amount of any Bond, reduce the interest rate payable thereon, advance the earliest redemption date thereof, extend its maturity or the times for paying interest thereon or change the monetary medium in which principal and interest is payable, nor shall any modification or amendment reduce the percentage of consents required for amendment or modification. No such Supplemental Resolution shall change or modify any of the rights or obligations of any Paying Agent without its written assent thereto. Notwithstanding anything herein to the contrary, no such consent shall be required if the Owners are not directly and adversely affected by such amendment or modification.

SECTION 39. Supplemental Resolutions Effective Without Consent of Owners. For any one or more of the following purposes and at any time or from time to time, a Supplemental Resolution of the District may be adopted, which, without the requirement of consent of the Owners, shall be fully effective in accordance with its terms:

(a) To add to the covenants and agreements of the District in this Resolution, other covenants and agreements to be observed by the District which are not contrary to or inconsistent with this Resolution as theretofore in effect;

(b) To add to the limitations and restrictions in this Resolution, other limitations and restrictions to be observed by the District which are not contrary to or inconsistent with this Resolution as theretofore in effect;

(c) To confirm as further assurance, any pledge, lien or security interest under, and the subjection to any lien, security interest or pledge created or to be created by this Resolution, of any moneys, securities or funds, or to establish any additional funds, or accounts to be held under this Resolution;

(d) To cure any ambiguity, supply any omission, or cure to correct any defect or inconsistent provision in this Resolution; or

(e) To amend or supplement this Resolution in any other respect, *provided* such Supplemental Resolution does not, in the opinion of Bond Counsel, adversely affect the interests of the Owners.

SECTION 40. Effect of Supplemental Resolution. Any act done pursuant to a modification or amendment so consented to shall be binding upon the Owners of all the Bonds and shall not be deemed an infringement of any of the provisions of this Resolution, whatever the character of such act may be, and may be done and performed as fully and freely as if expressly permitted by the terms of this Resolution, and after consent relating to such specified matters has been given, no Owner shall have any right or interest to object to such action or in any manner to question the propriety thereof or to enjoin or restrain the District or any officer or agent thereof from taking any action pursuant thereto.

SECTION 41. Defeasance. If any or all Outstanding Bonds shall be paid and discharged in any one or more of the following ways:

(a) by paying or causing to be paid the principal of, premium, if any, and interest on such Bonds, and when the same become due and payable;

(b) by depositing with the Paying Agent or with a duly appointed escrow agent, in trust, at or before maturity, cash which together with the amounts then on deposit in the Debt Service Fund (and the accounts therein other than amounts that are not available to pay Debt Service) together with the interest to accrue thereon without the need for further investment, is fully sufficient to pay such Bonds at maturity thereof, including any premium and all interest thereon, notwithstanding that any Bonds shall not have been surrendered for payment; or

(c) by depositing with an institution that meets the requirements of serving as successor Paying Agent pursuant to Section 35 selected by the District, in trust, lawful money or noncallable direct obligations issued by the United States Treasury (including State and Local Government Series) or obligations which are unconditionally guaranteed by the United States of America and permitted under Section 149(b) of the Code and Regulations which, in the opinion of nationally recognized bond counsel, will not impair the exclusion from gross income for federal income tax purposes of interest on the Bonds, in such amount as will, together with the interest to accrue thereon without the need for further investment, be fully sufficient to pay and discharge such Bonds at maturity or earlier redemption thereof, for which notice has been given or provided for, including any premium and all interest thereon, notwithstanding that any Bonds shall not have been surrendered for payment;

then all obligations of the District and the Paying Agent under this Resolution with respect to such Bonds shall cease and terminate, except only the obligation of the Paying Agent to pay or

cause to be paid to the Owners of such Bonds all sums due thereon, the obligation of the District to pay to the Paying Agent amounts owing to the Paying Agent under Section 33 hereof, and the covenants set forth in Section 10 hereof.

SECTION 42. Approval of Actions; Miscellaneous.

(a) The Authorized Officers of the District are each hereby authorized and directed, jointly and severally, to do any and all things and to execute and deliver any and all certificates, statements, disclosures, notices, contracts, or other documents which they may deem necessary or advisable in order to proceed with the sale and issuance of the Bonds or otherwise carry out, give effect to and comply with the terms and intent of this Resolution. Such actions heretofore taken by such officers, officials and staff are hereby ratified, confirmed and approved.

(b) The County, the Board of Supervisors, officers, agents, and employees shall not be responsible for any proceedings or the preparation or contents of any resolutions, certificates, statements, disclosures, notices, contracts, or other documents relating to the sale and issuance of the Bonds.

(c) The Principal or redemption price, if any, of and interest on the Bonds shall not constitute a debt or an obligation of the County, the Board of Supervisors, officers, agents, or employees, and the County, the Board of Supervisors, officers, agents, and employees thereof shall not be liable thereon. In no event shall the Principal or redemption price, if any, of and interest on any Bond be payable out of any funds or property of the County.

(d) The Secretary shall send a certified copy of this Resolution, together with the final debt service schedule for the Bonds, to the Treasurer.

SECTION 43. Conflicts. If there is any inconsistency or conflict between any provision of this Resolution and any provision of the Contract of Purchase, the Contract of Purchase prevails to the extent of the inconsistency or conflict. If there is any inconsistency or conflict between any provision of this Resolution and any provision of the Tax Certificate, the Tax Certificate prevails to the extent of the inconsistency or conflict.

SECTION 44. Effective Date. This Resolution shall take effect immediately upon its adoption.

PASSED AND ADOPTED this 16th day of March 2017 by the Board of Education of Chino Valley Unified School District, at Chino, California, by the following vote:

AYES: _____

NOES: _____

ABSTAIN: _____

ABSENT: _____

**CHINO VALLEY UNIFIED SCHOOL
DISTRICT**

By: _____

Sylvia Orozco
President, Board of Education

Attest:

By: _____

Wayne M. Joseph
Secretary, Board of Education

EXHIBIT A

FORM OF BOND

UNLESS THIS BOND IS PRESENTED BY AN AUTHORIZED REPRESENTATIVE OF THE DEPOSITORY (AS DEFINED IN THE RESOLUTION) TO THE BOND REGISTRAR FOR REGISTRATION OF TRANSFER, EXCHANGE, OR PAYMENT, AND ANY BOND ISSUED IS REGISTERED IN THE NAME OF CEDE & CO. OR IN SUCH OTHER NAME AS IS REQUESTED BY AN AUTHORIZED REPRESENTATIVE OF THE DEPOSITORY (AND ANY PAYMENT IS MADE TO CEDE & CO. OR TO SUCH OTHER ENTITY AS IS REQUESTED BY AN AUTHORIZED REPRESENTATIVE OF THE DEPOSITORY), ANY TRANSFER, PLEDGE, OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL INASMUCH AS THE REGISTERED OWNER HEREOF, CEDE & CO., HAS AN INTEREST HEREIN.

UNITED STATES OF AMERICA

STATE OF CALIFORNIA

**CHINO VALLEY UNIFIED SCHOOL DISTRICT
(SAN BERNARDINO COUNTY, CALIFORNIA)
2017 GENERAL OBLIGATION REFUNDING BONDS**

\$ _____

No. _____

Interest Rate

Maturity Date

Dated Date

CUSIP

____%

August 1, 20__

Date of Delivery

REGISTERED OWNER: CEDE & Co.

PRINCIPAL AMOUNT:

The Chino Valley Unified School District (the "District"), a unified school district duly organized and existing under the laws of the State of California, located within the County of San Bernardino (the "County"), State of California (the "State"), for value received, hereby acknowledges itself indebted and promises to pay to the Registered Owner named above, or registered assigns, the Principal Amount set forth above, on the Maturity Date set forth above, together with interest thereon from the Dated Date set forth above until the Principal Amount hereof shall have been paid or provided for, in accordance with the Resolution hereinafter referred to, at the Interest Rate set forth above. Interest on this Bond is payable on [August 1, 2017], and semiannually thereafter on the first day of February and August (each, an "Interest Payment Date") in each year to the registered owner hereof (the "Owner") from the Interest Payment Date next preceding the date on which this Bond is registered (unless it is registered after the close of business on the fifteenth calendar day of the month next preceding any Interest Payment Date (a "Record Date") and before the close of business on the immediately following Interest Payment Date, in which event it shall bear interest from such following Interest Payment Date, or unless this Bond is registered prior to the close of business on [July 15, 2017], in which event it shall bear interest from its date; *provided, however*, that if at the time of registration of this Bond interest with respect hereto is in default, interest with respect hereto shall be payable

from the Interest Payment Date to which interest has previously been paid or made available for payment. The principal amount hereof is payable at the office of The Bank of New York Mellon Trust Company, N.A., as agent of the Treasurer and Tax Collector of the County, as initial paying agent (the "Paying Agent"), in Los Angeles, California. The interest hereon is payable by check or draft mailed by first class mail to each Owner, at his address as it appears on the registration books kept by the Paying Agent as of the Record Date, or by wire transfer to any Owner of \$1,000,000 aggregate principal amount of such Bonds, to the account specified by such Owner in a written request delivered to the Paying Agent on or prior to the Record Date for such Interest Payment Date; *provided, however*, that payments of defaulted interest shall be payable to the person in whose name such Bond is registered at the close of business on a special record date fixed therefor by the Paying Agent, which shall not be more than fifteen days and not less than ten days prior to the date of the proposed payment of defaulted interest.

The Bonds of this issue are comprised of \$_____ principal amount of Bonds. This Bond is issued by the District under and in accordance with the provisions of Articles 9 and 11 of Chapter 3 of Part 1 of Division 2 of Title 5 (commencing with Sections 53550 and 53580, respectively) of the Government Code of the State of California, and pursuant to a resolution adopted by the Board of Education of the District on March 16, 2017 (the "Resolution"). Reference is hereby made to the Resolution, a copy of which is on file at the District, for a description of the terms on which the Bonds are delivered, and the rights thereunder of the Owners of the Bonds and the rights and duties of the Paying Agent and the District, to all of the provisions of which the Owner of this Bond, by acceptance hereof, assents and agrees. All capitalized terms used but not otherwise defined herein shall have the respective meanings set forth in the Resolution.

The Bonds are being issued for the purpose of effecting a refunding of certain outstanding general obligation bonds of the District issued pursuant to an authorization obtained from the qualified electors of the District on March 5, 2002, for the issuance of \$150,000,000 aggregate principal amount of general obligation bonds and to pay costs of issuance with regard to the Bonds.

Reference is made to the Resolution for a more complete description of the provisions, among others, with respect to the nature and extent of the security for the Bonds of this series, the rights, duties and obligations of the District, the County, the Paying Agent and the Owners, and the terms and conditions upon which the Bonds are issued and secured. The Owner of this Bond assents, by acceptance hereof, to all of the provisions of the Resolution.

This Bond is a general obligation of the District, payable as to both principal and interest from *ad valorem* property taxes which, under the laws now in force, may be levied without limitation as to rate or amount upon all of the taxable property in the District. Neither the payment of the principal of this Bond, or any part thereof, nor any interest or premium hereon constitute a debt, liability or obligation of the County.

The Bonds maturing on or before August 1, 20__ shall not be subject to redemption prior to their maturity dates. The Bonds maturing on or after August 1, 20__ may be redeemed before maturity at the option of the District, from any source of funds, on August 1, 20__ or on any date thereafter as a whole, or in part. For the purposes of such selection, Bonds will be deemed to

consist of \$5,000 portions by principal amount, and any such portion may be separately redeemed.

Bonds maturing on August 1, 20__, are subject to mandatory sinking fund redemption on August 1 of each year, commencing August 1, 20__, in the following principal amounts, at a redemption price of par, plus accrued interest to the redemption date:

Mandatory Sinking Fund <u>Payment Date</u>	Mandatory Sinking <u>Fund Payment</u>
August 1, 20__	\$
August 1, 20__	
August 1, 20__	
August 1, 20__	

Whenever provision is made for the redemption of Bonds and less than all outstanding Bonds are to be redeemed, the Paying Agent, upon written instruction from the District, shall select Bonds for redemption in such order as the District may direct. Within a maturity, the Paying Agent shall select Bonds for redemption as directed by the District, or, in the absence of such direction, in inverse order of maturity and within a maturity, by lot. The portion of any Bond to be redeemed in part shall be in the principal amount of \$5,000 or any integral multiple thereof.

This Bond is issued in fully registered form. Registration of this Bond is transferable by the Owner hereof, in person or by his attorney duly authorized in writing, at the aforesaid offices of the Paying Agent, but only in the manner, subject to the limitations, and upon payment of the charges, provided in the Resolution and upon surrender and cancellation of this Bond. Upon such registration of transfer, a new Bond or Bonds of like tenor and maturity in the same Transfer Amount and in authorized denominations will be issued to the transferee in exchange herefor. The District and the Paying Agent may treat the Owner hereof as the absolute owner hereof for all purposes, whether or not this Bond shall be overdue, and shall not be affected by any notice to the contrary.

The Paying Agent shall not be required to register the transfer or exchange of any Bond (i) during the period beginning at the close of business on any Record Date through the close of business on the immediately following Interest Payment Date, or (ii) that has been called or is subject to being called for redemption, during a period beginning at the opening of business 15 days before any selection of Bonds to be redeemed through the close of business on the applicable redemption date, except for the unredeemed portion of any Bond to be redeemed only in part.

The rights and obligations of the District and of the owners of the Bonds may be modified or amended at any time by a supplemental resolution adopted by the District with the written consent of owners of at least 60% in aggregate Principal Amount of the Outstanding Bonds, exclusive of Bonds, if any, owned by the District; *provided, however*, that no such modification or amendment shall, without the express consent of the Owner of each Bond affected, reduce the Principal Amount of any Bond, reduce the interest rate payable thereon,

advance the earliest redemption date thereof, extend its maturity or the times for paying interest thereon or change the monetary medium in which the principal and interest is payable, nor shall any modification or amendment reduce the percentage of consents required for amendment or modification hereof.

A supplemental resolution of the District may be adopted, which, without the requirement of consent of the registered owners, shall be fully effective in accordance with its terms: (1) to add to the covenants and agreements of the District in the Resolution, other covenants and agreements to be observed by the District which are not contrary to or inconsistent with the Resolution as theretofore in effect; (2) to add to the limitations and restrictions in the Resolution, other limitations and restrictions to be observed by the District which are not contrary to or inconsistent with the Resolution as theretofore in effect; (3) to confirm as further assurance, any pledge under, and the subjection to any lien or pledge created or to be created by the Resolution, of any moneys, securities or funds, or to establish any additional funds or accounts to be held under the Resolution; (4) to cure any ambiguity, supply any omission, or cure or correct any defect or inconsistent provision in the Resolution; or (5) to amend or supplement the Resolution in any other respect, *provided* such supplemental resolution does not, in the opinion of nationally recognized bond counsel, adversely affect the interests of the owners.

If this Bond is called for redemption and the principal amount of this Bond plus premium, if any, and accrued interest due with respect hereto are duly provided therefor as specified in the Resolution, then interest shall cease to accrue with respect hereto from and after the date fixed for redemption.

This Bond shall not become valid or obligatory for any purpose until the Certificate of Authentication hereon endorsed shall have been dated and executed manually by the Paying Agent.

IT IS HEREBY CERTIFIED, RECITED AND DECLARED, that an election was duly and legally called, held and conducted, and the notices thereof duly given, and the results thereof canvassed and declared in accordance with the provisions of the Act and that all of the proceedings of the Board of Education of the District in the matter of the issuance of this Bond were regular and in strict accordance with the provisions of the Act, including the Constitution of the State, that the total bonded indebtedness of the District, including the issue of which this Bond is a part, does not exceed any limit prescribed by said Act, and that due provision has been made for levying and collecting *ad valorem* property taxes on all of the taxable property within the District in an amount sufficient to pay principal and interest when due.

IN WITNESS WHEREOF, the Chino Valley Unified School District has caused this Bond to be executed in their official capacities by the manual or facsimile signature of the President of the Board of Education of the District and countersigned by the manual or facsimile signature of the Clerk to the Board of Education of the District as of the date stated above.

CHINO VALLEY UNIFIED SCHOOL DISTRICT

By: _____
Sylvia Orozco
President of the Board of Education

Countersigned:

By: _____
James Na
Clerk to the Board of Education

The following Certificate of Authentication shall be printed on each Bond:

CERTIFICATE OF AUTHENTICATION

This is one of the Bonds described in the within-mentioned Resolution of the Board of Education of the Chino Valley Unified School District.

DATED: _____, 2017

**THE BANK OF NEW YORK MELLON
TRUST COMPANY, N.A., as Paying Agent**

By: _____
Authorized Officer

FORM OF ASSIGNMENT

FOR VALUE RECEIVED, the undersigned registered owner hereby sells, assigns and transfers unto

Name of Transferee: _____

Address for Payment of Interest: _____

Social Security Number or other Tax Identification No.:

the within-mentioned Bond and hereby irrevocably constitutes and appoints _____, attorney, to transfer the same on the books of the Paying Agent with full power of substitution in the premises.

Registered Owner

Dated: _____

NOTICE: The signature on this Assignment must correspond with the name as written on the face of the within Bond in every particular, without alteration or enlargement or any change whatsoever.

Signature _____
guaranteed

[Bank, Trust Company or Firm]

By: _____

Authorized Officer

NOTICE: Signature(s) must be guaranteed by a member firm of the New York Stock Exchange or a commercial bank or trust company.

EXHIBIT B

FORM OF 15C2-12 CERTIFICATE

With respect to the proposed sale of its 2017 General Obligation Refunding Bonds, in an aggregate principal amount of not to exceed \$55,000,000, the Chino Valley Unified School District (the “**District**”) has delivered to you a Preliminary Official Statement, dated as of the date hereof (the “**Preliminary Official Statement**”). The District, for purposes of compliance with Rule 15c2-12 of the Securities Exchange Commission (“**Rule 15c2-12**”), deems the Preliminary Official Statement to be final as of its date, except for the omission of no more than the information permitted under Rule 15c2-12.

CHINO VALLEY UNIFIED SCHOOL DISTRICT

Dated: _____, 2017

By: _____
Authorized Officer

CHINO VALLEY UNIFIED SCHOOL DISTRICT

Our Motto:

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

DATE: March 16, 2017

TO: Members, Board of Education

FROM: Wayne M. Joseph, Superintendent

PREPARED BY: Gregory J. Stachura, Asst. Supt., Facilities, Planning, and Operations

SUBJECT: **RESOLUTION 2016/2017-23 AUTHORIZING THE ISSUANCE AND SALE OF ITS GENERAL OBLIGATION BONDS, ELECTION OF 2016, SERIES 2017A, IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$225,000,000, AND APPROVING CERTAIN OTHER MATTERS RELATING TO SAID BONDS**

=====

BACKGROUND

On November 8, 2016, the issuance of general obligation bonds not to exceed \$750,000,000 was authorized at an election held in the Chino Valley Unified School District, the proceeds of which are to be used for the construction, improvement, equipping, and furnishing of various capital facilities of the District.

Adoption of Resolution 2016/2017-23 will approve the issuance and sale of bonds not to exceed the aggregate principal amount of \$225,000,000. The closing and delivery of funds is anticipated on or about May 3, 2017.

Stifel, Nicolaus & Company, Incorporated, Underwriter, and Norton Rose Fulbright US LLP, Bond Counsel, have prepared the necessary legal documentation to proceed with the bond issuance process. The following documents, each of which are a necessary part of the District's Measure G, General Obligation Bonds, Election of 2016, Series 2017A, are on file with the Clerk of the Board:

- Preliminary Official Statement, including the Continuing Disclosure Undertaking
- Purchase Contract

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

RECOMMENDATION

It is recommended that the Board of Education adopt Resolution 2016/2017-23 Authorizing the Issuance and Sale of its General Obligation Bonds, Election of 2016, Series 2017A, in an Aggregate Principal Amount not to Exceed \$225,000,000, and Approving Certain Other Matters Relating to Said Bonds.

FISCAL IMPACT

None.

WMJ:GJS:pw

RESOLUTION NO. 2016/2017-23

RESOLUTION OF THE BOARD OF EDUCATION OF THE CHINO VALLEY UNIFIED SCHOOL DISTRICT OF THE COUNTY OF SAN BERNARDINO, CALIFORNIA AUTHORIZING THE ISSUANCE AND SALE OF ITS GENERAL OBLIGATION BONDS, ELECTION OF 2016, SERIES 2017A, IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$225,000,000, AND APPROVING CERTAIN OTHER MATTERS RELATING TO SAID BONDS

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RESOLUTION OF THE BOARD OF EDUCATION OF THE CHINO VALLEY UNIFIED SCHOOL DISTRICT OF THE COUNTY OF SAN BERNARDINO, CALIFORNIA AUTHORIZING THE ISSUANCE AND SALE OF ITS GENERAL OBLIGATION BONDS, ELECTION OF 2016, SERIES 2017A, IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$225,000,000, AND APPROVING CERTAIN OTHER MATTERS RELATING TO SAID BONDS

WHEREAS, a duly called election was held in the Chino Valley Unified School District, a unified school district duly organized and existing under the laws of the State of California (the “**District**”), County of San Bernardino (the “**County**”), State of California, on November 8, 2016 (the “**Election**”), and thereafter canvassed pursuant to law; and

WHEREAS, at the Election, there was submitted to and approved by the requisite fifty-five percent (55%) vote of the qualified electors of the District a question as to the issuance and sale of general obligation bonds of the District for various purposes set forth in the ballot submitted to the voters, in the maximum amount of \$750,000,000 to finance the projects described in the proposition (“**Measure G**”) payable from the levy of an *ad valorem* property tax against the taxable property in the District (the “**Authorization**”); and

WHEREAS, the Board of Education of the District (the “**Governing Board**”) has now determined that the District has a requirement for the construction, improvement, furnishing and equipping of certain of its public facilities, as provided for in the Authorization (the “**Project**”) and desires to issue its General Obligation Bonds, Election of 2016, Series 2017A in an aggregate principal amount not to exceed \$225,000,000 (the “**Bonds**”), in one or more series or tranches on a federally taxable or tax-exempt basis; and

WHEREAS, this Governing Board has determined that it is desirable to sell the Bonds pursuant to a negotiated sale to Stifel, Nicolaus & Company, Incorporated, as underwriter of the Bonds (the “**Underwriter**”) pursuant to a Contract of Purchase (as defined herein), a form of which has been submitted to this meeting of the Governing Board and is on file with the Secretary of the Governing Board (the “**Secretary**”); and

WHEREAS, a form of the preliminary official statement (the “**Preliminary Official Statement**”) relating to the Bonds has been submitted to this meeting of the Governing Board and is on file with the Secretary; and

WHEREAS, a form of continuing disclosure undertaking (the “**Continuing Disclosure Undertaking**”), attached as Appendix D to the Preliminary Official Statement, has been submitted to this meeting of the Governing Board and is on file with the Secretary; and

WHEREAS, this Governing Board desires that the County should levy and collect an *ad valorem* property tax on all taxable property within the District sufficient to provide for payment of the Bonds (with certain property subject to limitations), and intends by the adoption of this Resolution to notify the Board of Supervisors of the County, the Auditor-Controller/Treasurer-Tax Collector of the County (the “**Auditor-Controller**” or “**Treasurer**” as applicable) and other

officials of the County that they should take such actions as shall be necessary to provide for the levy and collection of such tax and payment of the Bonds; and

WHEREAS, this Governing Board recognizes that California Senate Bill No. 222 (Chapter 78, Statutes of 2015) (“**SB 222**”) as codified in Section 15251 of the California Education Code and commencing with Section 53515 of the California Government Code, provides that general obligation bonds of the District shall be secured by a statutory lien on all revenues received pursuant to the levy and collection of taxes levied to pay the bonds, when collected by the County, to secure repayment of bonds, effective January 1, 2016; and

WHEREAS, the pledge of tax revenues and grant of a lien thereon and security interest therein included in this Resolution to secure payment of the G.O. Bonds (as defined herein) is intended to be a consensual security agreement with the registered owners of the G.O. Bonds separate and apart from, and in addition to, any statutory lien on such revenues to which they are entitled; and

WHEREAS, all acts, conditions and other matters required by law to be done or performed have been done and performed in strict conformity with the laws authorizing the issuance of general obligation bonds of the District, and the indebtedness of the District, including this proposed issue of the Bonds, is within all limits prescribed by law;

NOW THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED by the Board of Education of the Chino Valley Unified School District as follows:

SECTION 1. Definitions. Capitalized terms used but not defined herein shall have the meanings set forth in the Recitals hereto. Additionally, the following terms shall for all purposes of this Resolution have the following meanings:

“Authorized Investments” shall mean legal investments authorized by Section 53601 of the Government Code.

“Authorized Officer” and “Authorized Officers” has the meaning provided in Section 6 herein.

“Authorizing Law” shall mean, collectively, (i) Article 4.5 of Chapter 3 of Part 1 of Division 2 of Title 5 of the Government Code of the State, as amended; (ii) applicable provisions of the California Education Code of the State, as amended; and (iii) Article XIII A of the California Constitution.

“Board of Supervisors” shall mean the Board of Supervisors of the County.

“Bond Counsel” shall mean Norton Rose Fulbright US LLP or any other firm that is a nationally recognized bond counsel firm.

“Bond Register” shall mean the books referred to in Section 16 of this Resolution.

“Building Fund” shall mean the Chino Valley Unified School District Series 2017A Building Fund funded with the proceeds of the Bonds, and any subaccounts established therein, established at the direction of the District and administered by the Treasurer.

“Business Day” shall mean a day which is not a Saturday, Sunday or a day on which banking institutions in the State or the State of New York and the New York Stock Exchange are authorized or required to be closed.

“Code” shall mean the Internal Revenue Code of 1986, as amended.

“Common Issue Bonds” means the Tax-Exempt Bonds and any other tax-exempt obligations sold within 15 days of the Tax-Exempt Bonds that are part of the same issue as the Tax-Exempt Bonds pursuant to section 1.150-1(c) of the Regulations.

“Contract of Purchase” shall mean the Purchase Contract by and between the District and the Underwriter relating to the Bonds.

“Costs of Issuance” shall mean all of the authorized costs of issuing the Bonds as described in the Authorizing Law, including but not limited to, all printing and document preparation expenses in connection with this Resolution, the Bonds and the Preliminary Official Statement and the Official Statement pertaining to the Bonds and any and all other agreements, instruments, certificates or other documents prepared in connection therewith; underwriters’ fees; rating agency fees and related costs; auditor’s fees; CUSIP service bureau charges; legal fees and expenses of counsel with respect to the financing, including the fees and expenses of Bond Counsel and Disclosure Counsel; the fees and expenses of the Paying Agent; the fees and expenses of the Structuring/Pricing Consultant; fees for credit enhancement (if any) relating to the Bonds; and other fees and expenses incurred in connection with the issuance of the Bonds, to the extent such fees and expenses are approved by the District. If it appears in the best interests of the District to acquire credit enhancement to secure the payment of all or a portion of the principal and interest with respect to the Bonds, or obtain a legal opinion addressed to the rating agency(ies) from Bond Counsel or special revenue opinion counsel which is necessary to obtain a rating that provides for a lower cost of funds to the District, then an Authorized Officer may so provide in the Contract of Purchase.

“County Office of Education” shall mean the Office of Education of the County and such other persons as may be designated by the County Office of Education to perform any operational and disbursement functions hereunder.

“Date of Delivery” shall mean the date on which the Underwriter purchase the Bonds.

“Debt Service” shall have the meaning given to that term in Section 18 of this Resolution.

“Debt Service Fund” shall mean the Debt Service Fund established pursuant to Section 18 of this Resolution.

“Depository” shall mean DTC and its successors and assigns or if (a) the then-acting Depository resigns from its functions as securities depository for the Bonds, or (b) the District discontinues use of the Depository pursuant to this Resolution, any other securities depository

which agrees to follow procedures required to be followed by a securities depository in connection with the Bonds.

“Disclosure Counsel” shall mean Norton Rose Fulbright US LLP, in its capacity as disclosure counsel to the District with respect to the Bonds.

“DTC” shall mean The Depository Trust Company, and its successors and assigns.

“EMMA” shall mean the Electronic Municipal Market Access website of the MSRB, currently located at <http://emma.msrb.org>.

“Fiscal Year” shall mean the twelve-month period commencing on July 1 of each year and ending on the following June 30 or any other fiscal year selected by the District.

“G.O. Bonds” shall mean all general obligation bonds of the District heretofore or hereafter issued pursuant to voter approved measures of the District, including Measure G and Measure M.

“Information Services” shall mean EMMA and, in accordance with then-current guidelines of the Securities and Exchange Commission, such other addresses and/or such other services providing information with respect to called bonds as the District may designate in a certificate of the District delivered to the Paying Agent.

“Interest Payment Date” shall mean February 1 and August 1 in each year, commencing on August 1, 2017, or as otherwise specified in the Contract of Purchase.

“Measure M” shall mean the general obligation bond proposition approved by more than 55% of District voters on March 5, 2002 authorizing the issuance of an aggregate principal amount of \$150,000,000 in general obligation bonds to finance the projects described in the proposition, payable from *ad valorem* property taxes.

“Moody’s” shall mean Moody’s Investors Service, its successors and assigns, except that if such corporation shall no longer perform the functions of a securities rating agency for any reason, the term “Moody’s” shall be deemed to refer to any other nationally recognized securities rating agency selected by the District.

“MSRB” shall mean the Municipal Securities Rulemaking Board or any other entity designated or authorized by the Securities and Exchange Commission to receive the reports described in the Continuing Disclosure Undertaking. Until otherwise designated by the MSRB or the Securities and Exchange Commission, filings with the MSRB are to be made through EMMA.

“Nominee” shall mean the nominee of the Depository which may be the Depository, as determined from time to time by the Depository.

“Official Statement” shall mean the final official statement of the District describing the Bonds.

“Outstanding” when used with reference to the Bonds, shall mean, as of any date, Bonds theretofore issued or thereupon being issued under this Resolution except:

- (i) Bonds canceled at or prior to such date;
- (ii) Bonds in lieu of or in substitution for which other Bonds shall have been delivered pursuant to Section 14 hereof; and
- (iii) Bonds for the payment or redemption of which funds or eligible securities in the necessary amount shall have been set aside (whether on or prior to the maturity or redemption date of such Bonds), in accordance with Section 42 of this Resolution.

“Owner” shall mean the registered owner, as indicated in the Bond Register, of any Bond.

“Participant” shall mean a member of or participant in the Depository.

“Paying Agent” shall mean the paying agent designated pursuant to Section 31 hereof.

“Pledged Moneys” shall have the meaning given to that term in Section 19 of this Resolution.

“Principal” or “Principal Amount” shall mean, as of any date of calculation, with respect to any Bond, the principal amount thereof.

“Project” shall mean the capital improvements further described in Section 7 of this Resolution and delineated in the ballot presented to and approved by the voters of the District at the Election.

“Project Costs” shall mean all of the expenses of and incidental to the construction, acquisition, equipping or furnishing of the Project to be funded with the proceeds of the Bonds.

“Rebate Fund” shall mean the Rebate Fund established pursuant to Section 20 of this Resolution.

“Record Date” shall mean the close of business on the fifteenth calendar day of the month next preceding an Interest Payment Date.

“Regulations” shall mean the regulations of the United States Department of the Treasury proposed or promulgated under Sections 103 and 141 through 150 of the Code which by their terms are effective with respect to the Bonds and similar Treasury Regulations to the extent not inconsistent with Sections 103 and 141 through 150 of the Code, including regulations promulgated under Section 103 of the Internal Revenue Code of 1954, as amended.

“S&P” shall mean S&P Global Ratings, its successors and assigns, except that if such corporation shall no longer perform the functions of a securities rating agency for any reason, the term “S&P” shall be deemed to refer to any other nationally recognized securities rating agency selected by the District.

“Securities Depositories” shall mean The Depository Trust Company, 55 Water Street, New York, New York 10041, Facsimile transmission: (212) 785-9681, (212) 855-3215, and, in accordance with then-current guidelines of the Securities and Exchange Commission, such other addresses and/or such other securities depositories as the District may designate in a certificate delivered to the Paying Agent.

“Structuring/Pricing Consultant” shall mean Keygent LLC, as Structuring/Pricing Consultant to the District.

“Superintendent” shall mean the Superintendent of the District.

“Supplemental Resolution” shall mean any resolution supplemental to or amendatory of this Resolution, adopted by the District in accordance with Section 39 or Section 40 hereof.

“Tax Certificate” means the Tax Certificate delivered by the District on the Date of Delivery.

“Taxable Bonds” means those Bonds, which by their terms, bear interest that is not excluded from gross income for purposes of Federal income taxation.

“Tax-Exempt Bonds” means any Bonds designated by an Authorized Officer of the District to be Tax-Exempt Bonds, which by the terms of such Bonds, bear interest that is excluded from gross income for purposes of Federal income taxation.

“Term Bond” shall mean any Bond which, by its terms, has a single maturity but is subject to mandatory sinking fund redemption prior to the date of such maturity.

SECTION 2. Rules of Construction. Words of the masculine gender shall be deemed and construed to include correlative words of the feminine and neuter genders, and vice versa. Except where the context otherwise requires, words importing the singular shall include the plural and vice versa, and words importing persons shall include firms, associations and corporations, including public bodies, as well as natural persons.

SECTION 3. Authority for this Resolution. This Resolution is adopted pursuant to the provisions of the Authorizing Law.

SECTION 4. Resolution to Constitute Consensual Agreement. In consideration of the purchase and acceptance of any and all of the Bonds authorized to be issued hereunder by those who shall own the same from time to time, this Resolution shall be deemed to be and shall constitute a consensual agreement among the District and the Owners from time to time of the Bonds; and the pledge made and lien and security interest granted in this Resolution shall be for the equal benefit, protection and security of the registered owners of any and all of the G.O. Bonds, all of which, regardless of the time or times of their issuance or maturity, shall be of equal rank without preference, priority or distinction of any of the G.O. Bonds over any other thereof.

SECTION 5. Approval of Documents; Determination of Method of Sale and Terms of Bonds.

(a) The Authorized Officers, in consultation with Bond Counsel, the Structuring/Pricing Consultant and the other officers of the District are, and each of them acting alone is, hereby authorized and directed to issue and deliver the Bonds and to establish the initial aggregate principal amount thereof; *provided, however*, that such aggregate principal amount of the Bonds shall not exceed \$225,000,000.

(b) The form of the Contract of Purchase is hereby approved. The Authorized Officers are, and each of them acting alone is, authorized and directed to execute and deliver the Contract of Purchase to the Underwriter for and in the name and on behalf of the District, with such additions, changes or corrections therein as the Authorized Officer executing the same on behalf of the District may approve, in his or her discretion, as being in the best interests of the District including, without limitation (i) such changes as are necessary to reflect the final terms of the Bonds to the extent such terms differ from those set forth in this Resolution, such approval to be conclusively evidenced by such Authorized Officer's execution thereof and (ii) any other documents required to be executed thereunder. The Authorized Officers are, and each of them acting alone is, hereby authorized to negotiate with the Underwriter the terms, maturities, interest rates and series of the Bonds and the purchase price of the Bonds to be paid by the Underwriter, which purchase price shall reflect an Underwriter's discount of not more than 0.50% (not including original issue discount) of the Principal Amount thereof. The interest rate on the Bonds shall not exceed the maximum allowed under law. Principal of the Bonds shall be payable within 40 years of the Date of Delivery. The Board hereby finds that the useful life of the facility or facilities financed with the Bonds that do not allow for the compounding of interest and that have a maturity greater than 30 years, but not greater than 40 years, equals or exceeds the maturity date of such Bonds.

(c) The form of the Continuing Disclosure Undertaking is hereby approved. The Authorized Officers are, and each of them acting alone is, hereby authorized to execute and deliver the Continuing Disclosure Undertaking on behalf of the District, with such changes therein as the Authorized Officer executing the same on behalf of the District may approve, in his or her discretion, as being in the best interests of the District, such approval to be conclusively evidenced by such Authorized Officer's execution thereof, and any other documents required to be executed thereunder, and to deliver the same to the Underwriter. The District hereby covenants and agrees that it will comply with and carry out all of the provisions of the Continuing Disclosure Undertaking. Notwithstanding any other provision of this Resolution, failure of the District to comply with the Continuing Disclosure Undertaking shall not be considered an event of default as to the Bonds and shall not be deemed to create any monetary liability on the part of the District to any other persons, including Owners of the Bonds.

(d) The form of the Preliminary Official Statement is hereby approved. This Governing Board also hereby authorizes the use and distribution by the Underwriter of: (a) the Preliminary Official Statement with such changes as the Authorized Officer executing the certificate described below may approve, such approval to be conclusively evidenced by such Authorized Officer's execution of such certificate; and (b) an Official Statement in substantially

the form of the Preliminary Official Statement with such changes as may be necessary or desirable in connection with the sale of the Bonds as determined by the Authorized Officer executing the Official Statement, such determination to be conclusively evidenced by the execution and delivery of the Official Statement by such Authorized Officer; and (c) any amendments or supplements to the Preliminary Official Statement or the Official Statement which an Authorized Officer may deem necessary or desirable, such determination to be conclusively evidenced by the execution of such amendment or supplement or of a certificate as described below by such Authorized Officer. The Authorized Officers are, and each of them acting alone hereby is, authorized to approve such additions, deletions or changes to the Preliminary Official Statement and Official Statement, as are necessary or desirable to effect the purposes of this Resolution and to comply with applicable laws and to deliver copies of the Preliminary Official Statement and the Official Statement. The Authorized Officers also are, and each of them acting alone hereby is, authorized to determine whether any Preliminary Official Statement and/or Official Statement, and any amendments or supplements thereto, shall be used in connection with the sale of the Bonds. Upon approval of the Preliminary Official Statement by such Authorized Officer as evidenced by execution of a certificate substantially in the form of Exhibit B attached hereto and by this reference incorporated herein, with such changes as may be necessary or desirable, the Preliminary Official Statement shall be deemed final as of its date except for the omission of certain information as provided in and pursuant to Rule 15c2-12 promulgated under the Securities Exchange Act of 1934.

(e) This Governing Board also hereby authorizes the preparation of a paying agent agreement in connection with the Bonds, in such form as shall be determined by an Authorized Officer, such determination to be conclusively evidenced by the execution and delivery of the paying agent agreement by such Authorized Officer.

SECTION 6. Authorization of Officers. The officers of the District, including but not limited to the Superintendent, the Assistant Superintendent of Business Services, the Assistant Superintendent of Facilities, Planning and Operations of the District, and their authorized designees or representatives (each, an “**Authorized Officer**” and together, the “**Authorized Officers**”) are, and each of them acting alone is, hereby authorized to execute any and all certifications and documents and do and perform any and all acts and things, from time to time, consistent with this Resolution and necessary or appropriate to carry the same into effect and to carry out its purposes.

SECTION 7. Use of Bond Proceeds. The proceeds of the Bonds shall be applied to (a) the financing of the acquisition, construction, furnishing and equipping of District facilities for some or all of the Projects authorized at the Election, the bond proposition and project list approved at which shall be incorporated herein by this reference as though fully set forth in this Resolution, (b) pay capitalized interest of the Bonds, if so elected by the District’s Authorized Officer and (c) the payment of the Costs of Issuance of the Bonds.

SECTION 8. Designation and Form; Payment.

(a) An issue of Bonds in one or more series entitled to the benefit, protection and security of this Resolution is hereby authorized. Such Bonds shall be general obligations of the District, payable as to Principal of and premium, if any, and interest from *ad valorem* property

taxes to be levied upon all of the taxable property in the District. The Bonds shall be designated the “Chino Valley Unified School District General Obligation Bonds, Election of 2016, Series 2017A” with such insertions as shall be appropriate to describe the series, federally taxable or tax-exempt status, and/or tranches. The aggregate principal amount of the Bonds shall not exceed \$225,000,000. The Bonds may be issued as serial bonds or term bonds and shall be subject to redemption as set forth in the Contract of Purchase, subject to the provisions of this Resolution. The Authorized Officers are, and each of them acting alone is, hereby authorized, upon consultation with the Structuring/Pricing Consultant, the Underwriter and Bond Counsel, to determine whether the interest on the Bonds, or on any series of Bonds, shall be subject to federal income taxes or exempt from federal income taxes.

(b) The form of the Bonds shall be substantially in conformance with the standard form of registered school district general obligation bonds, a copy of which is attached hereto as Exhibit A hereto and incorporated herein by this reference, with such changes as are necessary to reflect the final terms of the Bonds.

(c) The Principal of and premium, if any, and interest on any Bond are payable in lawful money of the United States of America. Principal of the Bonds and premium, if any, is payable upon surrender thereof at maturity or earlier redemption at the office designated by the Paying Agent.

SECTION 9. Description of the Bonds.

(a) The Bonds shall be issued in fully registered form, in denominations of \$5,000 or any integral multiple thereof and shall be dated and shall mature on the dates, in the years and in the Principal Amounts, and interest shall be computed at the rates, set forth in the Contract of Purchase.

(b) Interest on each Bond shall accrue from its dated date as set forth in the Contract of Purchase. Interest on Bonds shall be computed using a year of 360 days comprised of twelve 30-day months and shall be payable on each Interest Payment Date to the Owner thereof appearing on the Bond Register as of the close of business on the Record Date. Interest on each Bond will be payable from the Interest Payment Date next preceding the date of registration thereof, unless (i) it is registered after the close of business on any Record Date and before the close of business on the immediately following Interest Payment Date, in which event interest thereon shall be payable from such following Interest Payment Date; or (ii) it is registered prior to the close of business on the first Record Date, in which event interest shall be payable from its dated date; *provided, however*, that if at the time of registration of any Bond, interest thereon is in default, interest with respect thereto shall be payable from the Interest Payment Date to which interest has previously been paid or made available for payment. Payments of interest on the Bonds will be made on each Interest Payment Date by check or draft of the Paying Agent sent by first-class mail, postage prepaid, to the Owner thereof appearing on the Bond Register on the Record Date, or by wire transfer to any Owner of \$1,000,000 aggregate principal amount or more of such Bonds, to the account specified by such Owner in a written request delivered to the Paying Agent on or prior to the Record Date for such Interest Payment Date; *provided, however*, that payments of defaulted interest shall be payable to the person in whose name such Bond is registered at the close of business on a special record date fixed therefor by the Paying Agent

which shall not be more than fifteen days and not less than ten days prior to the date of the proposed payment of defaulted interest.

SECTION 10. Federal Tax Covenants.

(a) Definitions. When used in this Section, the following terms have the following meanings:

“*Closing Date*” means the date on which the Common Issue Bonds are first authenticated and delivered to the initial purchasers against payment therefor.

“*Code*” means the Internal Revenue Code of 1986, as amended by all legislation, if any, effective on or before the Closing Date.

“*Computation Date*” has the meaning set forth in Section 1.148-1(b) of the Regulations.

“*Gross Proceeds*” means any proceeds as defined in Section 1.148-1(b) of the Regulations, and any replacement proceeds as defined in Section 1.148-1(c) of the Regulations, of the Common Issue Bonds.

“*Investment*” has the meaning set forth in Section 1.148-1(b) of the Regulations.

“*Nonpurpose Investment*” means any investment property, as defined in section 148(b) of the Code, in which Gross Proceeds of the Common Issue Bonds are invested and which is not acquired to carry out the governmental purposes of the Common Issue Bonds.

“*Rebate Amount*” has the meaning set forth in Section 1.148-1(b) of the Regulations.

“*Yield*” of

(i) any Investment has the meaning set forth in Section 1.148-5 of the Regulations; and

(ii) of the Common Issue Bonds has the meaning set forth in Section 1.148-4 of the Regulations.

(b) Not to Cause Interest to Become Taxable. The District shall not use, permit the use of, or omit to use Gross Proceeds or any other amounts (or any property the acquisition, construction or improvement of which is to be financed directly or indirectly with Gross Proceeds) in a manner which if made or omitted, respectively, would cause the interest on any Common Issue Bond to become includable in the gross income, as defined in section 61 of the Code, of the owner thereof for federal income tax purposes. Without limiting the generality of the foregoing, unless and until the District receives a written opinion of counsel nationally recognized in the field of municipal bond law to the effect that failure to comply with such covenant will not adversely affect the exemption from federal income tax of the interest on any Common Issue Bond, the District shall comply with each of the specific covenants in this Section.

(c) No Private Use or Private Payments. Except as permitted by section 141 of the Code and the Regulations and rulings thereunder, the District shall at all times prior to the last stated maturity of Common Issue Bonds:

(i) exclusively own, operate and possess all property the acquisition, construction or improvement of which is to be financed directly or indirectly with Gross Proceeds of the Common Issue Bonds (including property financed with Gross Proceeds of any obligations refunded by the Common Issue Bonds), and not use or permit the use of such Gross Proceeds (including all contractual arrangements with terms different than those applicable to the general public) or any property acquired, constructed or improved with such Gross Proceeds in any activity carried on by any person or entity (including the United States or any agency, department and instrumentality thereof) other than a state or local government, unless such use is solely as a member of the general public; and

(ii) not directly or indirectly impose or accept any charge or other payment by any person or entity who is treated as using Gross Proceeds of the Common Issue Bonds (including property financed with Gross Proceeds of any obligations refunded by the Common Issue Bonds) or any property the acquisition, construction or improvement of which is to be financed or refinanced directly or indirectly with such Gross Proceeds, other than taxes of general application within the District or interest earned on investments acquired with such Gross Proceeds pending application for their intended purposes.

(d) No Private Loan. Except to the extent permitted by section 141 of the Code and the Regulations and rulings thereunder, the District shall not use Gross Proceeds of the Common Issue Bonds to make or finance loans to any person or entity other than a state or local government. For purposes of the foregoing covenant, such Gross Proceeds are considered to be “loaned” to a person or entity if: (1) property acquired, constructed or improved with such Gross Proceeds is sold or leased to such person or entity in a transaction which creates a debt for federal income tax purposes; (2) capacity in or service from such property is committed to such person or entity under a take-or-pay, output or similar contract or arrangement; or (3) indirect benefits, or burdens and benefits of ownership, of such Gross Proceeds or any property acquired, constructed or improved with such Gross Proceeds are otherwise transferred in a transaction which is the economic equivalent of a loan.

(e) Not to Invest at Higher Yield. Except to the extent permitted by section 148 of the Code and the Regulations and rulings thereunder, the District shall not at any time prior to the final stated maturity of the Common Issue Bonds directly or indirectly invest Gross Proceeds in any Investment, if as a result of such investment the Yield of any Investment acquired with Gross Proceeds, whether then held or previously disposed of, exceeds the Yield of the Common Issue Bonds.

(f) Not Federally Guaranteed. Except to the extent permitted by section 149(b) of the Code and the Regulations and rulings thereunder, the District shall not take or omit to take any action which would cause the Common Issue Bonds to be federally guaranteed within the meaning of section 149(b) of the Code and the Regulations and rulings thereunder.

(g) Information Report. The District shall timely file the information required by section 149(e) of the Code with the Secretary of the Treasury on Form 8038-G or such other form and in such place as the Secretary may prescribe.

(h) Rebate of Arbitrage Profits. Except to the extent otherwise provided in section 148(f) of the Code and the Regulations and rulings thereunder:

(i) The District shall account for all Gross Proceeds (including all receipts, expenditures and investments thereof) on its books of account separately and apart from all other funds (and receipts, expenditures and investments thereof) and shall retain all records of accounting for at least six years after the day on which the last outstanding Common Issue Bond is discharged. However, to the extent permitted by law, the District may commingle Gross Proceeds of the Common Issue Bonds with other money of the District, provided that the District separately accounts for each receipt and expenditure of Gross Proceeds and the obligations acquired therewith.

(ii) Not less frequently than each Computation Date, the District shall calculate the Rebate Amount in accordance with rules set forth in section 148(f) of the Code and the Regulations and rulings thereunder. The District shall maintain such calculations with its official transcript of proceedings relating to the issuance of the Common Issue Bonds until six years after the final Computation Date.

(iii) As additional consideration for the purchase of the Common Issue Bonds by the initial purchasers and the loan of the money represented thereby and in order to induce such purchase by measures designed to ensure the excludability of the interest thereon from the gross income of the owners thereof for federal income tax purposes, the District shall pay to the United States out of the Rebate Fund, its general fund, or other appropriate fund, the amount that when added to the future value of previous rebate payments made for the Common Issue Bonds equals (A) in the case of a Final Computation Date as defined in Section 1.148-3(e)(2) of the Regulations, one hundred percent (100%) of the Rebate Amount on such date; and (B) in the case of any other Computation Date, ninety percent (90%) of the Rebate Amount on such date. In all cases, the rebate payments shall be made at the times, in the installments, to the place and in the manner as is or may be required by section 148(f) of the Code and the Regulations and rulings thereunder, and shall be accompanied by Form 8038-T or such other forms and information as is or may be required by Section 148(f) of the Code and the Regulations and rulings thereunder.

(iv) The District shall exercise reasonable diligence to assure that no errors are made in the calculations and payments required by paragraphs (ii) and (iii), and if an error is made, to discover and promptly correct such error within a reasonable amount of time thereafter (and in all events within one hundred eighty (180) days after discovery of the error), including payment to the United States of any additional Rebate Amount owed to it, interest thereon, and any penalty imposed under Section 1.148-3(h) of the Regulations.

(i) Not to Divert Arbitrage Profits. Except to the extent permitted by section 148 of the Code and the Regulations and rulings thereunder, the District shall not, at any time prior to the earlier of the stated maturity or final payment of the Common Issue Bonds, enter into any transaction that reduces the amount required to be paid to the United States pursuant to Subsection (h) of this Section because such transaction results in a smaller profit or a larger loss than would have resulted if the transaction had been at arm's length and had the Yield of the Common Issue Bonds not been relevant to either party.

(j) Use of Proceeds: Weighted Average Maturity. The District hereby represents and covenants that it will apply the proceeds of the Common Issue Bonds in a manner so that the weighted average maturity of the Common Issue Bonds does not exceed 120% of the average reasonably expected economic life (or remaining economic life) of the facilities financed (or refinanced) by the Common Issue Bonds (all determined in accordance with the provisions of section 147(b) of the Code).

(k) Elections. The District hereby directs and authorizes the Superintendent, Assistant Superintendent of Business Services, and the Assistant Superintendent of Facilities, Planning and Operations either or any combination of them, to make elections permitted or required pursuant to the provisions of the Code or the Regulations, as they deem necessary or appropriate in connection with the Common Issue Bonds, in the Tax Certificate or similar or other appropriate certificate, form or document.

SECTION 11. Reimbursement of Qualified Project Expenditures. It is the intent of the Governing Board to authorize the sale of the Bonds, in a total maximum aggregate principal amount not to exceed \$225,000,000 to finance the Project. The District has paid or expects to pay certain capital expenditures related to the Project (the “**Reimbursable Expenses**”) to which it desires to preserve its ability to reimburse with proceeds of the Bonds, as provided under section 1.150-2 of the Regulations. The reimbursement of the Reimbursable Expenses is consistent with the District’s budgetary and financial circumstances. The District reasonably expects to reimburse capital expenditures with respect to the Project with proceeds of the Bonds, and this resolution shall constitute a declaration of official intent under the Regulations. The District recognizes that reimbursement allocations to which section 1.150-2 of the Regulations applies by reason of this Resolution generally include only reimbursements of payments originally for capital expenditures made no earlier than 60 days prior to the date of adoption of this Resolution.

SECTION 12. Book-Entry System.

(a) The Bonds shall be initially issued in the form of a separate single fully registered Bond for each maturity of the Bonds.

Upon initial issuance, the ownership of each such global Bond shall be registered in the Bond Register in the name of the Nominee as nominee of the Depository. Except as provided in subsection (c) hereof, all of the Outstanding Bonds shall be registered in the Bond Register in the name of the Nominee and the Bonds may be transferred, in whole but not in part, only to the Depository, to a successor Depository or to another nominee of the Depository or of a successor

Depository. Each Bond shall bear a legend describing restrictions on transfer, as may be prescribed by the Depository.

With respect to Bonds registered in the Bond Register in the name of the Nominee, the District shall have no responsibility or obligation to any Participant or to any person on behalf of which such a Participant holds a beneficial interest in the Bonds. Without limiting the immediately preceding sentence, the District shall have no responsibility or obligation with respect to (i) the accuracy of the records of the Depository, the Nominee or any Participant with respect to any beneficial ownership interest in the Bonds, (ii) the delivery to any Participant, beneficial owner or any other person, other than the Depository, of any notice with respect to the Bonds, including any Redemption Notice (as defined in Section 28 below), (iii) the selection by the Depository and the Participants of the beneficial interests in the Bonds to be redeemed in part, or (iv) the payment to any Participant, beneficial owner or any other person, other than the Depository, of any amount with respect to Principal of, premium, if any, and interest on the Bonds. The District and the Paying Agent may treat and consider the person in whose name each Bond is registered in the Bond Register as the holder and absolute Owner of such Bond for the purpose of payment of Principal of, premium, if any, and interest on such Bond, for the purpose of giving Redemption Notices and other notices with respect to such Bond, and for all other purposes whatsoever, including, without limitation, registering transfers with respect to the Bonds.

The Paying Agent shall pay all Principal of, premium, if any, and interest on the Bonds only to the respective Owners, as shown in the Bond Register, and all such payments shall be valid hereunder with respect to payment of Principal of, premium, if any, and interest on the Bonds to the extent of the sum or sums so paid. No person other than an Owner, as shown in the Bond Register, shall receive a Bond evidencing the obligation to make payments of Principal of, premium, if any, and interest, pursuant to this Resolution. Upon delivery by the Depository to the Paying Agent and the District of written notice to the effect that the Depository has determined to substitute a new nominee in place of the Nominee, and subject to the provisions hereof with respect to Record Dates, the word Nominee in this Resolution shall refer to such new nominee of the Depository.

(b) In order to qualify the Bonds for the Depository's book-entry system, the District is hereby authorized to execute and deliver or shall have executed and delivered to the Depository a letter from the District representing such matters as shall be necessary to so qualify the Bonds (the "**Representation Letter**"). The execution and delivery of the Representation Letter shall not in any way limit the provisions of subsection (a) hereof or in any other way impose upon the District any obligation whatsoever with respect to persons having beneficial interests in the Bonds other than the Owners, as shown in the Bond Register. In addition to the execution and delivery of the Representation Letter, the District and its Authorized Officers are hereby authorized to take any other actions, not inconsistent with this Resolution, to qualify the Bonds for the Depository's book-entry program.

(c) If at any time the Depository notifies the District that it is unwilling or unable to continue as Depository with respect to the Bonds or if at any time the Depository shall no longer be registered or in good standing under the Securities Exchange Act or other applicable statute or regulation and a successor Depository is not appointed by the District within 90 days after the

District receives notice or becomes aware of such condition, as the case may be, subsection (a) hereof shall no longer be applicable and the District shall cause the issuance of certificated securities representing the Bonds as provided below. In addition, the District may determine at any time that the Bonds shall no longer be lodged with a Depository and that the provisions of subsection (a) hereof shall no longer apply to the Bonds. In any such event the District shall cause the execution and delivery of certificated securities representing the Bonds as provided below. Bonds issued in exchange for global Bonds pursuant to this subsection (c) shall be registered in such names and delivered in such denominations as the Depository shall instruct the District. The District shall cause delivery of such certificated securities representing the Bonds to the persons in whose names such Bonds are so registered.

If the District determines to replace the Depository with another qualified securities depository, the District shall prepare or cause to be prepared a new fully registered global Bond for each of the maturities of the Bonds, registered in the name of such successor or substitute securities depository or its nominee, or make such other arrangements as are acceptable to the District and such securities depository and not inconsistent with the terms of this Resolution.

(d) Notwithstanding any other provision of this Resolution to the contrary, so long as any Bond is registered in the name of the Nominee, all payments with respect to Principal Amount of, premium, if any, and interest on such Bond and all notices with respect to such Bond shall be made and given, respectively, as provided in the Representation Letter or as otherwise instructed by the Depository.

(e) The initial Depository under this Resolution shall be DTC. The initial Nominee shall be Cede & Co., as nominee of DTC.

SECTION 13. Execution of the Bonds.

(a) The Bonds shall be executed in the manner required by the Authorizing Law. In case any one or more of the Authorized Officers who shall have signed any of the Bonds shall cease to be such officer before the Bonds so signed shall have been issued by the District, such Bonds may, nevertheless, be issued, as herein provided, as if the Authorized Officers who signed such Bonds had not ceased to hold such offices. Any of the Bonds may be signed on behalf of the District by such persons as at the time of the execution of such Bonds shall be duly authorized to hold or shall hold the proper offices in the District, although at the date borne by the Bonds such persons may not have been so authorized or have held such offices.

(b) The Bonds shall bear thereon a certificate of authentication executed manually by the Paying Agent. Only such Bonds as shall bear thereon such certificate of authentication duly executed by the Paying Agent shall be entitled to any right or benefit under this Resolution and no Bond shall be valid or obligatory for any purpose until such certificate of authentication shall have been duly executed by the Paying Agent. Such certificate of the Paying Agent upon any Bond shall be conclusive evidence that the Bond so authorized has been duly authenticated and delivered under this Resolution and that the Owner thereof is entitled to the benefit of this Resolution.

SECTION 14. Transfer and Exchange. The registration of any Bond may be transferred upon the Bond Register upon surrender of such Bond to the Paying Agent. Such Bond shall be endorsed or accompanied by delivery of the written instrument of transfer shown in Exhibit A hereto, duly executed by the Owner or such Owner's duly authorized attorney, and payment of such reasonable transfer fees as the Paying Agent may establish. Upon such registration of transfer, a new Bond or Bonds, of like tenor, series and maturity in the same Principal Amount and in authorized denominations, will be executed and delivered to the transferee in exchange therefor.

The Paying Agent shall deem and treat the person in whose name any Outstanding Bond shall be registered upon the Bond Register as the absolute owner of such Bond, whether the Principal of and premium, if any, or interest on such Bond shall be overdue or not, for the purpose of receiving payment of Principal of and premium, if any, and interest on such Bond and for all other purposes, and any such payments so made to any such Owner or upon such Owner's order shall be valid and effective to satisfy and discharge the liability upon such Bond to the extent of the sum or sums so paid, and the District or the Paying Agent shall not be affected by any notice to the contrary.

Bonds may be exchanged at the office of the Paying Agent for Bonds of like series, tenor and maturity of other authorized denominations. All Bonds surrendered in any such exchange shall thereupon be cancelled by the Paying Agent. The Paying Agent may charge the Owner a reasonable sum for each new Bond executed and delivered upon any exchange (except in the case of the first exchange of any Bond in the form in which it is originally delivered, for which no charge shall be imposed) and the Paying Agent may require the payment by the Owner requesting such exchange of any tax or other governmental charge required to be paid with respect to such exchange.

The Paying Agent shall not be required to register the transfer or exchange of any Bond (i) during the period beginning at the close of business on any Record Date through the close of business on the immediately following Interest Payment Date, or (ii) that has been called or is subject to being called for redemption, during a period beginning at the opening of business 15 days before any selection of Bonds to be redeemed through the close of business on the applicable redemption date, except for the unredeemed portion of any Bond to be redeemed only in part.

SECTION 15. Bonds Mutilated, Destroyed, Stolen or Lost. In case any Bond shall become mutilated, the Paying Agent, at the expense of the Owner, shall deliver a new Bond of like date, interest rate, maturity, Principal Amount and tenor as the Bond so mutilated in exchange and substitution for such mutilated Bond, upon surrender and cancellation thereof. All Bonds so surrendered shall be cancelled. If any Bond shall be destroyed, stolen or lost, evidence of such destruction, theft or loss may be submitted to the Paying Agent and if such evidence is satisfactory to the Paying Agent that such Bond has been destroyed, stolen or lost, and upon furnishing the Paying Agent with indemnity satisfactory to the Paying Agent and complying with such other reasonable regulations as the Paying Agent may prescribe and paying such expenses as the Paying Agent may incur, the Paying Agent shall, at the expense of the Owner, execute and deliver a new Bond of like date, interest rate, maturity, Principal Amount and tenor in lieu of and in substitution for the Bond so destroyed, stolen or lost. Any new Bonds issued pursuant to this

Section in substitution for Bonds alleged to be destroyed, stolen or lost shall constitute original additional contractual obligations on the part of the District, whether or not the Bonds so alleged to be destroyed, stolen or lost are at any time enforceable by anyone, and shall be equally secured by and entitled to equal and proportionate benefits with all other Bonds issued under this Resolution in any moneys or securities held by the Paying Agent for the benefit of the Owners of the Bonds.

SECTION 16. Bond Register. The Paying Agent shall keep or cause to be kept at its office sufficient books for the registration and registration of transfer of the Bonds. Upon presentation for registration of transfer, the Paying Agent shall, as above provided and under such reasonable regulations as it may prescribe subject to the provisions hereof, register or register the transfer of the Bonds, or cause the same to be registered or cause the registration of the same to be transferred, on such books. While the Bonds are held in the book-entry system, the Paying Agent is not required to keep a separate Bond Register.

SECTION 17. Unclaimed Money. All money which the Paying Agent shall have received from any source and set aside for the purpose of paying or redeeming any of the Bonds shall be held in trust for the respective Owners of such Bonds, but any money which shall be so set aside or deposited by the Paying Agent and which shall remain unclaimed by the Owners of such Bonds for a period of one year after the date on which any payment or redemption price with respect to such Bonds shall have become due and payable shall be transferred to the general fund of the District (the "**General Fund**"); *provided, however*, that the Paying Agent, before making such payment, shall cause notice to be mailed to the Owners of such Bonds, by first-class mail, postage prepaid, not less than 90 days prior to the date of such payment to the effect that said money has not been claimed and that after a date named therein any unclaimed balance of said money then remaining will be transferred to the General Fund. Thereafter, the Owners of such Bonds shall look only to the General Fund for payment of such Bonds.

SECTION 18. Application of Proceeds.

(a) Upon the sale of the Bonds and at the further written instruction of an Authorized Officer, the Treasurer is hereby directed to deposit the designated net proceeds thereof, exclusive of accrued interest and any original issue premium, into the Building Fund and the subaccounts established therein, if any. The District shall, from time to time, disburse or cause to be disbursed amounts from the Building Fund to pay the Project Costs. Amounts in the Building Fund shall be invested so as to be available for the aforementioned disbursements. The District shall keep a written record of disbursements from the Building Fund, as required by State law and the Code. Any amounts that remain in a Building Fund following the completion of the Project shall be transferred to the Debt Service Fund to be used to pay the principal of, and premium, if any, and interest on the G.O. Bonds, subject to any conditions set forth in the Tax Certificate and Section 10 of this Resolution; *provided, however*, that proceeds of the Tax-Exempt Bonds transferred to a Debt Service Fund pursuant to this section shall only be used to pay debt service on the Tax-Exempt Bonds.

(b) Accrued interest, if any, and except as shall otherwise be directed by the District in accordance with applicable law, any original issue premium received by the District from the sale of the Bonds, shall be kept separate and apart in separate funds hereby created and

established within the interest and sinking fund of the District to be designated as the “Chino Valley Unified School District, Election of 2016, Series 2017A Debt Service Fund” (collectively with the interest and sinking fund of the District, the “**Debt Service Fund**”). Amounts in the Debt Service Fund may be used only for payment of principal of, premium, if any, and interest on the G.O. Bonds; provided, however, that original sales proceeds of the Tax-Exempt Bonds (and money from the investment thereof) shall only be used to pay debt service on the Tax-Exempt Bonds. Any excess proceeds of the Bonds not needed for the authorized purposes set forth herein for which the Bonds are being issued shall be transferred to the Debt Service Fund and applied to the payment of the principal of and interest on the G.O. Bonds; provided, however, that proceeds of the Tax-Exempt Bonds transferred to a Debt Service Fund pursuant to this section shall only be used to pay debt service on the Tax-Exempt Bonds. The Treasurer is directed to create any accounts and subaccounts in the Debt Service Fund as provided in the Tax Certificate and Section 10 of this Resolution. Proceeds of the G.O. Bonds (and earnings from the investment thereof) deposited to the Debt Service Fund and available to pay Debt Service, and earnings from the investment of monies held in the Debt Service Fund, shall be used for the payment of the Principal of and interest on the Bonds before any other Pledged Moneys.

(c) All Pledged Taxes (defined below) shall be deposited upon collection by the County into the Debt Service Fund for the G.O. Bonds and used for the payment of the principal of, premium, if any, and interest on the G.O. Bonds.

(d) On or before the Business Day immediately preceding each Interest Payment Date, the District shall transfer, or cause to be transferred, from the Debt Service Fund to the Paying Agent, an amount, in immediately available funds, sufficient to pay all the Principal of, premium, if any, and interest on the Bonds coming due (collectively, “**Debt Service**”) on such payment date. Debt Service on the Bonds shall be paid by the Paying Agent in the manner provided by law for the payment of Debt Service.

(e) The District shall cause moneys to be transferred to the Rebate Fund to the extent needed to comply with the Tax Certificate and Section 10 of this Resolution. Any amounts on deposit in the Debt Service Fund when there are no longer any Bonds Outstanding shall be transferred to the General Fund of the District, subject to any conditions set forth in the Tax Certificate and Section 10 of this Resolution.

(f) Certain proceeds of the Bonds may be applied to pay Costs of Issuance as provided in Section 21 below.

(g) Except as required to satisfy the requirements of Section 148(f) of the Code or to comply with the provisions of any Tax Certificate and Section 10 of this Resolution, earnings from the investment of monies held in the Debt Service Fund shall be retained in the Debt Service Fund and used to pay the Principal of and interest on the Bonds when due.

SECTION 19. Payment of and Security for the Bonds.

(a) There shall be levied by the County on all the taxable property in the District, in addition to all other taxes, a continuing direct *ad valorem* property tax annually during the period the Bonds are Outstanding in an amount sufficient, together with moneys on deposit in the Debt

Service Fund and available for such purpose, to pay the principal of, premium, if any, and interest on the Bonds as it becomes due and payable, which taxes (the “**Pledged Taxes**”), when collected by the County, shall be placed in the Debt Service Fund of the District.

(b) The District hereby irrevocably pledges and grants a security interest in and lien on all of the Pledged Taxes, all revenues from the property taxes collected from the levy by the County Board of Supervisors for the payment of the G.O. Bonds, all penalties and interest at any time collected in respect to the Pledged Taxes, and all proceeds derived from any of the foregoing, including all monies, securities or other funds held in or required hereby to be deposited into the Debt Service Fund from time to time (collectively, the “**Pledged Moneys**”), to the payment of the principal of and interest on the G.O. Bonds. This pledge and grant of a security interest and lien shall be valid and binding from the date hereof for the benefit of the registered owners of the G.O. Bonds and successors thereto. The Pledged Moneys shall immediately be subject to the pledge, security interest and lien created hereby, which shall immediately attach to the Pledged Moneys as the District acquires any interest therein, and shall be effective, binding, and enforceable against the District, its successors, creditors and all others irrespective of whether those parties have notice of the pledge, security interest or lien, and without the need of any physical delivery, recordation, filing, or further act. The tax levy may include an allowance for a reasonably required reserve in accordance with the Tax Certificate, established for the purpose of ensuring that the tax or assessment actually collected is sufficient to pay the annual debt service requirements on the G.O. Bonds due in such year. The District covenants to cause the County to take all actions necessary to levy such *ad valorem* property tax in accordance with this Section, Section 15140 *et seq.* of the California Education Code and Section 53506 *et seq.* of the California Government Code. “G.O. Bonds” for purpose of this pledge contained herein means all general obligation bonds of the District heretofore or hereafter issued pursuant to voter approved measures of the District, including Measure G and Measure M, as all such general obligation bonds are required by State law to be paid from the Debt Service Fund.

(c) This pledge and grant of a consensual lien and security interest is an agreement between the District and the registered owners of the G.O. Bonds to provide security for the G.O. Bonds in addition to any statutory lien that may exist, and the G.O. Bonds and each of the other bonds secured by such pledge and grant of a lien and security interest are, will be, or were issued to finance one or more of the projects specified in the applicable voter-approved measure.

SECTION 20. Establishment and Application of Rebate Fund. There is hereby established in trust a special fund designated “Chino Valley Unified School District General Obligation Bonds 2017 Rebate Fund” (the “**Rebate Fund**”) which shall be held by the Treasurer for the account of the District and which shall be kept separate and apart from all other funds and accounts held hereunder. The District shall transfer, or cause to be transferred, moneys to the Rebate Fund in accordance with the provisions of the Tax Certificate and Section 10 of this Resolution. Amounts on deposit in the Rebate Fund shall only be applied to payments made to the United States or otherwise transferred to other accounts or funds established hereunder in accordance with the Tax Certificate and Section 10(h) of this Resolution.

SECTION 21. Payment of Costs of Issuance. Proceeds of the sale of the Bonds necessary to pay certain costs of issuing the Bonds shall be deposited in the fund of the District

known as the “Chino Valley Unified School District 2017 General Obligation Bonds Costs of Issuance Fund” (the “**Costs of Issuance Fund**”), and those proceeds shall be used solely for the purpose of paying Costs of Issuance of the Bonds; provided, however, that proceeds of the Tax-Exempt Bonds deposited to the Cost of Issuance Fund shall not be used to pay Costs of Issuance of the Taxable Bonds. The Costs of Issuance Fund may be held and administered by the Paying Agent. Any amounts remaining in the Costs of Issuance Fund following the earlier of the day which is 180 days following the Date of Delivery or the day on which the Paying Agent pays the final invoice for Costs of Issuance, as directed by the District, shall be transferred by the Paying Agent to the Debt Service Fund and to be used to pay the Principal of, and premium, if any, and interest on the Bonds; provided, however, that proceeds of the Tax-Exempt Bonds transferred to a Debt Service Fund shall only be used to pay debt service on the Tax-Exempt Bonds. Underwriter’s discount and other Costs of Issuance may be retained from original issue premium obtained upon sale, pursuant to the terms of the Contract of Purchase.

SECTION 22. Negotiated Sale/Method of Sale. The Bonds shall be sold by negotiated sale to the Underwriter inasmuch as: (i) such a sale will allow the District to (A) integrate the sale of the Bonds with its other outstanding general obligation bonds and other public financings undertaken, or to be undertaken, by the District in order to fund its public education facilities and (B) manage its tax levy restrictions under the provisions of Proposition 39, codified at Section 15270(a) of the Education Code; (ii) such a sale will allow the District to utilize the services of consultants who are familiar with the financial needs, status and plans of the District; and (iii) such a sale will allow the District to control the timing of the sale of the Bonds to the municipal bond market and, potentially, take advantage of interest rate opportunities for the favorable sale of the Bonds to such market and resulting in lower tax levies against the taxpayers of the District.

SECTION 23. Engagement of Consultants; Parameters of Sale. In accordance with Section 15146(b)(1)(C) of the California Education Code, Keygent LLC, has been selected as the Structuring/Pricing Consultant to the District, Norton Rose Fulbright US LLP has been selected as the District’s Bond Counsel and Disclosure Counsel and Stifel, Nicolaus & Company, Incorporated has been selected to act as the Underwriter with respect to the authorization, sale and issuance of the Bonds. The estimated Costs of Issuance associated with the sale of the Bonds are approximately 0.35% of the estimated principal amount of the Bonds, which include Bond Counsel and Disclosure Counsel fees, costs of printing the Preliminary Official Statement and Official Statement, rating agency fees, Structuring/Pricing Consultant fees and expenses, Paying Agent fees and other related costs. In addition, the estimated Underwriter’s discount, which is not included in the above percentage, shall not exceed 0.50% of the estimated principal amount of the Bonds. An estimate of the itemized fees and expenses is on file with the Superintendent.

SECTION 24. Establishment of Additional Funds and Accounts. If at any time it is deemed necessary or desirable by the District, the Treasurer, the County Office of Education, or the Paying Agent, the District may establish additional funds under this Resolution and/or accounts within any of the funds or accounts established hereunder.

SECTION 25. Request for Necessary County Actions. The Board of Supervisors, the Auditor-Controller, the Treasurer and other officials of the County, are hereby requested to take

and authorize such actions as may be necessary pursuant to law to provide for the levy and collection of a property tax on all taxable property of the District sufficient to provide for payment of all principal of, redemption premium, if any, and interest on the Bonds as the same shall become due and payable as necessary for the payment of the Bonds, and the Secretary of the Governing Board is hereby authorized and directed to deliver certified copies of this Resolution to the Registrar-Recorder/County Clerk of the Board of Supervisors of the County, the Auditor-Controller of the County, and the Treasurer. The Governing Board hereby agrees to reimburse the County for any costs associated with the levy and collection of said tax, upon such documentation of said costs as the District shall reasonably request.

SECTION 26. Redemption. The Bonds shall be subject to redemption as provided in the Contract of Purchase.

SECTION 27. Selection of Bonds for Redemption.

(a) Whenever provision is made in this Resolution or in the Contract of Purchase for the redemption of the Bonds and less than all Outstanding Bonds are to be redeemed, the Paying Agent, upon written instruction from the District given as provided herein, shall select Bonds for redemption in the manner directed by the District.

(b) With respect to any Bonds, the Paying Agent shall select such Bonds for redemption as directed by the District, or, in the absence of such direction, in inverse order of maturity and within a maturity, by lot. Within a maturity, the Paying Agent will select Bonds for redemption by lot. Redemption by lot shall be in such manner as the Paying Agent shall determine; *provided, however*, that the portion of any Bond to be redeemed in part shall be in the Principal Amount of \$5,000 or any integral multiple thereof.

(c) In the event that a Term Bond is optionally redeemed, the Principal amount of each remaining sinking fund payment with respect to such Term Bond will be reduced as directed by the District in the aggregate amount equal to the amount so redeemed.

SECTION 28. Notice of Redemption. When redemption is authorized or required pursuant to this Resolution or the Contract of Purchase, the Paying Agent, upon written instruction from the District, shall give notice (each, a “**Redemption Notice**”) of the redemption of the Bonds. Such Redemption Notice shall specify: (a) the Bonds or designated portions thereof (in the case of redemption of the Bonds in part but not in whole) which are to be redeemed, (b) the date of redemption, (c) the place or places where the redemption will be made, including the name and address of the Paying Agent, (d) the redemption price, (e) the CUSIP numbers (if any) assigned to the Bonds to be redeemed, (f) the bond numbers of the Bonds to be redeemed in whole or in part and, in the case of any Bond to be redeemed in part only, the Principal Amount of such Bond to be redeemed, and (g) the original issue date, interest rate and stated maturity date of each Bond to be redeemed in whole or in part. Such Redemption Notice shall further state (i) that on the specified date there shall become due and payable upon each Bond or portion thereof being redeemed the redemption price, together with the interest accrued to the redemption date, and (ii) that from and after such date, interest with respect thereto shall cease to accrue and be payable.

The Paying Agent shall take the following actions with respect to such Redemption Notice:

(a) At least 20 but not more than 45 days prior to the redemption date, such Redemption Notice shall be given to the respective Owners of Bonds designated for redemption by first-class mail, postage prepaid, at their addresses appearing on the Bond Register and to the MSRB.

(b) In the event that the Bonds shall no longer be held in book-entry-only form, at least 35 but not more than 45 days before the redemption date, such Redemption Notice shall be given by (i) first-class mail, postage prepaid, (ii) telephonically confirmed facsimile transmission, or (iii) overnight delivery service, to each of the Securities Depositories and the MSRB.

(c) Such redemption notice shall be given to such other persons as may be required by the Continuing Disclosure Undertaking.

Neither failure to receive any Redemption Notice nor any defect in any such Redemption Notice so given shall affect the sufficiency of the proceedings for the redemption of the affected Bonds. Each check issued or other transfer of funds made by the Paying Agent for the purpose of redeeming Bonds shall bear the CUSIP number identifying, by issue and maturity, the Bonds being redeemed with the proceeds of such check or other transfer.

A Redemption Notice given hereunder may be conditioned upon the satisfaction of certain conditions and/or the receipt of sufficient moneys to pay the redemption price of the designated Bonds and may be rescinded by the District at any time prior to the scheduled date of redemption by so notifying the Paying Agent (who shall provide notice to the Owners of affected Bonds and the Information Services) in the event such conditions are not met and are not expected to be met and/or such funds are not received or are not expected to be received. A Redemption Notice may be rescinded by written notice given to the Paying Agent by the District and the Paying Agent shall provide notice of such rescission as soon thereafter as practicable in the same manner, and to the same recipients, as notice of such redemption was given, but in no event later than the date set for redemption.

SECTION 29. Partial Redemption of Bonds. Upon the surrender of any Bond redeemed in part only, the Paying Agent shall execute and deliver to the Owner thereof a new Bond or Bonds of like tenor and maturity and of authorized denominations equal in Principal Amounts to the unredeemed portion of the Bond surrendered. Such partial redemption shall be valid upon payment of the amount required to be paid to such Owner, and the District shall be released and discharged thereupon from all liability to the extent of such payment.

SECTION 30. Effect of Notice of Redemption. Notice having been given as aforesaid, and the moneys for the redemption (including the interest to the applicable date of redemption) having been set aside in the Debt Service Fund or deposited with a duly appointed escrow agent, in trust, the Bonds to be redeemed shall become due and payable on such date of redemption.

If on such redemption date, money for the redemption of all the Bonds to be redeemed as provided in this Resolution and the Contract of Purchase, together with interest to such redemption date, shall be held by the Paying Agent or deposited with a duly appointed escrow agent, in trust, so as to be available therefor on such redemption date, and any conditions to such redemption described in the Redemption Notice shall be met, and if notice of redemption thereof shall have been given as aforesaid, then from and after such redemption date, interest on the Bonds to be redeemed shall cease to accrue and become payable. All money held by or on behalf of the Paying Agent for the redemption of Bonds shall be held in trust for the account of the Owners of the Bonds so to be redeemed.

All Bonds paid at maturity or redeemed prior to maturity pursuant to the provisions of this Resolution and the Contract of Purchase shall be cancelled upon surrender thereof and delivered to or upon the order of the District. All or any portion of a Bond purchased by the District shall be cancelled by the Paying Agent upon written notice by the District given to the Paying Agent.

SECTION 31. Paying Agent; Appointment and Acceptance of Duties.

(a) The Treasurer of the County is hereby appointed as the initial authenticating agent, bond registrar, transfer agent and paying agent, and may act through its designated agent, The Bank of New York Mellon Trust Company, N.A. (collectively, the “**Paying Agent**”). All fees and expenses incurred for services of the Paying Agent shall be the responsibility of the District and may be paid from the annual *ad valorem* property tax levy supporting the Bonds. The Paying Agent shall keep accurate records of all funds administered by it and all of the Bonds paid and discharged by it.

(b) Unless otherwise provided, the office of the Paying Agent designated by the Paying Agent shall be the place for the payment of principal of, premium, if any, and interest on the Bonds.

SECTION 32. Liability of Paying Agent. The Paying Agent makes no representations as to the validity or sufficiency of this Resolution or of any Bonds issued hereunder or as to the security afforded by this Resolution, and the Paying Agent shall incur no liability in respect hereof or thereof.

SECTION 33. Evidence on Which Paying Agent May Act. The Paying Agent, upon receipt of any notice, resolution, request, consent, order, certificate, report, opinion, bond, or other paper or document furnished to it pursuant to any provision of this Resolution, shall examine such instrument to determine whether it conforms to the requirements of this Resolution and shall be protected in acting upon any such instrument believed by it to be genuine and to have been signed or presented by the proper party or parties. The Paying Agent may consult with counsel, who may or may not be counsel to the District, and the opinion of such counsel shall be full and complete authorization and protection in respect of any action taken or suffered by it under this Resolution in good faith and in accordance therewith.

SECTION 34. Compensation. The District shall pay to the Paying Agent from time to time reasonable compensation for all services rendered under this Resolution, and also all

reasonable expenses, charges, counsel fees and other disbursements, including those of its attorneys, agents, and employees, incurred in and about the performance of their powers and duties under this Resolution, all of which may, pursuant to Education Code Section 15232, be paid from the County's annual levy of *ad valorem* property taxes.

SECTION 35. Ownership of Bonds Permitted. The Paying Agent or the Underwriter may become the Owner of any Bonds.

SECTION 36. Resignation or Removal of Paying Agent and Appointment of Successor.

(a) The initially appointed Paying Agent may resign from service as Paying Agent at any time. Prior to such resignation, a new Paying Agent shall be appointed by the District in accordance with applicable law, which shall be the Treasurer or a bank or trust company doing business in and having a corporate trust office in Los Angeles or San Francisco, California, with at least \$75,000,000 in net assets. Such successor Paying Agent shall signify the acceptance of its duties and obligations hereunder by executing and delivering to the District a written acceptance thereof. Resignation of the initial or a successor Paying Agent shall be effective upon appointment and acceptance of a successor Paying Agent.

(b) Any Paying Agent appointed may resign from service as Paying Agent and may be removed at any time by the District as provided in the Paying Agent's service agreement. If at any time the Paying Agent shall resign or be removed, a new Paying Agent shall be appointed in accordance with applicable law, which shall be either the Treasurer or a bank or trust company doing business in and having a corporate trust office in Los Angeles or San Francisco, California, with at least \$75,000,000 in net assets. Such successor Paying Agent shall signify the acceptance of its duties and obligations hereunder by executing and delivering to the District, a written acceptance thereof. Resignation or removal of the Paying Agent shall be effective upon appointment and acceptance of a successor Paying Agent.

(c) In the event of the resignation or removal of the Paying Agent, such Paying Agent shall pay over, assign and deliver any moneys held by it as Paying Agent to its successor. The District shall promptly provide notice of the name and principal corporate trust office address of the Paying Agent appointed to replace any resigned or removed Paying Agent to the Owners of the Bonds by first-class mail, postage prepaid, at their addresses appearing on the Bond Register.

SECTION 37. Investment of Certain Funds. Moneys held in all funds and accounts established hereunder shall be invested and reinvested in Authorized Investments to the fullest extent practicable as shall be necessary to provide moneys when needed for payments to be made from such funds and accounts, subject to any conditions in the Tax Certificate and Section 10 of this Resolution. All investment earnings on amounts on deposit in the Debt Service Fund shall remain on deposit in such fund.

SECTION 38. Valuation and Sale of Investments. Obligations purchased as an investment of moneys in any fund or account shall be deemed at all times to be a part of such fund or account. Profits or losses attributable to any fund or account shall be credited or charged to such fund or account. In computing the amount in any fund or account created under the

provisions of this Resolution for any purpose provided in this Resolution, obligations purchased as an investment of moneys therein shall be valued at cost, plus, where applicable, accrued interest.

SECTION 39. Supplemental Resolutions with Consent of Owners. This Resolution, and the rights and obligations of the District and of the Owners of the Bonds issued hereunder, may be modified or amended at any time by a Supplemental Resolution adopted by the District with the written consent of Owners owning at least 60% in aggregate Principal Amount of the Outstanding Bonds, exclusive of Bonds, if any, owned by the District. Notwithstanding the foregoing, no such modification or amendment shall, without the express consent of the Owner of each Bond affected, reduce the Principal Amount of any Bond, reduce the interest rate payable thereon, advance the earliest redemption date thereof, extend its maturity or the times for paying interest thereon or change the monetary medium in which principal and interest is payable, nor shall any modification or amendment reduce the percentage of consents required for amendment or modification. No such Supplemental Resolution shall change or modify any of the rights or obligations of any Paying Agent without its written assent thereto. Notwithstanding anything herein to the contrary, no such consent shall be required if the Owners are not directly and adversely affected by such amendment or modification.

SECTION 40. Supplemental Resolutions Effective Without Consent of Owners. For any one or more of the following purposes and at any time or from time to time, a Supplemental Resolution of the District may be adopted, which, without the requirement of consent of the Owners, shall be fully effective in accordance with its terms:

(a) To add to the covenants and agreements of the District in this Resolution, other covenants and agreements to be observed by the District which are not contrary to or inconsistent with this Resolution as theretofore in effect;

(b) To add to the limitations and restrictions in this Resolution, other limitations and restrictions to be observed by the District which are not contrary to or inconsistent with this Resolution as theretofore in effect;

(c) To confirm as further assurance, any pledge, lien or security interest under, and the subjection to any lien, security interest or pledge created or to be created by this Resolution, of any moneys, securities or funds, or to establish any additional funds, or accounts to be held under this Resolution;

(d) To cure any ambiguity, supply any omission, or cure to correct any defect or inconsistent provision in this Resolution; or

(e) To amend or supplement this Resolution in any other respect, *provided* such Supplemental Resolution does not, in the opinion of Bond Counsel, adversely affect the interests of the Owners.

SECTION 41. Effect of Supplemental Resolution. Any act done pursuant to a modification or amendment so consented to shall be binding upon the Owners of all the Bonds and shall not be deemed an infringement of any of the provisions of this Resolution, whatever the character of such act may be, and may be done and performed as fully and freely as if

expressly permitted by the terms of this Resolution, and after consent relating to such specified matters has been given, no Owner shall have any right or interest to object to such action or in any manner to question the propriety thereof or to enjoin or restrain the District or any officer or agent thereof from taking any action pursuant thereto.

SECTION 42. Defeasance. If any or all Outstanding Bonds shall be paid and discharged in any one or more of the following ways:

(a) by paying or causing to be paid the principal of, premium, if any, and interest on such Bonds, and when the same become due and payable;

(b) by depositing with the Paying Agent or with a duly appointed escrow agent, in trust, at or before maturity, cash which together with the amounts then on deposit in the Debt Service Fund (and the accounts therein other than amounts that are not available to pay Debt Service) together with the interest to accrue thereon without the need for further investment, is fully sufficient to pay such Bonds at maturity thereof, including any premium and all interest thereon, notwithstanding that any Bonds shall not have been surrendered for payment; or

(c) by depositing with an institution that meets the requirements of serving as successor Paying Agent pursuant to Section 36 selected by the District, in trust, lawful money or noncallable direct obligations issued by the United States Treasury (including State and Local Government Series) or obligations which are unconditionally guaranteed by the United States of America and permitted under Section 149(b) of the Code and Regulations which, in the opinion of nationally recognized bond counsel, will not impair the exclusion from gross income for federal income tax purposes of interest on the Bonds, in such amount as will, together with the interest to accrue thereon without the need for further investment, be fully sufficient to pay and discharge such Bonds at maturity or earlier redemption thereof, for which notice has been given or provided for, including any premium and all interest thereon, notwithstanding that any Bonds shall not have been surrendered for payment;

then all obligations of the District and the Paying Agent under this Resolution with respect to such Bonds shall cease and terminate, except only the obligation of the Paying Agent to pay or cause to be paid to the Owners of such Bonds all sums due thereon, the obligation of the District to pay to the Paying Agent amounts owing to the Paying Agent under Section 34 hereof, and the covenants set forth in Section 10 hereof.

SECTION 43. Approval of Actions; Miscellaneous.

(a) The Authorized Officers of the District are each hereby authorized and directed, jointly and severally, to do any and all things and to execute and deliver any and all certificates, statements, disclosures, notices, contracts, or other documents which they may deem necessary or advisable in order to proceed with the sale and issuance of the Bonds or otherwise carry out, give effect to and comply with the terms and intent of this Resolution. Such actions heretofore taken by such officers, officials and staff are hereby ratified, confirmed and approved.

(b) The County, the Board of Supervisors, officers, agents, and employees shall not be responsible for any proceedings or the preparation or contents of any resolutions, certificates,

statements, disclosures, notices, contracts, or other documents relating to the sale and issuance of the Bonds.

(c) The Principal or redemption price, if any, of and interest on the Bonds shall not constitute a debt or an obligation of the County, the Board of Supervisors, officers, agents, or employees, and the County, the Board of Supervisors, officers, agents, and employees thereof shall not be liable thereon. In no event shall the Principal or redemption price, if any, of and interest on any Bond be payable out of any funds or property of the County.

(d) The Secretary shall send a certified copy of this Resolution, together with the final debt service schedule for the Bonds, to the Treasurer.

SECTION 44. Conflicts. If there is any inconsistency or conflict between any provision of this Resolution and any provision of the Contract of Purchase, the Contract of Purchase prevails to the extent of the inconsistency or conflict. If there is any inconsistency or conflict between any provision of this Resolution and any provision of the Tax Certificate, the Tax Certificate prevails to the extent of the inconsistency or conflict.

SECTION 45. Effective Date. This Resolution shall take effect immediately upon its adoption.

PASSED AND ADOPTED this 16th day of March 2017 by the Board of Education of Chino Valley Unified School District, at Chino, California, by the following vote:

AYES: _____

NOES: _____

ABSTAIN: _____

ABSENT: _____

**CHINO VALLEY UNIFIED SCHOOL
DISTRICT**

By: _____

Sylvia Orozco
President, Board of Education

Attest:

By: _____

Wayne M. Joseph
Secretary, Board of Education

EXHIBIT A

FORM OF BOND

UNLESS THIS BOND IS PRESENTED BY AN AUTHORIZED REPRESENTATIVE OF THE DEPOSITORY (AS DEFINED IN THE RESOLUTION) TO THE BOND REGISTRAR FOR REGISTRATION OF TRANSFER, EXCHANGE, OR PAYMENT, AND ANY BOND ISSUED IS REGISTERED IN THE NAME OF CEDE & CO. OR IN SUCH OTHER NAME AS IS REQUESTED BY AN AUTHORIZED REPRESENTATIVE OF THE DEPOSITORY (AND ANY PAYMENT IS MADE TO CEDE & CO. OR TO SUCH OTHER ENTITY AS IS REQUESTED BY AN AUTHORIZED REPRESENTATIVE OF THE DEPOSITORY), ANY TRANSFER, PLEDGE, OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL INASMUCH AS THE REGISTERED OWNER HEREOF, CEDE & CO., HAS AN INTEREST HEREIN.

UNITED STATES OF AMERICA

STATE OF CALIFORNIA

**CHINO VALLEY UNIFIED SCHOOL DISTRICT
(SAN BERNARDINO COUNTY, CALIFORNIA)
GENERAL OBLIGATION BONDS
ELECTION OF 2016, SERIES 2017A**

\$ _____

No. _____

Interest Rate

Maturity Date

Dated Date

CUSIP

____%

August 1, 20__

Date of Delivery

REGISTERED OWNER: CEDE & Co.

PRINCIPAL AMOUNT:

The Chino Valley Unified School District (the "District"), a unified school district duly organized and existing under the laws of the State of California, located within the County of San Bernardino (the "County"), State of California (the "State"), for value received, hereby acknowledges itself indebted and promises to pay to the Registered Owner named above, or registered assigns, the Principal Amount set forth above, on the Maturity Date set forth above, together with interest thereon from the Dated Date set forth above until the Principal Amount hereof shall have been paid or provided for, in accordance with the Resolution hereinafter referred to, at the Interest Rate set forth above. Interest on this Bond is payable on [August 1, 2017], and semiannually thereafter on the first day of February and August (each, an "Interest Payment Date") in each year to the registered owner hereof (the "Owner") from the Interest Payment Date next preceding the date on which this Bond is registered (unless it is registered after the close of business on the fifteenth calendar day of the month next preceding any Interest Payment Date (a "Record Date") and before the close of business on the immediately following Interest Payment Date, in which event it shall bear interest from such following Interest Payment Date, or unless this Bond is registered prior to the close of business on [July 15, 2017], in which event it shall bear interest from its date; *provided, however*, that if at the time of registration of

this Bond interest with respect hereto is in default, interest with respect hereto shall be payable from the Interest Payment Date to which interest has previously been paid or made available for payment. The principal amount hereof is payable at the office of The Bank of New York Mellon Trust Company, N.A., as agent of the Treasurer and Tax Collector of the County, as initial paying agent (the "Paying Agent"), in Los Angeles, California. The interest hereon is payable by check or draft mailed by first class mail to each Owner, at his address as it appears on the registration books kept by the Paying Agent as of the Record Date, or by wire transfer to any Owner of \$1,000,000 aggregate principal amount of such Bonds, to the account specified by such Owner in a written request delivered to the Paying Agent on or prior to the Record Date for such Interest Payment Date; *provided, however*, that payments of defaulted interest shall be payable to the person in whose name such Bond is registered at the close of business on a special record date fixed therefor by the Paying Agent, which shall not be more than fifteen days and not less than ten days prior to the date of the proposed payment of defaulted interest.

The Bonds of this issue are comprised of \$_____ principal amount of Bonds. This Bond is issued by the District under and in accordance with the provisions of (i) Article 4.5 of Chapter 3 of Part 1 of Division 2 of Title 5 of the Government Code of the State; (ii) applicable provisions of the Education Code of the State; and (iii) Article XIII A of the California Constitution (collectively, the "Act"), and pursuant to a resolution of the Board of Education of the District adopted on March 16, 2017 (the "Resolution"). Reference is hereby made to the Resolution, a copy of which is on file at the District, for a description of the terms on which the Bonds are delivered, and the rights thereunder of the Owners of the Bonds and the rights and duties of the Paying Agent and the District, to all of the provisions of which the Owner of this Bond, by acceptance hereof, assents and agrees. All capitalized terms used but not otherwise defined herein shall have the respective meanings set forth in the Resolution. The Bonds were authorized by a vote of more than 55% of the qualified electors of the District voting on the proposition at a general election held therein on November 8, 2016, to determine whether such Bonds should be issued.

Reference is made to the Resolution for a more complete description of the provisions, among others, with respect to the nature and extent of the security for the Bonds of this series, the rights, duties and obligations of the District, the County, the Paying Agent and the Owners, and the terms and conditions upon which the Bonds are issued and secured. The Owner of this Bond assents, by acceptance hereof, to all of the provisions of the Resolution.

This Bond is a general obligation of the District, payable as to both principal and interest from *ad valorem* property taxes which, under the laws now in force, may be levied without limitation as to rate or amount upon all of the taxable property in the District. Neither the payment of the principal of this Bond, or any part thereof, nor any interest or premium hereon constitute a debt, liability or obligation of the County.

The Bonds maturing on or before August 1, 20__ shall not be subject to redemption prior to their maturity dates. The Bonds maturing on or after August 1, 20__ may be redeemed before maturity at the option of the District, from any source of funds, on August 1, 20__ or on any date thereafter as a whole, or in part. For the purposes of such selection, Bonds will be deemed to consist of \$5,000 portions by principal amount, and any such portion may be separately redeemed.

Bonds maturing on August 1, 20__, are subject to mandatory sinking fund redemption on August 1 of each year, commencing August 1, 20__, in the following principal amounts, at a redemption price of par, plus accrued interest to the redemption date:

<u>Mandatory Sinking Fund Payment Date</u>	<u>Mandatory Sinking Fund Payment</u>
August 1, 20__	\$
August 1, 20__	
August 1, 20__	
August 1, 20__	

Whenever provision is made for the redemption of Bonds and less than all outstanding Bonds are to be redeemed, the Paying Agent, upon written instruction from the District, shall select Bonds for redemption in such order as the District may direct. Within a maturity, the Paying Agent shall select Bonds for redemption as directed by the District, or, in the absence of such direction, in inverse order of maturity and within a maturity, by lot. The portion of any Bond to be redeemed in part shall be in the principal amount of \$5,000 or any integral multiple thereof.

This Bond is issued in fully registered form. Registration of this Bond is transferable by the Owner hereof, in person or by his attorney duly authorized in writing, at the aforesaid offices of the Paying Agent, but only in the manner, subject to the limitations, and upon payment of the charges, provided in the Resolution and upon surrender and cancellation of this Bond. Upon such registration of transfer, a new Bond or Bonds of like tenor and maturity in the same Transfer Amount and in authorized denominations will be issued to the transferee in exchange herefor. The District and the Paying Agent may treat the Owner hereof as the absolute owner hereof for all purposes, whether or not this Bond shall be overdue, and shall not be affected by any notice to the contrary.

The Paying Agent shall not be required to register the transfer or exchange of any Bond (i) during the period beginning at the close of business on any Record Date through the close of business on the immediately following Interest Payment Date, or (ii) that has been called or is subject to being called for redemption, during a period beginning at the opening of business 15 days before any selection of Bonds to be redeemed through the close of business on the applicable redemption date, except for the unredeemed portion of any Bond to be redeemed only in part.

The rights and obligations of the District and of the owners of the Bonds may be modified or amended at any time by a supplemental resolution adopted by the District with the written consent of owners of at least 60% in aggregate Principal Amount of the Outstanding Bonds, exclusive of Bonds, if any, owned by the District; *provided, however*, that no such modification or amendment shall, without the express consent of the Owner of each Bond affected, reduce the Principal Amount of any Bond, reduce the interest rate payable thereon, advance the earliest redemption date thereof, extend its maturity or the times for paying interest thereon or change the monetary medium in which the principal and interest is payable, nor shall

any modification or amendment reduce the percentage of consents required for amendment or modification hereof.

A supplemental resolution of the District may be adopted, which, without the requirement of consent of the registered owners, shall be fully effective in accordance with its terms: (1) to add to the covenants and agreements of the District in the Resolution, other covenants and agreements to be observed by the District which are not contrary to or inconsistent with the Resolution as theretofore in effect; (2) to add to the limitations and restrictions in the Resolution, other limitations and restrictions to be observed by the District which are not contrary to or inconsistent with the Resolution as theretofore in effect; (3) to confirm as further assurance, any pledge under, and the subjection to any lien or pledge created or to be created by the Resolution, of any moneys, securities or funds, or to establish any additional funds or accounts to be held under the Resolution; (4) to cure any ambiguity, supply any omission, or cure or correct any defect or inconsistent provision in the Resolution; or (5) to amend or supplement the Resolution in any other respect, *provided* such supplemental resolution does not, in the opinion of nationally recognized bond counsel, adversely affect the interests of the owners.

If this Bond is called for redemption and the principal amount of this Bond plus premium, if any, and accrued interest due with respect hereto are duly provided therefor as specified in the Resolution, then interest shall cease to accrue with respect hereto from and after the date fixed for redemption.

This Bond shall not become valid or obligatory for any purpose until the Certificate of Authentication hereon endorsed shall have been dated and executed manually by the Paying Agent.

IT IS HEREBY CERTIFIED, RECITED AND DECLARED, that an election was duly and legally called, held and conducted, and the notices thereof duly given, and the results thereof canvassed and declared in accordance with the provisions of the Act and that all of the proceedings of the Board of Education of the District in the matter of the issuance of this Bond were regular and in strict accordance with the provisions of the Act, including the Constitution of the State, that the total bonded indebtedness of the District, including the issue of which this Bond is a part, does not exceed any limit prescribed by said Act, and that due provision has been made for levying and collecting *ad valorem* property taxes on all of the taxable property within the District in an amount sufficient to pay principal and interest when due.

IN WITNESS WHEREOF, the Chino Valley Unified School District has caused this Bond to be executed in their official capacities by the manual or facsimile signature of the President of the Board of Education of the District and countersigned by the manual or facsimile signature of the Clerk to the Board of Education of the District as of the date stated above.

CHINO VALLEY UNIFIED SCHOOL DISTRICT

By: _____
Sylvia Orozco
President of the Board of Education

Countersigned:

By: _____
James Na
Clerk of the Board of Education

The following Certificate of Authentication shall be printed on each Bond:

CERTIFICATE OF AUTHENTICATION

This is one of the Bonds described in the within-mentioned Resolution of the Board of Education of the Chino Valley Unified School District.

DATED: _____, 2017

**THE BANK OF NEW YORK MELLON
TRUST COMPANY, N.A., as Paying Agent**

By: _____
Authorized Officer

FORM OF ASSIGNMENT

FOR VALUE RECEIVED, the undersigned registered owner hereby sells, assigns and transfers unto

Name of Transferee: _____

Address for Payment of Interest: _____

Social Security Number or other Tax Identification No.:

the within-mentioned Bond and hereby irrevocably constitutes and appoints _____, attorney, to transfer the same on the books of the Paying Agent with full power of substitution in the premises.

Registered Owner

Dated: _____

NOTICE: The signature on this Assignment must correspond with the name as written on the face of the within Bond in every particular, without alteration or enlargement or any change whatsoever.

Signature _____
guaranteed

[Bank, Trust Company or Firm]

By: _____

Authorized Officer

NOTICE: Signature(s) must be guaranteed by a member firm of the New York Stock Exchange or a commercial bank or trust company.

EXHIBIT B

FORM OF 15C2-12 CERTIFICATE

With respect to the proposed sale of its General Obligation Bonds, Election of 2016, Series 2017A in an aggregate principal amount of not to exceed \$250,000,000, the Chino Valley Unified School District (the “**District**”) has delivered to you a Preliminary Official Statement, dated as of the date hereof (the “**Preliminary Official Statement**”). The District, for purposes of compliance with Rule 15c2-12 of the Securities Exchange Commission (“**Rule 15c2-12**”), deems the Preliminary Official Statement to be final as of its date, except for the omission of no more than the information permitted under Rule 15c2-12.

CHINO VALLEY UNIFIED SCHOOL DISTRICT

Dated: _____, 2017

By: _____
Authorized Officer

CHINO VALLEY UNIFIED SCHOOL DISTRICT

Our Motto:

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

DATE: March 16, 2017

TO: Members, Board of Education

FROM: Wayne M. Joseph, Superintendent

PREPARED BY: Lea Fellows, Assistant Superintendent, Human Resources
Suzanne Hernandez, Ed.D., Director, Human Resources
Richard Rideout, Director, Human Resources

SUBJECT: RESOLUTION 2016/2017-22 NOTICE OF LAYOFF OF CERTAIN CLASSIFIED STAFF PURSUANT TO EDUCATION CODE 45117 AND 45298

=====

BACKGROUND

The Title I funding for the Instructional Aide-Bilingual/Biliterate, Instructional Aide-Computer Assistant, and Instructional Aide-Elementary positions within Chino Valley Unified School District is expiring. It has been determined that it is necessary to discontinue certain classified services for the 2017/2018 school year due to a lack of funds. This requires the elimination of 2.32 full-time equivalent positions. Resolution 2016/2017-22 outlines the recommendation for discontinued services.

RECOMMENDATION

It is recommended the Board of Education adopt Resolution 2016/2017-22 Notice of Layoff of Certain Classified Staff pursuant to Education Code 45117 and 45298.

FISCAL IMPACT

\$64,551.00 annual savings to the restricted programs/other funds.

WMJ:LF:SH:RR:mcm

**Chino Valley Unified School District
Resolution 2016/2017-22
Notice of Layoff of Certain Classified Staff Pursuant to
Education Code 45117 and 45298**

WHEREAS, due to lack of funds or lack of work, the Board of Education of the Chino Valley Unified School District hereby finds that it is in the best interest of the District to eliminate existing classified positions to the following extent:

POSITIONS ELIMINATED

1. One	(1)	Instructional Aide-Bilingual/Biliterate-Spanish	.91	FTE
2. One	(1)	Instructional Aide-Computer Assistant	.56	FTE
3. One	(1)	Instructional Aide-Elementary	.85	FTE

NOW, THEREFORE, BE IT RESOLVED, by the Board as follows:

1. The classified positions specified herein above be eliminated by layoff pursuant to the District rules and regulations and applicable provisions of the California Education Code.
2. The said elimination by layoff become effective sixty (60) calendar days following service of notice of layoff on the affected employees, subject to any negotiations to the extent required by law.
3. Pursuant to Education Code 45117, the Superintendent or his designee is directed to give notices of layoff to the affected classified employees.
4. Pursuant to Education Code 45298, the affected classified employees laid off, pursuant to this resolution shall be eligible for reemployment.

APPROVED, PASSED, AND ADOPTED by the Board of Education of the Chino Valley Unified School District this 16th day of March 2017 by the following vote:

AYES: _____
NOES: _____
ABSTAIN: _____
ABSENT: _____

I, Wayne M. Joseph, Secretary of the Board of Education of the Chino Valley Unified School District, certify that the foregoing is a full, true, and correct copy of a resolution adopted by the Board at a regular meeting as stated.

Wayne M. Joseph, Superintendent
Secretary, Board of Education

CHINO VALLEY UNIFIED SCHOOL DISTRICT
REGULAR MEETING OF THE BOARD OF EDUCATION
February 16, 2017

MINUTES

I. OPENING BUSINESS

I.A. CALL TO ORDER – 4:10 P.M.

1. Roll Call

President Orozco called to order the regular meeting of the Board of Education, Thursday, February 16, 2017, at 4:10 p.m. with Blair, Cruz, Feix, Na, and Orozco present.

Administrative Personnel

Wayne M. Joseph, Superintendent
Norm Enfield, Ed.D., Deputy Superintendent
Sandra H. Chen, Assistant Superintendent, Business Services
Lea Fellows, Assistant Superintendent, Human Resources
Grace Park, Ed.D., Assistant Superintendent, CIIS
Gregory J. Stachura, Asst. Supt., Facilities, Planning, & Operations

2. Public Comment on Closed Session Items

None.

3. Closed Session

President Orozco adjourned to closed session at 4:10 p.m. regarding conference with legal counsel existing litigation; student discipline; conference with labor negotiators, A.C.T. and CSEA; public employee discipline/dismissal/release; and public employee appointment: K-8 assistant principal.

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

1. Report Closed Session Action

President Orozco reconvened the regular meeting of the Board of Education at 7:00 p.m. The Board met in closed session from 4:10 p.m. to 6:47 p.m. regarding conference with legal counsel existing litigation; student discipline; conference with labor negotiators, A.C.T. and CSEA; public employee discipline/dismissal/release; and public employee appointment: K-8 assistant principal.

By a unanimous vote of 5-0 (Blair, Cruz, Feix, Na, and Orozco voted yes), the Board adopted resolution 2016/2017-18 to terminate employment with employee #24364 pursuant to Education Code section 44836(a)(1) effective February 17, 2017. No further action was taken that required public disclosure.

2. Pledge of Allegiance

Mia Navares, Rhodes ES student, led the Pledge of Allegiance.

I.C. PRESENTATION

1. Rhodes ES

Rhodes Choir (grades 4 through 6) led by Professors Stephanie Daugherty and Amy Purdy gave a musical performance.

I.D. COMMENTS FROM STUDENT REPRESENTATIVE

Absent.

I.E. COMMENTS FROM EMPLOYEE REPRESENTATIVES

Denise Arroyo, CSEA President, expressed gratitude for the District bringing back the employee recognition banquet this year; spoke about piloting online registration for the 2017/2018 school year at 11 schools and expressed concerns about the program, but said the CSEA will collaborate with the District; addressed security concerns; announced Scholar Dollars Grant Program opportunities for K-8 schools; said CSEA is meeting with Grace Park to go over the LCAP; thanked Lea Fellows and the HR department for problem-solving; and extended a caution during the upcoming storm, and asked if we could reach out to local law enforcement if the weather is severe.

Todd Hancock, A.C.T. President, recognized Rhodes ES students for their performance; thanked and recognized Glenmeade ES teachers and staff during the power problems; recognized counselors; said the ChET conference was a fantastic success; said he is excited about the recognition dinner; said he participated in the Run for Russ 5K event; said A.C.T. also continues to recognize its retired teachers; and thanked Dr. Enfield and others for problem-solving.

I.F. COMMENTS FROM COMMUNITY LIAISONS

None.

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

Students Sal and Frankie Verduzco addressed the Board a regarding Walnut ES event.

I.H. CHANGES AND DELETIONS

The following changes were read into the record: Item III.D.2., Facilities, Planning, and Operations, Contractor/Consultant Services, under approved contracts to be amended, deleted contract SBC-11-510-A-5 M1 San Bernardino County Probation Department; Item III.B.2., Business Services, Fundraising Activities, was yellow-sheeted; Item III.C.1., CIIS, amended conditions to two semesters at CVLA on a full expulsion and enroll at Ayla HS after completion of rehabilitation plan.

II. ACTION

II.A. ADMINISTRATION

II.A.1. Public Hearing Regarding Sycamore Preparatory Academy Charter School Petition

President Orozco opened the public hearing regarding the Sycamore Preparatory Academy charter school petition at 7:23 p.m. Rich Hansberger, Roy Kim, Dan Leavitt, Matt Roberson, Laura Girard, Tess Brown, Brown Hale, Fatima Cristerna-Adame, Kyle Williams, Melissa Boehmer addressed the Board in support of the petition; Mary Hancock addressed the Board opposed to the petition; and Sharon Duran addressed the Board regarding her charter school concerns. President Orozco closed the public hearing at 7:51 p.m.

II.A.2. Resolution 2016/2017-21 Initiating Process of Establishing Trustee Areas and Elections by Trustee Areas

Moved (Na) seconded (Cruz) motion carried (4-1, Blair voted 'no') to adopt Resolution 2016/2017-21 Initiating Process of Establishing Trustee Areas and Elections by Trustee Areas.

II.B. HUMAN RESOURCES

II.B.1. Resolution 2016/2017-19 Release of Temporary Certificated Employees

Moved (Blair) seconded (Cruz) motion carried (4-1, Na voted 'no') to adopt Resolution 2016/2017-19 Release of Temporary Certificated Employees, and authorized the Superintendent or his designee to send Notice of Release to employees affected with an effective date of June 30, 2017.

III. CONSENT

Pamela Feix pulled for separate action Item III.D.2.; and President Orozco pulled for separate action Item III.C.1., case number 16/17-30. Moved (Blair) seconded (Na) carried unanimously (5-0) to approve the consent items, as amended.

III.A. ADMINISTRATION

III.A.1. Minutes of the January 26, 2017 Special Meeting, and February 2, 2017 Regular Meeting

Approved the minutes of the January 26, 2017 special meeting, and February 2, 2017 regular meeting.

III.B. BUSINESS SERVICES

III.B.1. Warrant Register

Approved/ratified the warrant register.

III.B.2. Fundraising Activities

Approved/ratified the fundraising activities, as amended.

III.B.3. Donations

Accepted the donations.

III.B.4. Legal Services

Approved payment for legal services to the law office of Atkinson, Andelson, Loya, Ruud & Romo.

III.B.5. Request for Allowance of Attendance and Instructional Time Credit Due to Emergency Conditions at Cal Aero Preserve Academy

Approved the request for allowance of attendance and instructional time credit due to emergency conditions at Cal Aero Preserve Academy.

III.B.6. Request for Allowance of Attendance Due to the Proclamation of a State of Emergency

Approved the request for allowance of attendance due to the proclamation of a state of emergency.

III.B.7. Request for Allowance of Attendance and Instructional Time Credit Due to Emergency Conditions at Chino Hills HS

Approved the request for allowance of attendance and instructional time credit due to emergency conditions at Chino Hills HS.

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

III.C.1. Student Expulsion Cases 16/17-30 and 16/17-32

Approved the student expulsion case 16/17-32. Moved (Blair) seconded (Na) motion carried (4-1, Feix voted 'no') to approve case 16/17-30, as amended.

III.C.2. School-Sponsored Trips

Approved/ratified the school-sponsored trips for: Canyon Hills JHS, Magnolia JHS, and Chino Hills HS.

III.D. FACILITIES, PLANNING, AND OPERATIONS

III.D.1. Purchase Order Register

Approved/ratified the purchase order register.

III.D.2. Agreement for Contractor/Consultant Services

Moved (Blair) seconded (Na) carried unanimously (5-0) to approve/ratify the Agreement for Contractor/Consultant Services, as amended.

III.D.3. Surplus/Obsolete Property

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

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

Approved the Notice of Completion for CUPCCAA Projects.

III.D.5. Change Order and Notice of Completion for Bid No. 15-16-02, District Delivery Vehicles

Approved the change order and Notice of Completion for Bid No. 15-16-02, District Delivery Vehicles.

III.D.6. Resolution 2016/2017-17 for Authorization to Utilize a Piggyback Contract

Adopted Resolution 2016/2017-17 for authorization to utilize a piggyback contract.

III.D.7. Resolution 2016/2017-20 Authorization to Apply for and Secure Grant Funding from the South Coast Air Quality Management District PA2017-01 AB923 Electric School Bus Funding Program

Adopted Resolution 2016/2017-20 for Authorization to Apply for and Secure Grant Funding from the South Coast Air Quality Management District PA2017-01 AB923 Electric School Bus Funding Program.

III.E. HUMAN RESOURCES

III.E.1. Certificated/Classified Personnel Items

Approved/ratified the certificated/classified personnel items.

III.E.2. Revision of Board Policy 4117.2 All Personnel—Resignation

Approved the revision of Board Policy 4117.2 All Personnel—Resignation.

IV. INFORMATION

IV.A. BUSINESS SERVICES

IV.A.1. New Board Policy 3230 and Administrative Regulation 3230 Business and Noninstructional Operations—Federal Grant Funds

Received for information the new Board Policy 3230 and Administrative Regulation 3230 Business and Noninstructional Operations—Federal Grant Funds.

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

IV.B.1. New Course Advanced Placement Computer Science Applications

Received for information the new course Advanced Placement Computer Science Applications.

IV.B.2. San Bernardino County Superintendent of Schools Williams Findings Decile 1-3 Schools Second Quarterly Report 2016/2017

Received for information the San Bernardino County Superintendent of Schools Williams Findings Decile 1-3 Schools Second Quarterly Report 2016/2017.

IV.C. FACILITIES, PLANNING, AND OPERATIONS

IV.C.1. Revision of Board Policy and Administrative Regulation 3270 Business and Noninstructional Operations—Sale and Disposal of Books, Equipment, and Supplies

Received for information the revision of Board Policy and Administrative Regulation 3270 Business and Noninstructional Operations—Sale and Disposal of Books, Equipment, and Supplies.

IV.C.2. Revision of Administrative Regulation 3512 Business and Noninstructional Operations—Equipment

Received for information the revision of Administrative Regulation 3512 Business and Noninstructional Operations—Equipment.

IV.D. HUMAN RESOURCES

IV.D.1. Revision of Board Policy 4112.2 Personnel—Certification

Received for information the revision of Board Policy 4112.2 Personnel—Certification.

V. COMMUNICATIONS

BOARD MEMBERS AND SUPERINTENDENT

Andrew Cruz spoke about the Read 180 program; attended Student Government Day; said he ran a 5K and came 4th in his age group; and spoke about Chino Hills HS student Lexi Anderson and hopes that she receives what she needs.

Irene Hernandez-Blair thanked Don Lugo HS students for being present; said she is wearing her *Love for Lexi* shirt; spoke about Walnut ES's Jump Rope for Heart event in recognition of a student who passed away in late 2016; said Chino Hills HS's CIF basketball game is tomorrow and wished them good luck; and supported Denise Arroyo's comments about tomorrow's storm.

James Na spoke about student support for Chino Hills HS student Lexi Anderson; visited Buena Vista HS and Don Lugo HS campuses; spoke about Student Government Day; extended good luck to the Chino Hills HS basketball team.

Pamela Feix said she attended the AEC graduation last week, and commended everyone for their efforts; attended the final regular season Chino Hills HS basketball game, and commended the Ball brothers and team mates for their positive behavior; thanked the staff at Chino Hills HS for showing grace in dealing with the fans and crowds to make the program a memorable one; and thanked Sharon Duran for her invitation to the Jump for Hearts activity.

Superintendent Joseph spoke about the annual Art Showcase, which will be held at Magnolia JHS; and said a Parent Information Forum on drug trends, social media risks, and provisional driver's license laws is scheduled for 6:30 p.m. to 8:00 p.m. on March 22 in the Ayala HS multi-purpose room with Spanish translation provided.

President Orozco acknowledged retirees on the agenda; said she is thankful for the retirement recognition dinner; said Rhodes ES choir was awesome; thanked Don Lugo HS students for being present; said Student Government Day students did a great job; corrected the reference to Los Serranos to reflect correctly as the AEC; extended good luck to the Chino Hills HS basketball team; and spoke about the love for Lexi campaign.

VI. ADJOURNMENT

President Orozco adjourned the regular meeting of the Board of Education at 8:17 p.m. and asked that student Lexi Anderson be kept in prayer.

Sylvia Orozco, President

James Na, Clerk

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

CHINO VALLEY UNIFIED SCHOOL DISTRICT
REGULAR MEETING OF THE BOARD OF EDUCATION
March 2, 2017

MINUTES

I. OPENING BUSINESS

I.A. CALL TO ORDER – 6:00 P.M.

1. Roll Call

President Orozco called to order the regular meeting of the Board of Education, Thursday, March 2, 2017, at 6:00 p.m. with Blair, Cruz, Feix, Na, and Orozco present.

Administrative Personnel

Wayne M. Joseph, Superintendent
Norm Enfield, Ed.D., Deputy Superintendent
Sandra H. Chen, Assistant Superintendent, Business Services
Lea Fellows, Assistant Superintendent, Human Resources
Grace Park, Ed.D., Assistant Superintendent, CIIS
Gregory J. Stachura, Asst. Supt., Facilities, Planning, & Operations

2. Public Comment on Closed Session Items

None.

3. Closed Session

President Orozco adjourned to closed session at 6:00 p.m. regarding conference with legal counsel existing litigation; conference with labor negotiators, A.C.T. and CSEA; public employee discipline/dismissal/release; and public employee appointment: elementary assistant principal.

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

1. Report Closed Session Action

President Orozco reconvened the regular meeting of the Board of Education at 7:02 p.m. The Board met in closed session from 6:00 p.m. to 6:56 p.m. regarding conference with legal counsel existing litigation; conference with labor negotiators, A.C.T. and CSEA; public employee discipline/dismissal/release; and public employee appointment: elementary assistant principal. No action was taken that required public disclosure.

2. Pledge of Allegiance

Chaparral ES students Alexis Celis and William Hale led the Pledge of Allegiance.

I.C. PRESENTATION

1. Chaparral ES

Music Director Mike Noffsinger led Chaparral ES students in a musical performance.

2. Local Control Accountability Plan (LCAP)

Curriculum, Instruction, Innovation, and Support staff provided an update on the LCAP.

I.D. COMMENTS FROM STUDENT REPRESENTATIVE

Carlos Ruelas extended condolences to the family of Don Lugo HS teacher Chuck Sedey; congratulated Chaparral ES students; and said he and his peers enjoyed Student Government Day.

I.E. COMMENTS FROM EMPLOYEE REPRESENTATIVES

Denise Arroyo, CSEA President, said nominations are due on March 8 for the San Bernardino County Classified School Employee of the Year recognition; thanked Grace Park for the LCAP presentation and for meeting with the Chapter to give input; and said she enjoyed the student performance.

Todd Hancock, A.C.T. President, spoke about his weight loss; spoke about the enthusiasm of the Chaparral students and teacher; extended condolences to the family of Chuck Sedey; spoke about rainy day issues and suggested we look into what the District can do to assist staff and students at those times; recognized the students present at the meeting; spoke about the Alternative Education Center; spoke about proposed bill HR 610 regarding public education; and thanked teachers, administrators, and staff for what they do on a daily basis.

I.F. COMMENTS FROM COMMUNITY LIAISONS

Melissa Compani, Field Representative for County Supervisor Curt Hagman, introduced Suzette Dang, who will be working primarily with the city of Chino Hills.

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

Daniel Pasillas-Pablo, Ashtyn Macias, Steven Miranda, Tony Montanez, Deidra Torres, Mary Hancock, and Roberto Casas addressed the Board in support of the Alternative Education Center; and Barbara Hale addressed the Board regarding Sycamore Preparatory.

I.H. CHANGES AND DELETIONS

The following change was read into the record: Business Services, Item III.A.2., Fundraising Activities, added Chino Hill HS, Football Boosters, Future Stars Academy, March 9 through April 27, 2017.

II. ACTION

II.A. ADMINISTRATION

- II.A.1. California School Boards Association Delegate Assembly Election 2017**
Moved (Orozco) seconded (Na) carried unanimously (5-0, student representative voted yes) to cast votes for Tommy Courtney, Margaret Hill, Wilson F. So, Eric Swanson, Kathy A. Thompson, and Charles J. Uhalley to the California School Boards Association Delegate Assembly, subregion 16-B.

III. CONSENT

Andrew Cruz pulled for separate action Item III.A.4. Moved (Na) seconded (Cruz) carried unanimously (5-0, student representative voted yes) to approve the remainder of the consent items, as amended.

III.A. BUSINESS SERVICES

- III.A.1. Warrant Register**
Approved/ratified the warrant register.
- III.A.2. Fundraising Activities**
Approved/ratified the fundraising activities, as amended.
- III.A.3. Donations**
Accepted the donations.

III.A.4. Legal Services

Moved (Na) seconded (Cruz) carried unanimously (5-0, student representative voted yes) to approve payment for legal services to the law office of Chidester, Margaret A. & Associates.

III.A.5. Increase in 2017/2018 School Lunch Prices

Approved the increase in 2017/2018 school lunch prices.

III.A.6. New Board Policy 3230 Business and Noninstructional Operations–Federal Grant Funds

Approved new Board Policy 3230 Business and Noninstructional Operations–Federal Grant Funds.

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

III.B.1. School-Sponsored Trips

Approved/ratified the school-sponsored trips for: Briggs K-8, Ayala HS, Chino HS, and Don Lugo HS.

III.B.2. Revised Multitrack Year-Round Student Attendance Calendar 2017/2018 for Cal Aero Preserve Academy

Approved the revised Multitrack Year-Round Student Attendance Calendar 2017/2018 for Cal Aero Preserve Academy.

III.B.3. New Course Advanced Placement Computer Science Applications

Approved the new course Advanced Placement Computer Science Applications.

III.C. FACILITIES, PLANNING, AND OPERATIONS

III.C.1. Purchase Order Register

Approved/ratified the purchase order register.

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

Approved/ratified the Agreements for Contractor/Consultant Services.

III.C.3. Surplus/Obsolete Property

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

III.C.4. Sale and/or Disposal of Obsolete and Unusable Instructional Materials

Approved the sale and/or disposal of obsolete and unusable instructional materials.

III.C.5. Revision of Board Policy 3270 Business and Noninstructional Operations–Sale and Disposal of Books, Equipment, and Supplies

Approved the revision of Board Policy 3270 Business and Noninstructional Operations–Sale and Disposal of Books, Equipment, and Supplies.

III.D. HUMAN RESOURCES

III.D.1. Certificated/Classified Personnel Items

Approved/ratified the certificated/classified personnel items.

III.D.2. Revision of Board Policy 4112.2 Personnel–Certification

Approved the revision of Board Policy 4112.2 All Personnel—Certification.

IV. INFORMATION

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

IV.A.1. New Course Exploratory Work Experience (Internship)

Received for information new course Exploratory Work Experience (Internship).

IV.A.2. Revision of Board Policy and Administrative Regulation 6164.6 Instruction–Identification and Education Under Section 504

Received for information the revision of Board Policy and Administrative Regulation 6164.6 Instruction–Identification and Education Under Section 504.

IV.A.3. Revision of Board Policy and Administrative Regulation 6200 Instruction–Adult Education

Received for information the revision of Board Policy and Administrative Regulation 6200 Instruction–Adult Education.

V. COMMUNICATIONS

BOARD MEMBERS AND SUPERINTENDENT

Andrew Cruz said he agrees with a speaker commenting “teachers teaching the way a student learns”; attended the Arts Showcase at Magnolia JHS, commended the amazing art work, and Troy Ingram for creating the showcase program; and said Ayala HS is holding an American Sign Language event tomorrow.

Irene Hernandez-Blair said she is wearing her #lovingreilly t-shirt in support of a Townsend JHS student; read a portion of a parent letter she received expressing concern that parents were drinking alcohol at a school sponsored function, said there is no District policy addressing the issue, said she will not be approving any fundraisers where alcohol is served unless there is an assurance by the school site or PFA that alcohol will not be served during the event; commended music director Mike Noffsinger’s passion for music; requested a Board update from the Committee of the Arts; and extended well wishes to Newman ES teacher Luz Conner.

James Na suggested a resolution for Mrs. Blair’s concerns regarding alcohol being served at school fundraisers; visited Mrs. Daniel’s class at Canyon Hills JHS; said he is proud of Don Lugo HS students; and visited Ayala HS and CVLA campuses, and Magnolia JHS for the Festival of Arts.

Pamela Feix said former District student Sahith Theegala participated in the Riviera Country Club Golf Course and finished 40th paired with Phil Mickelson; spoke about Ayala HS students Nimsu Ng and Rachel Lee, who organized debate leagues for elementary school students; and said she attended Oak Ridge ES Literacy Day on Wednesday to share the love of reading.

Superintendent Joseph encouraged interested persons to participate in the annual Community Principal for a Day on Wednesday, April 12; said the Family Engagement Center located at the CVUSD Adult School is offering a parent workshop this month; and said a Parent Information Forum on drug trends, social media risks, provisional driver’s license laws, and the use of the Internet to radicalize students is scheduled for March 22 at the Ayala HS.

President Orozco acknowledged a retiree on the agenda, and said that at the next meeting more details will be revealed regarding the retirement recognition event; spoke about the Alternative Education Center being another option for students to succeed; said she liked Roberto Casas’ remark of ‘students at risk becoming students at promise’; and invited fellow Board members to participate in an upcoming county workshop for effective Boardmanship scheduled for March 13.

VI. ADJOURNMENT

President Orozco adjourned the regular meeting of the Board of Education at 8:47 p.m.

Sylvia Orozco, President

James Na, Clerk

CHINO VALLEY UNIFIED SCHOOL DISTRICT

Our Motto:

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

DATE: March 16, 2017
TO: Members, Board of Education
FROM: Wayne M. Joseph, Superintendent
PREPARED BY: Sandra H. Chen, Assistant Superintendent, Business Services
Liz Pensick, Director, Business Services
SUBJECT: WARRANT REGISTER

=====

BACKGROUND

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

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

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

RECOMMENDATION

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

FISCAL IMPACT

\$ 2,423,412.68 to all District funding sources.

WMJ:SHC:LP:wc

CHINO VALLEY UNIFIED SCHOOL DISTRICT

Our Motto:

Student Achievement • Safe Schools • Positive School Climate
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DATE: March 16, 2017
TO: Members, Board of Education
FROM: Wayne M. Joseph, Superintendent
PREPARED BY: Sandra H. Chen, Assistant Superintendent, Business Services
Liz Pensick, Director, Business Services
SUBJECT: FUNDRAISING ACTIVITIES

=====

BACKGROUND

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

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

RECOMMENDATION

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

FISCAL IMPACT

None.

WMJ:SHC:LP:wc

CHINO VALLEY UNIFIED SCHOOL DISTRICT
March 16, 2017

<u>SITE/DEPARTMENT</u>	<u>ACTIVITY/DESCRIPTION</u>	<u>DATE</u>
<u>Country Springs ES</u>		
PFA	Autism Awareness Puzzle Piece Sale	4/18/17 - 4/21/17
<u>Glenmeade ES</u>		
PTA	Summer Movie Ticket Sale	3/17/17 - 6/1/17
PTA	Penny War Challenge	4/3/17 - 6/1/17
PTA	Family Fun Night	4/7/17
<u>Hidden Trails ES</u>		
PTA	Movie Night	4/21/17
<u>Marshall ES</u>		
PTO	Denny's Family Night Out	4/12/17
PTO	Skate Express Night	4/19/17
PTO	Family Fun Night	5/17/17
<u>Rhodes ES</u>		
PEP Club	Silent Auction	5/16/17
<u>Walnut ES</u>		
PFA	Off Campus See's Candy Sale	3/20/17 - 4/13/17
<u>Briggs K-8</u>		
PFA	Off Campus Gourmet Popcorn Sale	4/1/17 - 4/20/17
PFA	Mother/Son Event	4/12/17
<u>Townsend JHS</u>		
PTSA	Ranger Round Up 30th Anniversary Event	4/28/17
<u>Woodcrest JHS</u>		
Music Boosters	Donation/Sponsorship Drive	3/17/17

CHINO VALLEY UNIFIED SCHOOL DISTRICT
March 16, 2017

<u>SITE/DEPARTMENT</u>	<u>ACTIVITY/DESCRIPTION</u>	<u>DATE</u>
<u>Ayala HS</u>		
FBLA	Chipotle Family Night Out	3/17/17
BAC Boosters	Inspirational Gram Sale	3/17/17 - 4/28/17
Football Boosters	Saturdays Athletic Camp	3/18/17 - 6/3/17
Football Boosters	Athletic Training	3/18/17 - 6/3/17
Football Boosters	Sponsorship Drive	3/20/17 - 4/20/17
Softball	JV Softball Tournament	3/25/17 & 4/1/17
<u>Buena Vista HS</u>		
Leadership	Pennies for Patients	3/17/17 - 3/24/17
ASB	Paper Recycling Program	3/17/17 - 6/30/17
<u>Chino Hills HS</u>		
Digital Club	Off Campus Candy Sale	3/17/17 - 3/29/17
Husky Highlights	Donation Drive	3/17/17 - 4/3/17
ASB	Mr. Husky Contest	3/23/17
Football Boosters	Off Campus Cookie Dough Sale	3/23/17 - 4/18/17
Girl Up Club	Frostbites Family Night Out	3/28/17
Digital Club	Addams Family Performance DVD Sale	3/30/17 - 6/7/17
Football Boosters	Chick-fil-A Family Night Out - Love4Lexi	4/3/17
Football Boosters	Donation Drive	5/10/17 - 6/30/17
<u>Don Lugo HS</u>		
Grad Night 2017	Track Meet Concession Sale	3/18/17
Grad Night 2017	Egg Hunt Breakfast Sale	4/8/17

CHINO VALLEY UNIFIED SCHOOL DISTRICT

Our Motto:

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

DATE: March 16, 2017
TO: Members, Board of Education
FROM: Wayne M. Joseph, Superintendent
PREPARED BY: Sandra H. Chen, Assistant Superintendent, Business Services
Liz Pensick, Director, Business Services
SUBJECT: DONATIONS

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BACKGROUND

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

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

RECOMMENDATION

It is recommended the Board of Education accept the donations.

FISCAL IMPACT

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

WMJ:SHC:LP:wc

CHINO VALLEY UNIFIED SCHOOL DISTRICT
March 16, 2017

<u>DEPARTMENT/SITE DONOR</u>	<u>ITEM DONATED</u>	<u>APPROXIMATE VALUE</u>
<u>Communications</u>		
Lewis Management Corp.	Cash	\$250.00
<u>Supt. Office/Board of Education</u>		
Associated Chino Teachers	Cash	\$1,000.00
<u>Technology</u>		
Chino Rotary Club	Cash	\$6,000.00
<u>Cortez ES</u>		
Edison International	Cash	\$60.00
<u>Woodcrest JHS</u>		
HTC Mattress Liquidation	Mattress Set	\$1,400.00
<u>Ayala HS</u>		
Bottling Group LLC	Cash	\$83.00
<u>Don Lugo HS</u>		
Robert & Joann Heer	Cash	\$25.00
Lamont & Evelyn Burgess	Cash	\$50.00
Gloria Garcia	Cash	\$50.00
Patricia Gilbert & Eugene Beaucage	Cash	\$100.00
Don Veliz	Cash	\$100.00
Heidi Gilbert	Cash	\$200.00
Richard Mandleur & Christie Yang	Cash	\$200.00

CHINO VALLEY UNIFIED SCHOOL DISTRICT
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DATE: March 16, 2017
TO: Members, Board of Education
FROM: Wayne M. Joseph, Superintendent
PREPARED BY: Sandra H. Chen, Assistant Superintendent, Business Services
 Liz Pensick, Director, Business Services
SUBJECT: LEGAL SERVICES

=====

BACKGROUND

The following law firms provide services to the Chino Valley Unified School District and have submitted their invoices. The current invoice amounts, along with the fiscal year-to-date totals for each individual law firm, are listed below.

FIRM	MONTH	INVOICE AMOUNTS	2016/2017 YEAR-TO-DATE
Atkinson, Andelson, Loya, Ruud & Romo	January 2017	\$ 18,163.36	\$ 113,429.57
Chidester, Margaret A. & Associates	-	-	\$ 614,706.01
Parker & Covert LLP	-	-	\$ 1,224.00
	Total	\$ 18,163.36	\$ 729,359.58

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

RECOMMENDATION

It is recommended the Board of Education approve payment for legal services to the law office of Atkinson, Andelson, Loya, Ruud & Romo.

FISCAL IMPACT

\$ 18,163.36 to the General Fund.

WMJ:SHC:LP:wc

CHINO VALLEY UNIFIED SCHOOL DISTRICT

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DATE: March 16, 2017
TO: Members, Board of Education
FROM: Wayne M. Joseph, Superintendent
PREPARED BY: Sandra H. Chen, Assistant Superintendent, Business Services
Liz Pensick, Director, Business Services
**SUBJECT: APPLICATIONS TO OPERATE FUNDRAISING ACTIVITIES AND
OTHER ACTIVITIES FOR THE BENEFIT OF STUDENTS**

=====

BACKGROUND

Administrative Regulation 1230 Community Relations – School Connected Organizations requires that any person or group of people desiring to raise money to benefit a student or students at one or more schools within the District shall request authorization to operate by applying to the Chino Valley Unified School District Board of Education.

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

RECOMMENDATION

It is recommended the Board of Education approve/ratify the applications to operate fundraising activities and other activities for the benefit of students.

FISCAL IMPACT

None.

WMJ:SHC:LP:wc

CHINO VALLEY UNIFIED SCHOOL DISTRICT
March 16, 2017

**AUTHORIZATION TO OPERATE FUNDRAISING ACTIVITIES
AND OTHER ACTIVITIES FOR THE BENEFIT OF STUDENTS**

School

Organization

Chino HS	Basketball Boosters
Chino HS	CHAPSS
Chino HS	Chino Music Boosters
Chino HS	Drama Boosters
Chino Hills HS	Aquatics Committee
Chino Hills HS	Baseball Boosters
Chino Hills HS	Dance Boosters
Chino Hills HS	Football Boosters
Chino Hills HS	General Boosters
Chino Hills HS	Grad Night 2017
Chino Hills HS	Music Boosters
Chino Hills HS	Spirit Leader Boosters

CHINO VALLEY UNIFIED SCHOOL DISTRICT

Our Motto:

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

DATE: March 16, 2017
TO: Members, Board of Education
FROM: Wayne M. Joseph, Superintendent
PREPARED BY: Grace Park, Ed.D., Assistant Superintendent, Curriculum, Instruction, Innovation, and Support
SUBJECT: SCHOOL-SPONSORED TRIPS

=====

BACKGROUND

The Board of Education recognizes that school-sponsored trips are an important component of a student’s development and supplement and enrich the classroom learning experience. School-sponsored trips may be conducted in connection with the District’s course of study or school related social, educational, cultural, athletic, school band activities, or other extracurricular or cocurricular activities. Resources will be identified and established at the school site to assist economically disadvantaged students in obtaining funding for field trips and, in some cases, student travel. School sponsored trips that require overnight stay or are in excess of 250 miles (one way) require board approval.

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

RECOMMENDATION

It is recommended the Board of Education approve/ratify the following school-sponsored trips:

School-Sponsored Trips	Date	Fiscal Impact
Site: Country Springs ES Event: Odyssey of the Mind Place: Brentwood, CA Chaperone: 7 students/7 chaperones	March 25, 2017	Cost: \$75.00 per student Funding Source: GATE
Site: Eagle Canyon ES Event: Odyssey of the Mind Place: Brentwood, CA Chaperone: 6 students/2 chaperones	March 24-25, 2017	Cost: \$75.00 per student Funding Source: GATE

Site: Oak Ridge ES Event: Odyssey of the Mind Place: Brentwood, CA Chaperone: 13 students/13 chaperones	March 24-25, 2017	Cost: \$75.00 per student Funding Source: GATE
Site: Rhodes ES Event: Odyssey of the Mind Place: Brentwood, CA Chaperone: 13 students/6 chaperones	March 24-25, 2017	Cost: \$75.00 per student Funding Source: GATE
Site: Liberty ES Event: Annual Liberty Sacramento Trip Place: Sacramento, CA Chaperone: 18 students/12 chaperones	April 7, 2017	Cost: \$369.00 per student Funding Source: Parents
Site: Canyon Hills JHS Event: Odyssey of the Mind Place: Brentwood, CA Chaperone: 13 students/4 chaperones	March 25, 2017	Cost: \$75.00 per student Funding Source: GATE
Site: Ayala HS Event: Winter Guard International Regional Championships Place: Las Vegas, NV Chaperone: 23 students/3 chaperones	March 24-27, 2017	Cost: \$340.00 per student Funding Source: Parents and Fundraising
Site: Ayala HS Event: Future Business Leaders of America Place: Sacramento, CA Chaperone: 26 students/4 chaperones	April 6-9, 2017	Cost: \$470.00 per student Funding Source: Parents
Site: Ayala HS Event: Future Career and Community Leaders of America Place: Riverside, CA Chaperone: 14 students/3 chaperones	April 8-11, 2017	Cost: \$50.00 per student Funding Source: Fundraising and Carl D. Perkins Grant
Site: Ayala HS Event: AVID Junior College Tour Place: San Luis Obispo, CA Chaperone: 28 students/3 chaperones	April 20-21, 2017	Cost: \$80.00 per student Funding Source: AVID District Budget
Site: Ayala HS Event: Ayala Dance Production New York Trip Place: New York, NY Chaperone: 14 students/5 chaperones	June 7-14, 2017	Cost: \$2,000.00 per student Funding Source: Parents
Site: Chino HS Event: Family Career Community Leaders of America Place: Riverside, CA Chaperone: 6 students/2 chaperones	April 8-11, 2017	Cost: \$399.00 per student Funding Source: Parents and Carl D. Perkins Grant
Site: Chino Hills HS Event: CIF State Playoffs - Spirit Leaders Place: Sacramento, CA Chaperone: 7 students/2 chaperones	March 24-26, 2017	Cost: \$200.00 Funding Source: General Fund

Site: Don Lugo HS Event: California State Future Farmers of America Leadership Conference Place: Fresno, CA Chaperone: 10 students/2 chaperones	April 21-25, 2017	Cost: 240.00 per student Funding Source: Students, ASB, AIG, and LCAP
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FISCAL IMPACT

None.

WMJ:GP:rtt

CHINO VALLEY UNIFIED SCHOOL DISTRICT

Our Motto:

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

DATE: March 16, 2017
TO: Members, Board of Education
FROM: Wayne M. Joseph, Superintendent
PREPARED BY: Grace Park, Ed.D., Assistant Superintendent, Curriculum,
Instruction, Innovation, and Support
Don Jones, Director, Secondary Curriculum
**SUBJECT: NEW COURSE EXPLORATORY WORK EXPERIENCE
(INTERNSHIP)**

=====

BACKGROUND

The Chino Valley Unified School District routinely revises curriculum guides and develops new courses in accordance with State Content Standards, State Frameworks, and student need. Accordingly, the revision and development of curriculum guides are the result of a collaborative effort of teachers in the related academic area. This item was presented to the Board of Education on March 2, 2017, for information.

Exploratory Work Experience is an elective course combining paid and/or non-paid work-based learning experiences (job shadowing, observations, and internships) with classroom instruction in employability skills and career exploration. The course is aligned with the state and federal guidelines, Education Codes 51760 and 51775, the California Association of Work Experience Educators (CAWEE) Work Experience Framework, and Content Standards for California Public Schools. Students develop positive work habits, self-confidence, job skills, and a personal career exploration portfolio.

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

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

RECOMMENDATION

It is recommended the Board of Education approve the new course Exploratory Work Experience (Internship).

FISCAL IMPACT

None.

WMJ:GP:DJ:lar

Chino Valley Unified School District

High School Course Description

A. CONTACTS	
1. School/District Information:	School/District: Chino Valley Unified School District Street Address: 5130 Riverside Dr., Chino, CA 91710 Phone: (909) 628-1201 Web Site: chino.k12.ca.us
2. Course Contact:	Teacher Contact: Linda L. Zeigler Position/Title: Work Experience Coordinator Site: Chino Hills High School Phone: (909) 606-7540 ext. 5108 E-mail: linda_zeigler@chino.k12.ca.us
B. COVER PAGE - COURSE ID	
1. Course Title:	Exploratory Work Experience (INTERNSHIP)
2. Transcript Title/Abbreviation:	Exploratory Work Experience
3. Transcript Course Code/Number:	
4. Seeking Honors Distinction:	No
5. Subject Area/Category:	Elective
6. Grade Level(s):	9-12
7. Unit Value:	5 credits
8. Course Previously Approved by UC:	No
9. Course Classified as a Career Technical Education Course:	Yes
10. Course Modeled after a UC-approved Course:	No
11. Repeatable for Credit:	Yes; not to exceed 20 units
12. Date of Board Approval:	
13. Brief Course Description:	Exploratory Work Experience is an elective course combining paid and/or non-paid work-based learning experiences (job shadowing, observations, and internships) with classroom instruction in employability skills and career exploration. The course is aligned with the state and federal guidelines, Education Codes 51760 and 51775, the California Association of Work Experience Educators (CAWEE) Work Experience Framework, and Content Standards for California Public Schools. Students develop positive work habits, self-confidence, job skills, and a personal career exploration portfolio.
14. Prerequisites:	Counselor Recommendation
15. Context for Course:	Students attend one class period of instruction and serve an average of six hours a week in their work-based learning site each week. All work-based learning experiences, tasks, duties, and work sites must meet all child labor codes and be approved by the work experience coordinator. Credit for this course will be earned by completion of the course requirements based on time sheets, employer evaluation and industry specific assessments, journals, class assignments, and Chino Valley Unified School District required forms (Hold Harmless Waiver, Training Agreements and Volunteer Work Permits).
16. History of Course Development:	Students learn on the job skills as interns, job shadowing, or community servants and earn credits for these work based learning opportunities through enrollment in the regular Work Experience course to meet the NAF/Link Learning guidelines, and protect the district's liability.

Chino Valley Unified School District

High School Course Description

17. Textbooks:	None
18. Supplemental Instructional Materials:	None
C. COURSE CONTENT	
1. Course Purpose:	
Exploratory Work Experience is a course designed to introduce students to a broad spectrum of employability skills and career awareness. The purpose of this course is to prepare, train, monitor, support, and expand students' knowledge, and skills in industry specific areas related to their academy focus.	
2. Course Outline:	
<ol style="list-style-type: none"> 1. Career Exploration 2. The Intern Process 3. Employability Skills 4. Business Interviews and Orientations 5. Labor Laws 6. Safety in the Work Place 7. Success on the Job 8. Ethics in the Work Place 9. Advancement and Promotions 10. Leaving a Job 11. College and Career Planning 	
3. Key Assignments:	
<ul style="list-style-type: none"> • Interest and Aptitude Test • Employability Skills • Preparing a Resume and Cover Letter • Techniques to Search for a Job or Internship • Preparing for an Interview - grooming/dress/appearance/body language/hand shake/eye contact • Job Interview Questions • Mock Interviewing • Job Training and Orientations • Labor Laws • First Impressions • Positive Work Skills • Job Survival - getting along with others • Ethics in the Work Place • Safety on the Job • Sexual Harassment in the Work place • Career Portfolio • Getting the Paid Job or Promotion • Career Exploration and Post-Secondary Training • Networking • Employer Appreciation 	
4. Instructional Methods and/or Strategies:	
<ul style="list-style-type: none"> • Direct Instruction • Simulations/Job Shadowing/Internship • Journaling • Discussions/Debates 	

Chino Valley Unified School District High School Course Description

- Group Projects and Presentations
- Computer Research and Reports
- Audio Visual Presentations
- Worksheets
- Scientific Analysis

5. Assessment Including Methods and/or Tools:

- Program Application, Cover Letter, Resume, and Interviews
- Program Notebook: Journals, Video Notes, and Worksheets
- Code Quizzes and Industry Test
- Student presentations/Skills Demonstrations
- Internship Hours Logs
- Employer/Mentor Evaluations
- Assessments will account for 60-75% of the total grade and assignments will account for 25-40% of the total grade.

CHINO VALLEY UNIFIED SCHOOL DISTRICT

Our Motto:

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

DATE: March 16, 2017

TO: Members, Board of Education

FROM: Wayne M. Joseph, Superintendent

PREPARED BY: Grace Park, Ed.D., Assistant Superintendent, Curriculum,
Instruction, Innovation, and Support
Don Jones, Director, Secondary Curriculum

**SUBJECT: CAREER TECHNICAL EDUCATION/CARL D. PERKINS ADVISORY
COMMITTEE**

=====

BACKGROUND

The Carl D. Perkins application for funding requires the existence of a District Career Technical Education/Carl D. Perkins Advisory Committee, as outlined in California Education Code section 8070 which states in part, “the governing board of each school district participating in a Career Technical Education (CTE) program shall appoint a CTE Advisory Committee to develop recommendations on the program and to provide liaison between the district and potential employers”. The Career Technical Education/Carl D. Perkins Advisory Committee shall be Board approved annually.

Members of this committee shall be comprised of students, parents, teachers, members of special populations, business and industry representatives, school administration, and the field office of the Department of Employment Development.

RECOMMENDATION

It is recommended the Board of Education approve the Career Technical Education/Carl D. Perkins Advisory Committee as follows:

- Jennell Acker, Teacher, Chino Hills HS (Hospitality & Tourism)
- Elena Armijo, Armijo News and ABC Public Relations
- Michael Armijo, Armijo News and ABC Public Relations
- Reginald Barber, School Resource Officer, Chino HS (Law & Justice)
- Laura Beckman, Special Event Coord., Irvine University Center
- Alyssa Berry, Teacher, Don Lugo HS (Agriculture)
- Michael J Bidart, Trial Lawyer, Shernoff Bidart Echeverria, LLP
- Yvette Bookout, Parent, Don Lugo HS
- Brian Engstrom, Teacher, Don Lugo HS (Engineering)

Rashi Jeeda, Student, Chino Hills HS (Digital Imaging)
Vanessa Morales, Student, Chino HS (Forensic Science)
Anthony Pittman, Teacher, Ayala HS (Computer Science)
Mike Rolland, Teacher, Chino Hills HS (Digital Design)
Ray Santoyo, Parent, Chino Fire Department
Sally Santoyo, Parent, Chino HS
Sam Sabbara, Teacher, Chino Hills HS (Medical)
Kathy Tan, Parent, Chino Hills HS
Natalie Tong, So. Cal. Prog. Coord., CA Restaurant Association Educational Foundation
Christopher Torres, Student, Chino HS (Forensic Science)
Lorraine Vara, Teacher, Chino HS (Law & Justice)
Elizabeth Williams, Teacher, Chino HS (Culinary)

FISCAL IMPACT

None.

WMJ:GP:DJ:lar

CHINO VALLEY UNIFIED SCHOOL DISTRICT

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DATE: March 16, 2017

TO: Members, Board of Education

FROM: Wayne M. Joseph, Superintendent

PREPARED BY: Norm Enfield, Ed.D., Deputy Superintendent
Stephanie Johnson, Director, Student Support Services

**SUBJECT: REVISION OF BOARD POLICY 6164.6 INSTRUCTION
– IDENTIFICATION AND EDUCATION UNDER SECTION 504**

=====

BACKGROUND

Board policies, administrative regulations, and bylaws of the Board are routinely developed and revised as a result of changes in law, mandates, federal regulations, and current District practice. Board Policy 6164.6 Instruction – Identification and Education Under Section 504 is being revised to add requirement to address the needs of students with disabilities in the District’s Local Control and Accountability Plan. Additionally, to reflect new federal regulations (81 Fed. Reg. 53203) which primarily revise definitions used in the Americans with Disabilities Act. This agenda item was presented to the Board of Education on March 2, 2017, as information.

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

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

RECOMMENDATION

It is recommended the Board of Education approve the revision of Board Policy 6164.6 Instruction – Identification and Education Under Section 504.

FISCAL IMPACT

None.

WMJ:NE:SJ:smr

IDENTIFICATION AND EDUCATION UNDER SECTION 504

The Board of Education believes that all children, including children with disabilities, should have an opportunity to learn in a safe and nurturing environment. The SUPERINTENDENT OR DESIGNEE District shall work to identify children with disabilities who reside within ~~it's~~ THE jurisdiction OF THE DISTRICT in order to ensure that they receive educational and related services required by law.

The Superintendent or designee shall provide identified QUALIFIED students with disabilities a Free Appropriate Public Education (FAPE), as defined under Section 504 of the Federal Rehabilitation Act of 1973. Such students shall receive regular or special education and related aids and services designed to meet their individual educational needs as adequately as the needs of nondisabled students WITHOUT DISABILITIES are met. (34 CFR 104.33)

(cf. 0410 - Nondiscrimination in District Programs and Activities)
(cf. 0430 - Comprehensive Local Plan for Special Education)
(cf. 5141.21 - Administering Medication and Monitoring Health Conditions)
(cf. 5141.22 - Infectious Diseases)
(cf. 5141.23 - Asthma Management)
(cf. 5141.24 - Specialized Health Care Services)
(cf. 5141.27 - Food Allergies/Special Dietary Needs)
(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))
(cf. 6164.4 - Identification and Evaluation of Individuals for Special Education)

In addition, qualified students with disabilities shall be provided an equal opportunity to participate in programs and activities that are integral components of the District's basic education program, including, but not limited to, extracurricular athletics, interscholastic sports, and/or other nonacademic activities. (34 CFR 104.37)

(cf. 6145 - Extracurricular and Cocurricular Activities)
(cf. 6145.2 - Athletic Competition)
(cf. 6145.5 - Student Organizations and Equal Access)

In providing services to students with disabilities under Section 504, the Superintendent or designee shall ensure District compliance with law, including providing the students and their parents/guardians with applicable procedural safeguards and required or placement of any student with a disability shall be resolved in accordance with the processes specified in the "Procedural Safeguards" section of the accompanying administrative regulation.

The Superintendent or designee shall maintain a list of impartial hearing officers who are qualified and willing to conduct Section 504 hearings. To ensure impartiality, such officers shall not be employed by or under contract with the District in any other capacity except as hearing officer and shall not have any professional or personal involvement that would affect their impartiality or objectivity in the matter.

IDENTIFICATION AND EDUCATION UNDER SECTION 504 (cont.)

Legal Reference:

EDUCATION CODE

49423.5 Specialized physical health care services

52052 Numerically significant student subgroups

52060-52077 Local control and accountability plan

56043 Special education, timelines

56321 Assessment; development of IEP; parental notifications, consent

CODE OF REGULATIONS, TITLE 5

3051.12 Health and Nursing Services

UNITED STATES CODE, TITLE 20

1232g Family Educational Rights and Privacy Act of 1974

1400-1482 Individuals with Disabilities Education Act

UNITED STATES CODE, TITLE 29

705 Definitions; Vocational Rehabilitation Act

794 Rehabilitation Act of 1973, Section 504

UNITED STATES CODE, TITLE 42

12101-12213 Americans with Disabilities Act

CODE OF REGULATIONS, TITLE 28

35.101-35.190 Nondiscrimination on the basis of disability in state and local government services

CODE OF FEDERAL REGULATIONS, TITLE 34

104.1-104.61 Nondiscrimination on the basis of handicap, especially:

104.1 Purpose to effectuate Section 504 of the Rehabilitation Act of 1973

104.3 Definitions

104.32 Location and notification

104.33 Free appropriate public education

104.34 Educational setting

104.35 Evaluation and placement

104.36 Procedural safeguards

104.37 Nonacademic services

104.7 Responsible employee; grievance procedures

COURT DECISIONS

Christopher S. v. Stanislaus County Office of Education, (2004) 384 F.3d 1205

Management Resources:

CALIFORNIA SCHOOL BOARDS ASSOCIATION PUBLICATIONS

Rights of Students with Diabetes Under IDEA and Section 504, Policy Brief, December 2007

CALIFORNIA DEPARTMENT OF EDUCATION LEGAL ADVISORIES

Legal Advisory on Rights of Students with Diabetes in California's K-12 Public Schools, August 2007

U.S. DEPARTMENT OF EDUCATION OFFICE FOR CIVIL RIGHTS PUBLICATIONS

Dear Colleague Letter and Resource Guide on Students with ADHD, July 2016

Protecting Students with Disabilities: Frequently Asked Questions About Section 504 and the Education of Children with Disabilities, October 2015

Dear Colleague Letter, January 2013

Dear Colleague Letter and Questions and Answers on ADA Amendments Act of 2008 for Students with Disabilities Attending Public Elementary and Secondary Schools, January 2012

Free Appropriate Public Education for Students with Disabilities: Requirements under Section 504 of the Rehabilitation Act of 1973, September 2007

IDENTIFICATION AND EDUCATION UNDER SECTION 504 (cont.)

WEBSITES

California School Boards Association: www.csba.org

California Department of Education: www.cde.ca.gov

U.S. Department of Education, Office for Civil Rights: www2.ed.gov/about/offices/list/ocr

Chino Valley Unified School District

Policy adopted: August 21, 1997

Revised: June 18, 2009

Reviewed: May 5, 2011

Revised: September 5, 2013

REVISED:

CHINO VALLEY UNIFIED SCHOOL DISTRICT

Our Motto:

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

DATE: March 16, 2017

TO: Members, Board of Education

FROM: Wayne M. Joseph, Superintendent

PREPARED BY: Norm Enfield, Ed.D., Deputy Superintendent
Carl W. Hampton, Principal, Adult School

SUBJECT: REVISION OF BOARD POLICY 6200 INSTRUCTION – ADULT EDUCATION

=====

BACKGROUND

Board policies, administrative regulations, and bylaws of the Board are routinely developed and revised as a result of changes in law, mandates, federal regulations, and current District practice. Board Policy 6200 Instruction – Adult Education is being revised to reflect new law (AB 104, 2015) which establishes the Adult Education Block Grant to fund specified types of programs and coordinate services through regional consortia. Board policy also describes other possible funding sources for adult education, clarifies that adult education courses must be approved by the California Department of Education as well as the district board, adds material on teacher qualifications, moves material from the administrative regulation to the board policy regarding graduation requirements, and adds material on program evaluation. This agenda item was presented to the Board of Education on March 2, 2017, as information.

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

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

RECOMMENDATION

It is recommended the Board of Education approve the revision of Board Policy 6200 Instruction – Adult Education.

FISCAL IMPACT

None.

WMJ:NE:CWH:smr

ADULT EDUCATION

The Board of Education ~~recognizes~~ BELIEVES that education is a lifelong process AND that it is important for individuals to continuously develop new skills. ELIGIBLE ADULTS SHALL BE OFFERED OPPORTUNITIES TO ENROLL IN PROGRAMS AND COURSES THAT DEVELOP ACADEMIC AND WORKFORCE SKILLS AND, AS APPROPRIATE, LEAD TO COMPLETION OF REQUIRMENTS FOR HIGH SCHOOL GRADUATION.

THE DISTRICT SHALL PARTICIPATE IN THE ADULT EDUCATION PROGRAM ADMINISTERED BY THE COUNTY OFFICE OF EDUCATION. DISTRICT STUDENTS ENROLLED IN THIS PROGRAM SHALL BE UNDER THE IMMEDIATE SUPERVISION OF A CERTIFICATED DISTRICT EMPLOYEE.

TO ENSURE EFFICIENT AND COORDINATED ADULT EDUCATION SERVICES, THE DISTRICT SHALL COLLABORATE WITH OTHER LOCAL EDUCATIONAL AGENCIES AND THE COMMUNITY COLLEGE DISTRICT IN THE REGION'S ADULT EDUCATION CONSORTIUM. THE DISTRICT SHALL PARTICIPATE IN THE CONSORTIUM'S IDENTIFICATION OF THE EDUCATIONAL NEEDS OF ADULTS IN THE REGION, IDENTIFICATION OF AVAILABLE FUNDING AND SERVICES, DEVELOPMENT AND APPROVAL OF AN ADULT EDUCATION PLAN PURSUANT TO EDUCATION CODE 84906, AND IMPLEMENTATION OF STRATEGIES TO ADDRESS THE IDENTIFIED NEEDS, IMPROVE THE EFFECTIVENESS OF DISTRICT SERVICES, AND IMPROVE STUDENTS' TRANSITIONS INTO POSTSECONDARY EDUCATION AND THE WORKFORCE.

THE DISTRICT'S REPRESENTATIVE TO THE REGION'S ADULT EDUCATION CONSORTIUM SHALL BE DESIGNATED BY THE BOARD. (Education Code 84905)

(cf. 9140 - Board Representatives)

The Superintendent or designee shall develop and oversee the District's adult education program. The Board shall approve all courses to be offered in this program.

Graduation Requirements for an Adult School Diploma

High school graduation shall require a total of 180 units of course credit as prescribed by the Chino Valley Unified School District (CVUSD) and the state Department of Education.

1. Credits will be given from the 9th grade and beyond in the area of required subjects such as English, math, science, and social studies, as well as any elective subjects. Credits from 8th grade may be given for qualifying math courses that could be used towards high school graduation requirements.

ADULT EDUCATION (cont.)

2. Physical education is not a requirement of adult school.
3. Five units of credit will be given for courses consisting of a minimum of 60 hours of instruction at Chino Valley Adult School.
4. Transfer of credits by concurrently enrolled high school students: Students may transfer a maximum of 20 credits earned from Chino Valley Adult School back to a CVUSD high school in order to receive a diploma from the high school of attendance.

Required Subjects

- a) Math: 20 credits - commencing with the 2003/2004 school year, and each year thereafter, all students must complete a year of algebra or higher. (Education Code 51224.5)
- b) English: 30 credits
- c) Life science: 10 credits
- d) Physical science: 10 credits
- e) U. S. History: 10 credits
- f) American government: 5 credits
- g) World history: 10 credits
- h) Economics: 5 credits
- i) Fine arts or foreign language or Career Technical Education/Regional Occupational Program: 10 credits
- j) Electives: 70 credits
- k) Total of 180 credits must be earned
- l) Residence: two courses of work totaling 10 credits must be taken at Chino Valley Adult School to qualify for an Adult High School diploma

(cf. 0410 - Nondiscrimination in District Programs and Activities)

Legal Reference:

EDUCATION CODE

8500-8538 Adult education

10200 CalWORKs education and job training plan

41975-41976.2 Adult education; authorized classes and courses

44260.2-44260.3 Credential requirements, designated subjects adult education credential

44865 Qualifications for home teachers and teachers in special classes

46190-46192 Adult school; days of attendance

46300.1-46300.4 Independent study

51040 Prescribed courses

51056 Adult education course of study

51225.3 Requirements for graduation

ADULT EDUCATION (cont.)

51241 Physical education exemptions
51246 Physical education exemptions
51730-51732 Elementary school special day and evening classes
51745-51749.6 Independent study
51810-51815 Community service classes
52500-52523 Adult schools
52530-52531 Use of hospitals
52540-52544 Adult English classes
52550-52556 Classes in citizenship
52570-52572 Disabled adults
52610-52616.24 Adult schools, finances
52651-52656 Immigrant Workforce Preparation Act
60410 Books for adult classes
84830 Adult education consortium
84900-84920 Adult Education Block Grant

WELFARE AND INSTITUTIONS CODE

11320-11329.5 CalWORKs, including education and job training

CODE OF REGULATIONS, TITLE 5

10501 Adult education
10508 Records and reports
10530-10534 Standards
80034 Teaching credentials, adult education
80034.5 Adult education, substitute teachers
80036-80036.4 Requirements for designated subjects adult education credential
80040.2-80040.2.7 Programs of personalized preparation for the designated subjects adult education teaching credentialing

UNITED STATES CODE, TITLE 20

2301-2415 Carl D. Perkins Career and Technical Education Act

UNITED STATES CODE, TITLE 29

3101-3255 Workforce Innovation and Opportunity Act
3271-3333 Adult Education and Family Literacy Act

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Adult Education Handbook for California, 2005

Pupil Fees, Charges, and Other Deposits, Fiscal Management Advisory 12-02, April 24, 2013

WEBSITES

California Council for Adult Education: www.ccaestate.org

California Department of Education: www.cde.ca.gov/sp/ae

California Department of Industrial Relations, Division of Apprenticeship Standards: www.dir.ca.gov/das

Commission on Teacher Credentialing: www.ctc.ca.gov

Comprehensive Adult Student Assessment Systems: www.casas.org

Chino Valley Unified School District

Policy adopted: August 21, 1997

Revised: May 5, 2011

Revised: April 21, 2016

REVISED:

CHINO VALLEY UNIFIED SCHOOL DISTRICT

Our Motto:

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

DATE: March 16, 2017
TO: Members, Board of Education
FROM: Wayne M. Joseph, Superintendent
PREPARED BY: Gregory J. Stachura, Asst. Supt., Facilities, Planning, and Operations
SUBJECT: PURCHASE ORDER REGISTER

=====

BACKGROUND

Board Policy 3310 Business and Noninstructional Operations – Purchasing requires approval/ratification of purchase orders by the Board of Education. A purchase order is a legal contract between a district and vendor, containing a description of each item listed and/or a statement to the effect that supplies, equipment or services furnished herewith shall be in accordance with specifications and conditions.

Purchase orders represent a commitment of funds. No item on this register will be processed unless within budgeted funds. The actual payment for the services or materials is made with a warrant (check) and reported on the warrant register report.

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

RECOMMENDATION

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

FISCAL IMPACT

\$4,731,496.06 to all District funding sources.

WMJ:GJS:pw

CHINO VALLEY UNIFIED SCHOOL DISTRICT

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DATE: March 16, 2017

TO: Members, Board of Education

FROM: Wayne M. Joseph, Superintendent

PREPARED BY: Gregory J. Stachura, Asst. Supt., Facilities, Planning, and Operations

SUBJECT: AGREEMENTS FOR CONTRACTOR/CONSULTANT SERVICES

=====

BACKGROUND

All contracts between the District and outside agencies shall conform to standards required by law and shall be prepared under the direction of the Superintendent or designee. To be valid or to constitute an enforceable obligation against the District, all contracts must be approved and/or ratified by the Board of Education.

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

RECOMMENDATION

It is recommended the Board of Education approve/ratify the Agreements for Contractor/Consultant Services.

FISCAL IMPACT

As indicated.

WMJ:GJS:pw

SUPERINTENDENT	FISCAL IMPACT
S-1617-009 SMG Citizens Business Bank Arena. To provide high school graduation ceremony venue. Submitted by: Superintendent Duration of Agreement: July 1, 2016 – June 30, 2017	Contract Amount: Not to Exceed \$85,000.00 Funding Source: General Fund

CURRICULUM, INSTRUCTION, INNOVATION, AND SUPPORT	FISCAL IMPACT
CIIS-1617-055 Buck Institute for Education. To provide professional development. Submitted by: Curriculum, Instruction, Innovation, and Support Duration of Agreement: March 17, 2017 – June 30, 2017	Contract Amount: \$22,000.00 Funding Source: Title II
CIIS-1617-056 UCLA Center-X. To provide professional development – History/Geography Project. Submitted by: Secondary Curriculum Duration of Agreement: February 28, 2017 – June 30, 2017	Contract Amount: \$27,360.00 Funding Source: LCAP
CIIS-1617-057 Educational Equity for All. To provide professional development. Submitted by: Special Education Duration of Agreement: March 17, 2017 – June 30, 2017	Contract Amount: \$1,500.00 Funding Source: Professional Development
CIIS-1617-058 AbleNet, Inc. To provide AbleNet equals math program, Meville to Weville program, and Splash 2016 classroom package. Submitted by: Special Education Duration of Agreement: March 17, 2017 – June 30, 2017	Contract Amount: \$70,000.00 Funding Source: LCAP
SBCSS-16/17-0788 San Bernardino County Superintendent of Schools. To provide systems development, coaching, and consultancy in developing and implementing PBIS evidenced-based practices within an MTSS framework. Submitted by: Special Education Duration of Agreement: February 28, 2017 – June 30, 2017	Contract Amount: \$12,000.00 Funding Source: LCAP

MASTER CONTRACTS	FISCAL IMPACT
MC-1617-037 Orange County Department of Education. To provide Inside the Outdoors Field Programs. Submitted by: Purchasing Department Duration of Agreement: September 1, 2016 – August 31, 2017	Contract Amount: per rate sheet Funding Source: ASB/PFA/PTA/Boosters/Parents
MC-1617-038 Davey's Locker Whale Watching. To provide school field trip venue – whale watching. Submitted by: Purchasing Department Duration of Agreement: March 17, 2017 – June 30, 2019	Contract Amount: per rate sheet Funding Source: ASB/PFA/PTA/Boosters/Parents/GATE
MC-1617-039 Wildlife Learning Center. To provide school outreach programs and assemblies. Submitted by: Purchasing Department Duration of Agreement: March 17, 2017 – June 30, 2019	Contract Amount: per rate sheet Funding Source: ASB/PFA/PTA/Boosters/Parents

APPROVED CONTRACTS TO BE AMENDED	AMENDMENT
<p>CIIS-1617-017 M1 Lexia Learning Systems. To provide online unlimited student subscriptions. Submitted by: Elementary Curriculum and Instruction Duration of Agreement: August 1, 2016 – July 31, 2018 Original Agreement Board Approved: August 18, 2016</p>	<p>Extend contract term to June 30, 2019 Add three schools (Borba, Dickson, and Liberty). Increase contract amount from \$91,080.00 to \$111,931.02 Funding Source: Title I</p>
<p>CIIS-1617-001 M2 Kagan Professional Development. To provide professional staff development to increase cooperative learning and increase student achievement. Submitted by: Curriculum, Instruction, Innovation, and Support Duration of Agreement: July 1, 2016 – June 30, 2017 Original Agreement Board Approved: June 16, 2016 Previously Amended: July 21, 2016</p>	<p>Increase contract amount from \$10,248.50 to \$19,903.50</p>

CHINO VALLEY UNIFIED SCHOOL DISTRICT

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DATE: March 16, 2017
TO: Members, Board of Education
FROM: Wayne M. Joseph, Superintendent
PREPARED BY: Gregory J. Stachura, Asst. Supt., Facilities, Planning, and Operations
SUBJECT: SURPLUS/OBSOLETE PROPERTY

=====

BACKGROUND

The Board of Education recognizes that the District may own personal property which is unusable, obsolete, or no longer needed by the District. The Superintendent or designee shall arrange for the sale or disposal of District personal property in accordance with Board policy and the requirements of Education Code 17545.

Lists of surplus items are emailed to the Facilities/Planning Department to be placed on an upcoming Board agenda. After Board approval, items may be picked up by District warehouse or a liquidation company for public auction. Proceeds of the sale are deposited into the General Fund.

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

RECOMMENDATION

It is recommended the Board of Education declare the District property surplus/obsolete and authorize staff to sell/dispose of said property.

FISCAL IMPACT

Increase to the General Fund from proceeds of sale.

WMJ:GJS:pw

**CHINO VALLEY UNIFIED SCHOOL DISTRICT
SURPLUS/OBSOLETE PROPERTY
March 16, 2017**

<u>DESCRIPTION</u>	<u>MAKE/MODEL</u>	<u>I.D./SERIAL</u>	<u>DEPT/SITE</u>
Monitors (2)	Dell	REV A03	Chaparral ES
Keyboards (2)	Dell	REV A04	Chaparral ES
Computers (2)	Dell	OT7570	Chaparral ES

CHINO VALLEY UNIFIED SCHOOL DISTRICT

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DATE: March 16, 2017
TO: Members, Board of Education
FROM: Wayne M. Joseph, Superintendent
PREPARED BY: Gregory J. Stachura, Asst. Supt., Facilities, Planning, and Operations
Beverly Beemer, Director, Technology
SUBJECT: REQUEST FOR PROPOSAL 16-17-01, DATA NETWORKING SERVICES DISTRICTWIDE

=====

BACKGROUND

The District advertised a Request for Proposals (RFP) 16-17-01, Data Networking Services Districtwide on November 12 and 19, 2016, in the Chino Champion and November 14 and 21, 2016, in the Inland Valley Daily Bulletin. Three vendors, Conterra Limitless Communications, Sunesys, and Time Warner Cable Business Class responded to the RFP. The proposals were evaluated on Tuesday, January 10, 2017. District staff utilized the approved Federal E-Rate weighted scoring system to evaluate and review each proposal. The scoring system rated the following categories of the RFP;

- Cost of eligible products and services
- Years of experience, knowledge and quality of proposals, along with experience with the E-Rate program
- Client references from prior installations where equal services had been provided for projects of similar size and complexities
- Other cost factors, ineligible goods and services and any additional cost incurred by the District for the start of the required services.

The highest scoring proposal was submitted by Time Warner Cable Business Class.

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

RECOMMENDATION

It is recommended the Board of Education approve Request for Proposal 16-17-01, Data Networking Services Districtwide to Time Warner Cable Business Class.

FISCAL IMPACT

Not to Exceed \$2,500,000.00 to General Fund.

CHINO VALLEY UNIFIED SCHOOL DISTRICT

Our Motto:

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

DATE: March 16, 2017

TO: Members, Board of Education

FROM: Wayne M. Joseph, Superintendent

PREPARED BY: Gregory J. Stachura, Asst. Supt., Facilities, Planning, and Operations
Martin Silveira, Director, Maintenance, Operations, and Construction

**SUBJECT: ARCHITECTURAL FIRMS UNDER REQUEST FOR
QUALIFICATIONS 15-16-03 ARCHITECTURAL/ENGINEERING
SERVICES ON NEW SCHOOL CONSTRUCTION**

=====

BACKGROUND

The Office of Public School Construction (OPSC) requires that all contracts for architectural consultant services be obtained pursuant to a competitive process consistent with the requirements of Chapter 10, Section 4525 of the Government Code. In April 2016, the District submitted a Request for Qualifications (RFQ) for Architectural/Engineering Services on New School Construction Projects to multiple architectural firms. Six firms submitted proposals for consideration.

The scope of work is for architectural and engineering design services for new school construction projects on an as-needed basis.

District staff reviewed the proposals for experience with governmental agencies, including but not limited to the OPSC and the Division of the State Architect, and knowledge of the California Uniform Building Code and Title 24 of the California Code of Regulations. Two rounds of 30-minute interviews were also conducted at which time the firms provided presentations to the panel.

Proposals were evaluated based on the following criteria:

- Innovative design concepts for new school projects (25 points)
- Fee Schedule (25 points)
- K-12 Construction Experience (20 points)
- Qualifications of Firm (15 points)
- Constructability Review and Value Engineering (10 points)
- Firm's Proximity to the District (5 points)

Based on the grading criteria and ranking, it is recommended that the following firms be approved for new school construction projects on an as-needed basis as projects develop.

- Flewelling & Moody
- HMC Architects
- PJHM Architects
- WLC Architects

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

RECOMMENDATION

It is recommended the Board of Education authorize staff to enter into agreements with Flewelling & Moody, HMC Architects, PJHM Architects, and WLC Architects, on an as-needed basis as projects develop for architectural services under Request for Qualifications (RFQ) 15-16-03 Architectural/Engineering Services on New School Construction.

FISCAL IMPACT

To be determined.

WMJ:GJS:MS:pw

CHINO VALLEY UNIFIED SCHOOL DISTRICT

Our Motto:

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Humility • Civility • Service

DATE: March 16, 2017
TO: Members, Board of Education
FROM: Wayne M. Joseph, Superintendent
PREPARED BY: Gregory J. Stachura, Asst. Supt., Facilities, Planning, and Operations
SUBJECT: RESOLUTIONS 2016/2017-25 AND 2016/2017-26 FOR AUTHORIZATION TO UTILIZE PIGGYBACK CONTRACTS

=====

BACKGROUND

Public Contract Code (PCC) 20111 requires school district governing boards to competitively bid and award any contracts involving an expenditure of more than \$86,000.00 to the lowest responsible bidder.

Notwithstanding PCC 20111, PCC 20118 and Administrative Regulation 3311 state that without advertising for bids and upon a determination that it is in the best interest of the District, the Board may authorize District staff by contract, lease, requisition, or purchase order of another public corporation or agency, to lease data-processing equipment, or to purchase materials, supplies, equipment, automotive vehicles, tractors and other personal property for the District in the manner that the other public corporation or agency is authorized to make the leases or purchases from a vendor (piggyback).

Alternatively, if there is an existing contract between a public corporation or agency and a vendor for the lease or purchase of personal property, the District may authorize the lease or purchase of personal property directly to the vendor under the same terms that are available to the public corporation or agency under the contract.

Staff requests approval of the following resolutions to provide authorization for the District to participate by piggyback in contracts as itemized:

Resolution	Contract	Contractor	Description	Term
2016/2017-25	Corona-Norco Unified School District Bid No. 2015/2016-006, JIT Classroom and Office Supplies	Southwest School and Supplies	Classroom and Office Supplies	1/12/2016-1/11/2019

Resolution	Contract	Contractor	Description	Term
2016/2017-26	California Participating Addendum No. 7-15-70-34-003, Under the NASPO Value Point Cooperative Purchasing Program, Master Agreement MNWNC-108 by the State of Minnesota	Dell Marketing, L.P.	Computer Equipment Including: Desktops, Laptops, Tablets, Servers, Storage, and Related Peripherals	10/1/2015-3/31/2020

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

RECOMMENDATION

It is recommended the Board of Education adopt Resolutions 2016/2017-25 and 2016/2017-26 for authorization to utilize piggyback contracts.

FISCAL IMPACT

Unknown.

WMJ:GJS:pw

**Chino Valley Unified School District
Resolution 2016/2017-25
Authorization to Utilize the Corona-Norco Unified School District Bid No.
2015/2016-006, JIT Classroom and Office Supplies
With Southwest School and Office Supplies
to Purchase Classroom and Office Supplies
Through the Piggyback Contract**

WHEREAS, the Board of Education (Board) of the Chino Valley Unified School District (District) has determined that a true and very real need exists to procure classroom and office supplies for the District;

WHEREAS, Corona-Norco Unified School District currently has a piggyback contract, Bid No. 2015/2016-006, JIT Classroom and Office Supplies, in accordance with Public Contract Code 20118 with Southwest School and Office Supplies that contains the materials, supplies, equipment and/or other personal property the District currently requires;

WHEREAS, the board of education of a school district, without advertising for bids, if the board has determined it to be in the best interests of the district, may authorize by contract, lease, requisition, or purchase order of any public corporation or agency, including any county, city, town, or district, to lease data-processing equipment, purchase materials, supplies, equipment, automotive vehicles, tractors, and other personal property for the district in the manner in which the public corporation or agency is authorized by law to make the leases or purchases from a vendor;

WHEREAS, the board of education of a school district is required to make a determination that a purchase and/or lease through a public corporation or agency is in the best interests of the district to take advantage of this exception; and

WHEREAS, the Board has determined that it is in the best interest of the District to authorize the purchase of classroom and office supplies through the piggyback contract procured by the Corona-Norco Unified School District Bid No. 2015/16-006, JIT Classroom and Office Supplies.

NOW, THEREFORE, BE IT RESOLVED, the Board hereby finds, determines, and declares as follows:

Section 1. Determination re: Recitals. All of the recitals set forth above are true and correct.

Section 2. Determination re: Purchase through Other Public Agency. Pursuant to Public Contract Code 20118, that authorizing the purchase of classroom and office supplies through the piggyback contract originally procured by the Corona-Norco Unified School District Bid No. 2015/2016-006, JIT Classroom and Office Supplies is in the best interests of the District because there is volume pricing that can be used to reduce the District's overall price.

Section 3. Authorization. The Board hereby authorizes the acquisition of classroom and office supplies in accordance with Public Contract Code 20118 through the piggyback contract originally procured by the Corona-Norco Unified School District Bid No. 2015/2016-006, JIT Classroom and Office Supplies.

Section 4. Other Actions. The Superintendent or his designee are each hereby authorized and directed, jointly and severally, to do any and all things and to execute and deliver any and all documents which they may deem necessary or advisable in order to consummate the purchase, sale, and lease, and otherwise to carry out, give effect to and comply with the terms and intent of this Resolution, and that any and all such prior actions by the District's Superintendent, or his designee, are hereby ratified by the Board.

Section 5. Effective Date. This resolution shall be effective as of January 12, 2016, for the term ending January 11, 2019.

APPROVED, PASSED, AND ADOPTED by the Board of Education of the Chino Valley Unified School District this 16th day of March 2017 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAINED:

I, Wayne M. Joseph, Secretary of the Chino Valley Unified School District Board of Education, do hereby certify that the foregoing is a full, true, and correct copy of the Resolution passed and adopted by said Board at a regularly scheduled and conducted meeting held on said date, which Resolution is on file in the office of said Board.

Wayne M. Joseph, Superintendent
Secretary, Board of Education

**Chino Valley Unified School District
Resolution 2016/2017-26
Authorization to Utilize the California Participating Addendum No. 7-15-70-34-003,
Under the NASPO Value Point Cooperative Purchasing Program, Master
Agreement MNWNC-108 by the State of Minnesota With Dell Marketing, L.P.
to Purchase Computer Equipment Including: Desktops, Laptops, Tablets,
Servers, Storage and Related Peripherals
Through the Piggyback Contract**

WHEREAS, the Board of Education (Board) of the Chino Valley Unified School District (District) has determined that a true and very real need exists to procure computer equipment including: desktops, laptops, tablets, servers, storage and related peripherals for the District;

WHEREAS, California Participating Addendum currently has a piggyback contract, No. 7-15-70-34-003, under the NASPO Value Point Cooperative Purchasing Program, Master Agreement MNWNC-108 by the State of Minnesota in accordance with Public Contract Code 20118 with Dell Marketing, L.P. that contains the materials, supplies, equipment and/or other personal property the District currently requires;

WHEREAS, the board of education of a school district, without advertising for bids, if the board has determined it to be in the best interests of the district, may authorize by contract, lease, requisition, or purchase order of any public corporation or agency, including any county, city, town, or district, to lease data-processing equipment, purchase materials, supplies, equipment, automotive vehicles, tractors, and other personal property for the district in the manner in which the public corporation or agency is authorized by law to make the leases or purchases from a vendor;

WHEREAS, the board of education of a school district is required to make a determination that a purchase and/or lease through a public corporation or agency is in the best interests of the district to take advantage of this exception; and

WHEREAS, the Board has determined that it is in the best interest of the District to authorize the purchase of computer equipment including: desktops, laptops, tablets, servers, storage and related peripherals through the piggyback contract procured by the California Participating Addendum No. 7-15-70-34-003, under the NASPO Value Point Cooperative Purchasing Program, Master Agreement MNWNC-108 by the State of Minnesota.

NOW, THEREFORE, BE IT RESOLVED, the Board hereby finds, determines, and declares as follows:

Section 1. Determination re: Recitals. All of the recitals set forth above are true and correct.

Section 2. Determination re: Purchase through Other Public Agency. Pursuant to Public Contract Code 20118, that authorizing the purchase of computer equipment including: desktops, laptops, tablets, servers, storage and related peripherals through the piggyback contract originally procured by the California Participating Addendum No. 7-15-70-34-003, under the NASPO Value Point Cooperative Purchasing Program, Master Agreement MNWNC-108 by the State of Minnesota is in the best interests of the District because there is volume pricing that can be used to reduce the District's overall price.

Section 3. Authorization. The Board hereby authorizes the acquisition of computer equipment including: desktops, laptops, tablets, servers, storage and related peripherals in accordance with Public Contract Code 20118 through the piggyback contract originally procured by the California Participating Addendum No. 7-15-70-34-003, under the NASPO Value Point Cooperative Purchasing Program, Master Agreement MNWNC-108 by the State of Minnesota.

Section 4. Other Actions. The Superintendent or his designee are each hereby authorized and directed, jointly and severally, to do any and all things and to execute and deliver any and all documents which they may deem necessary or advisable in order to consummate the purchase, sale, and lease, and otherwise to carry out, give effect to and comply with the terms and intent of this Resolution, and that any and all such prior actions by the District's Superintendent, or his designee, are hereby ratified by the Board.

Section 5. Effective Date. This resolution shall be effective as of October 1, 2015, for the term ending March 31, 2020.

APPROVED, PASSED, AND ADOPTED by the Board of Education of the Chino Valley Unified School District this 16th day of March 2017 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAINED:

I, Wayne M. Joseph, Secretary of the Chino Valley Unified School District Board of Education, do hereby certify that the foregoing is a full, true, and correct copy of the Resolution passed and adopted by said Board at a regularly scheduled and conducted meeting held on said date, which Resolution is on file in the office of said Board.

Wayne M. Joseph, Superintendent
Secretary, Board of Education

CHINO VALLEY UNIFIED SCHOOL DISTRICT
Our Motto:
Student Achievement • Safe Schools • Positive School Climate
Humility • Civility • Service

DATE: March 16, 2017

TO: Members, Board of Education

FROM: Wayne M. Joseph, Superintendent

PREPARED BY: Lea Fellows, Assistant Superintendent, Human Resources
Suzanne Hernandez, Ed.D., Director, Human Resources
Richard Rideout, Director, Human Resources

SUBJECT: CERTIFICATED/CLASSIFIED PERSONNEL ITEMS

=====

BACKGROUND

Board approval of personnel transactions is required by Board Bylaw 9324 Bylaws of the Board - Minutes and Recordings and Education Code 35163. Included are new hires based on need, which includes replacements, growth, and/or class size reduction.

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

RECOMMENDATION

It is recommended the Board of Education approve/ratify the certificated/classified personnel items.

FISCAL IMPACT

All personnel assignments are within the approved staffing ratio for the appropriate school year budget.

WMJ:LF:SH:RR:mcm

CERTIFICATED PERSONNEL

<u>NAME</u>	<u>POSITION</u>	<u>LOCATION</u>	<u>EFFECTIVE DATE</u>
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CERTIFICATED MANAGEMENT PERSONNEL FOR THE 2016/2017 SCHOOL YEAR**RESIGNATION**

LEE, Hyemi	School Psychologist	Special Education	06/15/2017
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CERTIFICATED PERSONNEL FOR THE 2016/2017 SCHOOL YEAR**LEAVE OF ABSENCE**

LAWRENCE, Lynn	Intervention Teacher 50%	Dickson ES	2017/2018
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RETIREMENTS

CHANEY, Robin (33 years of service)	Elementary Teacher	Cortez ES	06/05/2017
AVGERENOS, Kathy (23 years of service)	Elementary Teacher	Dickson ES	06/30/2017
KIMES, Karen (24 years of service)	Special Ed. Teacher	Dickson ES	06/30/2017
KINNICK, Kathy (18 years of service)	Special Ed. Teacher	Briggs K-8	06/03/2017
MARSHALL, Dan (25 years of service)	Biology Teacher	Chino Hills HS	06/06/2017
SEDEY, Charles (21 years of service)	Social Science Teacher	Don Lugo HS	02/27/2017

APPOINTMENT – EXTRA DUTY

KING, Alexis	Boys Tennis (GF)	Ayala HS	03/17/2017
KEYS, Kennette (NBM)	Band (B)	Don Lugo HS	03/17/2017
WOODRUFF, Robert (NBM)	Softball (GF)	Don Lugo HS	03/17/2017
TOTAL:			\$6,098.00

APPOINTMENT OF CERTIFICATED SUBSTITUTES EFFECTIVE JULY 1, 2016, THROUGH JUNE 30, 2017

FASSAS, Timothy	HERNANDEZ, Michelle	RODRIGUEZ TORRES, Alicia
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CLASSIFIED PERSONNEL

<u>NAME</u>	<u>POSITION</u>	<u>LOCATION</u>	<u>EFFECTIVE DATE</u>
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HIRED AT THE APPROPRIATE PLACEMENT ON THE CLASSIFIED SALARY SCHEDULE

APPOINTMENT

VINES, Jennet	IA/Special Ed. (SELPA/GF)	Cortez ES	03/17/2017
HOHALEK, Kaitlynn	Health Technician (GF)	Newman ES	03/17/2017
RODGERS, Pamela	IA/Special Ed. (SELPA/GF)	Oak Ridge ES	03/17/2017
TLAXCALA-CABRERA, Selene	IA/Special Ed./SH (SELPA/GF)	Oak Ridge ES	03/17/2017
VARGAS, Alfonso	Custodian I (GF)	Oak Ridge ES	03/17/2017
YRIARTE, Lydia	IA/Special Ed. (SELPA/GF)	Chino HS	03/17/2017
GARCIA, Angelica	Child Development Program Clerk II (CDF)	Child Development	03/17/2017

PROMOTION

GARCIA, Viana	FROM: Nutrition Services Manager I (NS) 6 hrs./183 work days TO: Operations Manager (NS) 8 hrs./261 contract days	Briggs K-8 Nutrition Services	03/17/2017
CAMERON, Daniel	FROM: Custodian I (GF) 8 hrs./261 contract days TO: Custodian II (GF) 8 hrs./261 contract days	Cal Aero K-8 Dickson ES	03/17/2017

CHANGE IN ASSIGNMENT

GONZALEZ, Raul	FROM: IA/Special Ed. (SELPA/GF) 3.5 hrs./181 work days TO: IA/Special Ed. (SELPA/GF) 5 hrs./181 work days	Ramona JHS Newman ES/ Rhodes ES	03/17/2017
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ADDITIONAL ASSIGNMENT

CASTILLO, Monika	Custodian I (GF)	Alternative Ed.	03/17/2017
CASTILLO, Monika	Custodian I (GF)	CVLA	03/17/2017
LOPEZ, Victor	Custodian I (GF)	Media Center	03/17/2017

CLASSIFIED PERSONNEL (cont.)

<u>NAME</u>	<u>POSITION</u>	<u>LOCATION</u>	<u>EFFECTIVE DATE</u>
<u>LEAVE OF ABSENCE</u>			
RODINO, Valerie	Child Care Specialist (CDF)	Newman FC	03/06/2017 through 03/31/2017
MONAGHAN, Rosemary	IA/Special Ed. (SELPA/GF)	Don Lugo HS	04/07/2017 through 06/02/2017

RESIGNATION

BREWER, Pamela	AI/Special Ed. (SELPA/GF)	Townsend JHS	03/10/2017
ALVAREZ, Hannah	Child Development Program Technician (CDF)	Child Development/ Health Services	03/01/2017

RETIREMENT

JENKINS, Colleen (12 years of service)	IA/Special Ed./SH (SELPA/GF)	Chino HS	06/08/2017
BERNARD, Sharon (22 years of service)	Typist Clerk II (GF)	Chino Hills HS	06/27/2017
LOPEZ, Manuel (20 years of service)	Maintenance III – Sprinkler Technician (GF)	Maintenance	07/01/2017

APPOINTMENT OF SHORT TERM EMPLOYEES EFFECTIVE JANUARY 1, 2017, THROUGH MARCH 31, 2017

SOSA, Carlos	IA/Special Ed./SH	Townsend JHS
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APPOINTMENT OF SHORT TERM EMPLOYEES EFFECTIVE APRIL 1, 2017, THROUGH JUNE 30, 2017

SOSA, Carlos	IA/Special Ed./SH	Townsend JHS
DONIAK, Kylie	IA/Special Ed./SH	Ayala HS

APPOINTMENT OF SHORT TERM EMPLOYEES EFFECTIVE JULY 1, 2017, THROUGH SEPTEMBER 30, 2017

ANDERSON, Lori	Registrar	Alternative Ed.
SEGURA, Chrystal	District Media Center Clerk	Media Center

CLASSIFIED PERSONNEL (cont.)

<u>NAME</u>	<u>POSITION</u>	<u>LOCATION</u>	<u>EFFECTIVE DATE</u>
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APPOINTMENT OF CLASSIFIED SUBSTITUTES EFFECTIVE JULY 1, 2016, THROUGH JUNE 30, 2017

BOSSANO, Maria	BRANDYBERRY, Lillian	CAMBEROS, Salvador
ESCALANTE, Fernando	ESSLINGER, Samantha	GONZALEZ, Matthew
GUILLEN Jr., John	PEREZ, Monica	RAYFORD, Linda
SANCHEZ, Gardenia	SKRIPKO, Mary	

(504) = Federal Law for Individuals with Handicaps
(ACE) = Ace Driving School
(ABG) = Adult Education Block Grant
(ASB) = Associated Student Body
(ASF) = Adult School Funded
(ATE) = Alternative to Expulsion
(B) = Booster Club
(BTSA) = Beginning Teacher Support & Assessment
(C) = Categorically Funded
(CAHSEE)= California High School Exit Exam
(CC) = Children's Center (Marshall)
(CDF) = Child Development Fund
(CSR) = Class Size Reduction
(CVLA) = Chino Valley Learning Academy
(CWY) = Cal Works Youth
(E-rate) = Discount Reimbursements for Telecom.
(G) = Grant Funded
(GF) = General Fund
(HBE) = Home Base Education
(MM) = Measure M – Fund 21
(MAA) = Medi-Cal Administrative Activities
(MH) = Mental Health – Special Ed.
(NBM) = Non-Bargaining Member
(ND) = Neglected and Delinquent
(NS) = Nutrition Services Budget
(OPPR) = Opportunity Program
(PFA) = Parent Faculty Association
(R) = Restricted
(ROP) = Regional Occupation Program
(SAT) = Saturday School
(SB813) = Medi-Cal Admin. Activities Entity Fund
(SELPA) = Special Education Local Plan Area
(SOAR) = Students on a Rise
(SPEC) = Spectrum Schools
(SS) = Summer School
(SWAS) = School within a School
(VA) = Virtual Academy
(WIA) = Workforce Investment Act

CHINO VALLEY UNIFIED SCHOOL DISTRICT

Our Motto:

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

DATE: March 16, 2017

TO: Members, Board of Education

FROM: Wayne M. Joseph, Superintendent

PREPARED BY: Lea Fellows, Assistant Superintendent, Human Resources
Daniel P. Mellon, ARM-P, Director, Risk Management and Human Resources

SUBJECT: REJECTION OF CLAIM

=====

BACKGROUND

Claim 17-02-01 was submitted on February 22, 2017, by Jihad M. Smaili, Esq., Attorney, on behalf of Marian Molina a former certificated substitute with the Chino Valley Unified School District. Claimant alleges disability discrimination, retaliation, and wrongful termination. Claimant seeks unspecified damages and seeks a settlement demand that lies within the jurisdiction of the Superior Court.

The Board is requested to reject the claim against the District to allow the insurance carriers to investigate the merits of the claim and make a recommendation regarding the disposition.

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

RECOMMENDATION

It is recommended the Board of Education reject the claim and refer it to the District's insurance adjuster.

FISCAL IMPACT

Unknown at present.

WMJ:LF:DPM:lag

CHINO VALLEY UNIFIED SCHOOL DISTRICT

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DATE: March 16, 2017
TO: Members, Board of Education
FROM: Wayne M. Joseph, Superintendent
PREPARED BY: Gregory J. Stachura, Asst. Supt., Facilities, Planning, and Operations
SUBJECT: REVISION OF BOARD POLICY AND ADMINISTRATIVE REGULATION 3311 BUSINESS AND NONINSTRUCTIONAL OPERATIONS – BIDS

=====

BACKGROUND

Board policies, administrative regulations, and bylaws are routinely developed and revised as a result of changes in law, mandates, federal regulations, and current practice. Board Policy and Administrative Regulation 3311 Business and Noninstructional Operations – Bids are being updated to move some material into new BP/AR 3311.1 – Uniform Public Construction Cost Accounting Procedures, AR 3311.2 – Lease-Leaseback Contracts, AR 3311.3 – Design-Build Contracts, and AR 3311.4 – Procurement of Technological Equipment. Regulation also revises section on “Award of Contract” to expand the exceptions to awarding contracts based on lowest responsible bidder to include lease-leaseback contracts, which are based on “best value” as defined.

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

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

RECOMMENDATION

It is recommended the Board of Education receive for information the revision of Board Policy and Administrative Regulation 3311 Business and Noninstructional Operations – Bids.

FISCAL IMPACT

None.

WMJ:GJS:pw

BIDS

The Board of Education is committed to promoting public accountability and ensuring ~~the~~ prudent use of public funds. When leasing, purchasing, or contracting for equipment, materials, supplies, or services for the District, including when contracting for public projects involving District facilities, the Board shall explore lawful opportunities to obtain the greatest possible value for its expenditure of public funds. When required by law, or if the Board determines that it is in the best interest of the District, such contracts shall be made using competitive bidding.

(cf. 0410 - Nondiscrimination in District Programs and Activities)
(cf. 3000 - Concepts and Roles)
(cf. 3230 - Federal Grant Funds)
(cf. 3300 - Expenditures and Purchases)
(cf. 3311.1 - Uniform Public Construction Cost Accounting Procedures)
(cf. 3311.2 - Lease-Leaseback Contracts)
(cf. 3311.3 - Design-Build Contracts)
(cf. 3311.4 - Procurement of Technological Equipment)

No work, project, service, or purchase shall be split or separated into smaller work orders or projects for the purpose of evading ~~the~~ legal requirements FOR ~~regarding contracting after~~ competitive bidding. (Public Contract Code 20116 ~~22033~~)

The Superintendent or designee shall establish comprehensive bidding procedures for the District in accordance with law. The procedures shall include a process for advertising bids, instructions and timelines for submitting and opening bids, and other relevant requirements.

FOR AWARD OF CONTRACTS, WHICH BY LAW OR BOARD POLICY REQUIRE PREQUALIFICATION, THE PROCEDURES SHALL IDENTIFY A UNIFORM SYSTEM FOR RATING BIDDERS ON THE BASIS OF A COMPLETED QUESTIONNAIRE AND FINANCIAL STATEMENTS.

(cf. 9270 - Conflict of Interest)

When calling for bids, the Superintendent or designee shall ensure that the bid specification clearly describes in appropriate detail the quality, delivery, and service required, and include all information which the District knows, or has in its possession, that is relevant to the work to be performed or that may impact the cost of performing the work.

Except as authorized by law, ~~and specified in the administrative regulation~~ contracts shall be let to the lowest responsible bidder who shall give such security as the Board requires, or else all bids shall be rejected. (Public Contract Code 20111)

BIDS (cont.)

When the Board has determined that it is in the best interest of the District, the District may piggyback onto the contract of another public agency or corporation to lease or purchase ANY PERSONAL PROPERTY ~~equipment or supplies~~ to the extent authorized by law. (Public Contract Code 20118)

~~For use in contracting for public works projects, the Board has, by resolution, adopted the procedures set forth in the Uniform Public Construction Cost Accounting Act pursuant to Public Contract Code 22030-22045, including the required cost accounting procedures and the informal bidding procedures when allowed by law. The Board delegates to the Superintendent or designee the responsibilities to award any contract eligible for informal bidding procedures and to develop plans, specifications, and working details for all public projects requiring formal bidding procedures.~~

Legal Reference:EDUCATION CODE

17070.10-17079.30 Leroy F. Greene School Facilities Act
 17250.10-17250.55 Design-build contracts
 17406 Lease-leaseback contract
 17595 Purchase of supplies through Department of General Services
 17602 Purchase of surplus property from federal agencies
 38083 Purchase of perishable foodstuffs and seasonable commodities
 38110-38120 Apparatus and supplies
 39802 Transportation services

BUSINESS AND PROFESSIONS CODE

7056 General engineering contractor
 7057 General building contractor

CODE OF CIVIL PROCEDURE

446 Verification of pleadings

GOVERNMENT CODE

4217.10-4217.18 Energy conservation contracts
 4330-4334 Preference for California-made materials
 6252 Definition of public record
 53060 Special services and advice
 54201-54205 Purchase of supplies and equipment by local agencies

PUBLIC CONTRACT CODE

1102 Emergencies
 2000-2002 Responsive bidders
 3000-3010 Roofing projects
 3400 Bids, specifications by brand or trade name not permitted
 3410 United States produce and processed foods
 4113 Prime contractor; subcontractor
 6610 Bid visits
 12200 Definitions, recycled goods, materials and supplies
 20101-20103.7 Public construction projects, requirements for bidding
 20103.8 Award of contracts
 20110-20118.4 Local Agency Public Constructions Act; school districts
 20189 Bidder's security, earthquake relief
 22000-22045 Alternative procedures for public projects (UPCCAA)
 22152 Recycled product procurement

BIDS (cont.)

COURT DECISIONS

Los Angeles Unified School District v. Great American Insurance Co., (2010) 49 Cal.4th 739

Great West Contractors Inc. v. Irvine Unified School District, (2010) 187 Cal.App.4th 1425

Marshall v. Pasadena Unified School District, (2004) 119 Cal.App.4th 1241

Konica Business Machines v. Regents of the University of California, (1988) 206 Cal.App.3d 449

City of Inglewood-Los Angeles County Civic Center Authority v. Superior Court, (1972) 7 Cal.3d 861

ATTORNEY GENERAL OPINIONS

89 Ops.Cal.Atty.Gen. 1 (2006)

Management Resources:

WEBSITES

California School Boards Association: www.csba.org

California Association of School Business Officials: www.casbo.org

California Department of Education: www.cde.ca.gov

California Department of General Services: www.dgs.ca.gov

Chino Valley Unified School District

Policy adopted: November 16, 1995

Revised: April 19, 2001

Revised: November 16, 2006

Revised: September 18, 2008

Revised: January 16, 2014

Revised: February 2, 2017

REVISED:

BIDS

Advertised/Competitive Bids

~~The District shall advertise for competitive bids when any public project contract involves an expenditure of \$15,000.00 or more. Public project means construction, reconstruction, erection, alteration, renovation, improvement, painting, repainting, demolition, and repair work involving a District owned, leased, or operated facility. (Public Contract Code 20111, 22002)~~

~~The District shall also advertise for competitive bids when a contract exceeds the amount specified in law, as annually adjusted by the Superintendent of Public Instruction, for any of the following: (Public Contract Code 20111)~~

- 1. ~~The purchase of equipment, materials, or supplies to be furnished, sold, or leased to the District.~~
A PUBLIC PROJECT CONTRACT THAT INVOLVES AN EXPENDITURE OF \$15,000 OR MORE, INCLUDING A CONTRACT FOR CONSTRUCTION, RECONSTRUCTION, ERECTION, ALTERATION, RENOVATION, IMPROVEMENT, PAINTING, REPAINTING, DEMOLITION, OR REPAIR WORK INVOLVING A DISTRICT OWNED, LEASED, OR OPERATED FACILITY

(cf. 3311.1 - Uniform Public Construction Cost Accounting Procedures)
(cf. 3311.2 - Lease-Leaseback Contracts)
(cf. 3311.3 - Design-Build Contracts)

- 2. ~~Services, not including construction services or special services and advice in accounting, financial, legal, or administrative matters.~~
A CONTRACT THAT EXCEEDS THE AMOUNT SPECIFIED IN LAW, AS ANNUALLY ADJUSTED BY THE SUPERINTENDENT OF PUBLIC INSTRUCTION, FOR ANY OF THE FOLLOWING:
 - A. THE PURCHASE OF EQUIPMENT, MATERIALS, OR SUPPLIES TO BE FURNISHED, SOLD, OR LEASED TO THE DISTRICT

(cf. 3230 - Federal Grant Funds)
(cf. 3311.4 - Procurement of Technological Equipment)

- B. SERVICES, NOT INCLUDING CONSTRUCTION SERVICES OR SPECIAL SERVICES AND ADVICE IN ACCOUNTING, FINANCIAL, LEGAL, OR ADMINISTRATIVE MATTERS
- C. REPAIRS THAT ARE NOT A PUBLIC PROJECT, INCLUDING MAINTENANCE

BIDS (cont.)

Maintenance means routine, recurring, and usual work for preserving, protecting, and keeping a District facility operating in a safe, efficient, and continually usable condition for the intended purpose for which it was designed, improved, constructed, altered, or repaired. Maintenance includes, but is not limited to, carpentry, electrical, plumbing, glazing, and other craft work designed to preserve the facility, as well as repairs, cleaning, and other operations on machinery and other permanently attached equipment. Maintenance does not include painting, repainting, or decorating other than touchup, or among other types of work, janitorial or custodial services and protection provided by security forces. (Public Contract Code 20115)

Instructions and Procedures for Advertised Bids

The Superintendent or designee shall call for bids by placing a notice at least once a week for two weeks in a local newspaper of general circulation published in the District, or if no such newspaper exists, then in some newspaper of general circulation that is circulated in the county. The Superintendent or designee also may post the notice on the District's website or through an electronic portal. The notice shall state the work to be done or materials or supplies to be furnished and the time and place and website where bids will be opened. ~~The District may accept a bid that has been submitted electronically or on paper.~~ (Public Contract Code 20112)

(cf. 1113 - District and School Websites)

The notice shall contain the time, date, and location of any mandatory prebid conference, site visit, or meeting and details regarding when and where project documents, including the final plan and specifications, are available. Any such mandatory visit or meeting shall occur not less than five calendar days after the publication of the initial notice. (Public Contract Code 6610)

Bid instructions and specifications shall include the following requirements and information:

1. All bidders shall certify the minimum, if not exact, percentage of post-consumer materials in products, materials, goods, or supplies offered or sold. (Public Contract Code 22152)

(cf. 3510 - Green School Operations)

2. ~~All bidders shall certify the minimum, if not exact, percentage of post-consumer materials in products, materials, goods, or supplies offered or sold. (Public Contract Code 22152)~~

All bids for construction work shall be presented under sealed cover. THE DISTRICT MAY ACCEPT A BID THAT HAS BEEN SUBMITTED ELECTRONICALLY OR ON PAPER. (Public Contract Code 20111, 20112)

BIDS (cont.)

THE BID SHALL BE ACCOMPANIED BY A FORM OF BIDDER'S SECURITY, INCLUDING EITHER CASH, A CASHIER'S CHECK PAYABLE TO THE DISTRICT, A CERTIFIED CHECK MADE PAYABLE TO THE DISTRICT, OR A BID BOND EXECUTED BY AN ADMITTED SURETY INSURER AND MADE PAYABLE TO THE DISTRICT. THE SECURITY OF UNSUCCESSFUL BIDDERS SHALL BE RETURNED IN A REASONABLE PERIOD OF TIME, BUT IN NO EVENT LATER THAN 60 DAYS AFTER THE BID IS AWARDED. (Public Contract Code 20111, 20112)

3. ~~All bids for construction work shall be presented under sealed cover and shall be accompanied by one of the following forms of bidder's security: (Public Contract Code 20107, 20111)~~
 - a. ~~Cash.~~
 - b. ~~A cashier's check made payable to the District.~~
 - c. ~~A certified check made payable to the District.~~
 - d. ~~A bidder's bond executed by an admitted surety insurer and made payable to the District.~~

~~The security of unsuccessful bidders shall be returned in a reasonable period of time, but in no event later than 60 days after the bid is awarded. (Public Contract Code 20111)~~

3. When a standardized proposal form is provided by the District, bids not presented on the standard form shall be disregarded. (Public Contract Code 20111.5)
4. Bids shall not be accepted after the advertised bid opening time, regardless of whether the bids are actually opened at that time. (Public Contract Code 20112)
5. When two or more identical lowest or highest bids are received, the Board may determine by lot which bid shall be accepted. (Public Contract Code 20117)
6. If the District requires that the bid include prices for items that may be added to or deducted from the scope of work in the contract, the bid solicitation shall specify which one of the following methods will be used to determine the lowest bid. In the absence of such a specification, only the method provided in item "a"-below shall be used. (Public Contract Code 20103.8)

BIDS (cont.)

- a. The lowest bid shall be the lowest total of the bid prices on the base contract without consideration of the prices on the additive or deductive items.
- b. The lowest bid shall be the lowest total of the bid prices on the base contract and those additive or deductive items that were specifically identified in the bid solicitation as being used for the purpose of determining the lowest bid price.
- c. The lowest bid shall be the lowest total of the bid prices on the base contract and those additive or deductive items that, when taken in order from a specifically identified list of those items in the solicitation, and added to or subtracted from the base contract, are less than or equal to a funding amount publicly disclosed by the District before the first bid is opened.

The lowest bid shall be determined in a manner that prevents any information that would identify any of the bidders or proposed subcontractors or suppliers from being revealed to the District before the ranking of all bidders from lowest to highest has been determined. (Public Contract Code 20103.8)

7. IN DETERMINING THE LOWEST BID, the District shall consider only responsive bids THAT CONFORM TO BID SPECIFICATIONS AND ARE SUBMITTED BY ~~from~~ responsible bidders WHO HAVE DEMONSTRATED TRUSTWORTHINESS, QUALITY, FITNESS, CAPACITY, AND EXPERIENCE TO SATISFACTORILY PERFORM THE PUBLIC WORKS CONTRACT. ~~in determining the lowest bid.~~
 - A. WHEN A BID IS DETERMINED TO BE NONRESPONSIVE, THE SUPERINTENDENT OR DESIGNEE SHALL NOTIFY THE BIDDER AND GIVE HIM/HER AN OPPORTUNITY TO RESPOND TO THE DETERMINATION.
 - B. WHEN THE LOWEST BIDDER IS DETERMINED TO BE NONRESPONSIBLE, THE SUPERINTENDENT OR DESIGNEE SHALL NOTIFY THE BIDDER OF HIS/HER RIGHT TO PRESENT EVIDENCE OF HIS/HER RESPONSIBILITY AT A HEARING BEFORE THE BOARD.
8. ~~Any subsequent change or alteration of a contract shall be governed by the provisions of Public Contract Code 20118.4.~~

BIDS (cont.)

8. After being opened, all submitted bids become public records pursuant to Government Code 6252 and shall be made available for public review pursuant to law, Board policy, and administrative regulation.

(cf. 1340 - Access to District Records)

(cf. 3580 - District Records)

- ~~9. When a bid is disqualified as nonresponsive based on District investigation or other information not obtained from the submitted bid, the Superintendent or designee shall notify the bidder and give him/her an opportunity to respond to the information.~~

Prequalification Procedure

When required by law or the Board, the Superintendent or designee shall establish a uniform system for rating bidders on the basis of completed questionnaires and financial statements in order to determine the size of contracts on which each bidder is qualified to bid. For this purpose, the Superintendent or designee shall furnish prospective bidders a standardized PREQUALIFICATION QUESTIONNAIRE AND FINANCIAL RECORD ~~proposal form~~ which, when completed, shall indicate a bidder's statement of financial ability and experience in performing public works. The bidder's information shall be verified under oath in the manner in which civil law pleadings are verified. The questionnaires and financial statements shall not be public records and shall not be open to public inspection. (Code of Civil Procedure 446; Public Contract Code 20111.5, 20111.6)

When any public project involves an expenditure of \$1,000,000.00 or more and is funded or reimbursed wholly or partly by the School Facilities Program funds or other future state school bond, the District shall prequalify prospective bidders either quarterly or annually. The prequalification shall be valid for one year and the following requirements shall apply: (~~Education Code 17406, 17407~~; Public Contract Code 20111.6)

1. Prospective bidders, including, but not limited to, prime, general engineering, and general building contractors and electrical, mechanical, and plumbing subcontractors, as defined in PUBLIC CONTRACT ~~the Business and Professions Code 4113 OR BUSINESS AND PROFESSIONS CODE 7056, or 7057,~~ as applicable, shall submit a standardized questionnaire and financial statement 10 or more business days, as determined by the District, before the date fixed for the public opening of sealed bids.
2. Prospective bidders shall be prequalified by the District five or more business days, as determined by the District, before the date fixed for the public opening of sealed bids.

BIDS (cont.)

If the project includes electrical, mechanical, or plumbing components that will be performed by electrical, mechanical, or plumbing contractors, the Superintendent or designee shall make available to all bidders a list of prequalified general contractors, and electrical, mechanical, and plumbing subcontractors five or more business days, as determined by the District, before the date fixed for the public opening of sealed bids.

For all other contracts requiring competitive bidding, the District may establish a procedure for prequalifying bidders on a quarterly basis and may authorize that prequalification be considered valid for up to one calendar year following the date of the initial prequalification. Prospective bidders for such contracts shall submit the questionnaire and financial statement at least five days before the date fixed for public opening of sealed bids and shall be prequalified by the District at least one day before the fixed bid-opening date. (Public Contract Code 20111.5)

Award of Contract

The District shall award each contract to the lowest responsible bidder except in the following circumstances:

1. When the contract is for the procurement and/or maintenance of electronic data processing systems and supporting software, in which case the Board may contract with any one of the three lowest responsible bidders. (Public Contract Code 20118.1)
2. When the contract is for any transportation service which involves an expenditure of more than \$10,000.00, and which will be made with any person or corporation other than a common carrier, municipally owned transit system, or a parent/guardian of A students who IS ~~are~~ to be transported, in which case the Board may contract with other than the lowest bidder. (Education Code 39802)
3. When the contract is one for which the Board has established goals and requirements relating to participation of disabled veteran or small business enterprises in accordance with Public Contract Code 2000-2002, in which case the Board may contract with the lowest responsible bidder who submits a responsive bid and complies or makes a good faith effort to comply with the goals and requirements. (Public Contract Code 2000-2002)
4. WHEN PROCURING A LEASE-LEASEBACK CONTRACT, IN WHICH CASE THE BOARD SHALL AWARD THE CONTRACT BASED ON OBJECTIVE CRITERIA FOR DETERMINING THE BEST COMBINATION OF PRICE AND QUALIFICATIONS IN ACCORDANCE WITH EDUCATION CODE 17400 AND 17406

BIDS (cont.)

(cf. 3311.2 - Lease-Leaseback Contracts)

5. When procuring a design-build contract for a public works project in excess of \$1,000,000.00 in accordance with EDUCATION CODE 17250.20, ~~the section "Design-Build Contracts" below~~, in which case the Board may award the contract to either the low bid or the best value to the District, taking into consideration, at a minimum, price, technical design and construction expertise, and life-cycle costs (Education Code 17250.20, 17250.25)

(cf. 3311.3 - Design-Build Contracts)

Protests by Bidders

A bidder may protest a bid award if he/she believes that the award is not in compliance with law, Board policy, or the bid specification. A protest must be filed in writing with the Superintendent or designee within five working days after receipt of notification of the contract award and shall include all documents supporting or justifying the protest. A bidder's failure to file the protest documents in a timely manner shall constitute a waiver of his/her right to protest the award of the contract.

The Superintendent or designee shall review the documents submitted with the bidder's claims and render a decision in writing within 30 working days. The Superintendent or designee may also convene a meeting with the bidder in order to attempt to resolve the problem.

The bidder may appeal the Superintendent or designee's decision to the Board. The Superintendent or designee shall provide notice to the bidder of the date and time for Board consideration of the protest at least three business days before the Board meeting. The Board's decision shall be final.

~~Alternative Bid Procedures for Technological Supplies and Equipment~~

~~Rather than seek competitive bids, the Board may use competitive negotiation when it makes a finding that a District procurement is for computers, software, telecommunications equipment, microwave equipment, or other related electronic equipment and apparatus. Competitive negotiation shall not be used to contract for construction or for the procurement of any product that is available in substantial quantities to the general public. (Public Contract Code 20118.2)~~

~~The competitive negotiation process shall include, but not be limited to, the following requirements: (Public Contract Code 20118.2)~~

1. ~~The Superintendent or designee shall prepare a Request for Proposals (RFP) that shall be submitted to an adequate number of qualified sources, as~~

BIDS (cont.)

~~determined by the District, to permit reasonable competition consistent with the nature and requirement of the procurement.~~

- ~~2. Notice of the RFP shall be published at least twice in a newspaper of general circulation, at least 10 days before the date for receipt of the proposals.~~
- ~~3. The Superintendent or designee shall make every effort to generate the maximum feasible number of proposals from qualified sources and shall make a finding to that effect before proceeding to negotiate if only a single response to the RFP is received.~~
- ~~4. The RFP shall identify all significant evaluation factors, including price, and their relative importance.~~
- ~~5. The Superintendent or designee shall provide reasonable procedures for the technical evaluation of the RFP's received, the identification of qualified sources, and the selection for the award of the contract.~~
- ~~6. The Board shall award the contract to the qualified bidder whose proposal meets the evaluation standards and will be most advantageous to the District with price and all other factors considered.~~
- ~~7. If the Board does not award the contract to the bidder whose proposal contains the lowest price, then the Board shall make a finding setting forth the basis for the award to another bidder.~~
- ~~8. The Board, at its discretion, may reject all proposals and request new RFP's.~~
- ~~9. Provisions in any contract concerning utilization of small business enterprises that are in accordance with the RFP shall not be subject to negotiation with the successful proposer.~~

Design-Build Contracts

~~When it is in the best interest of the District, the Board may approve a contract with a single entity for both design and construction of any school facility in excess of \$1,000,000.00, awarding the contract to either the low bid or the best value as determined by evaluation of objective criteria. (Education Code 17250.20)~~

~~The procurement process for design-build projects shall be as follows: (Education Code 17250.25)~~

- ~~1. The District shall prepare a set of documents setting forth the scope and estimated price of the project. The documents may include, but are not limited~~

BIDS (cont.)

~~to, the size, type, and desired design character of the project; performance specifications covering the quality of materials, equipment, workmanship, preliminary plans, or building layouts; or any other information deemed necessary to describe adequately the District's needs. The documents may include operations during a training or transition period, but shall not include long-term operations for a project. The performance specifications and any plans shall be prepared by a design professional who is duly licensed and registered in California.~~

- ~~2. The District shall prepare and issue a request for qualifications in order to prequalify or develop a short list of the design-build entities whose proposals shall be evaluated for final selection. The request for qualifications shall include, but is not limited to, all of the following elements:~~
- ~~a. Identification of the basic scope and needs of the project or contracts, the expected cost range, the methodology that will be used by the District to evaluate proposals, the procedure for final selection of the design-build entity, and any other information deemed necessary by the District to inform interested parties of the contracting opportunity~~
 - ~~b. Significant factors that the District reasonably expects to consider in evaluating qualifications, including technical design and construction experience, acceptable safety record, and all other non-price-related factors~~
 - ~~c. A standard template request for statements of qualifications prepared by the District, which shall contain all of the information required pursuant to Education Code 17250.25~~

~~The District also may identify specific types of subcontractors that must be included in the statement of qualification and proposal.~~

~~A design-build entity shall not be prequalified or short-listed unless the entity provides an enforceable commitment to the District that the entity and its subcontractors at every tier will use a skilled and trained workforce, as defined in Education Code 17250.25, to perform all work on the project or contract that falls within an apprenticeable occupation in the building and construction trades. The entity may demonstrate such commitment through a project labor agreement, by becoming a party to the District's project labor agreement, or through an agreement with the District to provide evidence of compliance on a monthly basis during the performance of the project or contract. (Education Code 17250.25)~~

BIDS (cont.)

3. ~~The District shall prepare a request for proposals that invites prequalified or short-listed entities to submit competitive sealed proposals in a manner prescribed by the District. The request for proposals shall include the information identified in items #2a and 2b above and the relative importance or weight assigned to each of the factors. If the District uses a best value selection method, the District may reserve the right to request proposal revisions and hold discussions and negotiations with responsive proposers, in which case the District shall so specify in the request for proposals and shall publish separately or incorporate into the request for proposals applicable procedures to be observed by the District to ensure that any discussions or negotiations are conducted in good faith.~~
4. ~~For those projects utilizing low bid as the final selection method, the bidding process shall result in lump-sum bids by the prequalified or short-listed design-build entities, and the contract shall be awarded to the lowest responsible bidder.~~
5. ~~For those projects utilizing best value as a selection method, the following procedures shall be used:~~
 - a. ~~Competitive proposals shall be evaluated using only the criteria and selection procedures specifically identified in the request for proposals. Criteria shall be weighted as deemed appropriate by the District and shall, at a minimum, include price, unless a stipulated sum is specified; technical design and construction experience; and life cycle costs over 15 or more years.~~
 - b. ~~Following any discussions or negotiations with responsive proposers and completion of the evaluation process, the responsive proposers shall be ranked on a determination of value provided, provided that no more than three proposers are required to be ranked.~~
 - c. ~~The contract shall be awarded to the responsible entity whose proposal is determined by the District to have offered the best value to the public.~~
 - d. ~~The District shall publicly announce the contract award, identifying the entity to which the award is made and the basis of the award. This statement and the contract file shall provide sufficient information to satisfy and external audit.~~

LIMITATION ON USE OF SOLE Sourcing

In any contract for the construction, alteration, or repair of school facilities, the Superintendent or designee shall ensure that the bid specification: (Public Contract

BIDS (cont.)

Code 3002, 3400)

1. Does not directly or indirectly limit bidding to any one specific concern.
2. Does not call for a designated material, product, thing, or service by a specific brand or trade name, unless the specification is followed by the words "or equal," so that bidders may furnish any equal material, product, thing, or service.

In any such case, the bid specification shall provide a time period, before and/or after the award of the contract, for the contractor to submit data substantiating the request for substituting the designated material, product, thing, or service. If no such time period is specified, the contractor may submit the data within 35 days after the award of the contract.

When the bid is for a roof project, a material, product, thing, or service is considered "equal" to that designated if it is equal in quality, durability, design, and appearance; will perform the intended function equally well; and conforms substantially to the detailed requirements in the bid specification. ~~(Public Contract Code 3002)~~

However, the Superintendent or designee may designate a specific material, product, thing, or service by brand or trade name (sole sourcing) if the Board has made a finding, described in the invitation for bids or REQUEST FOR PROPOSALS (RFP), that a particular material, product, thing, or service is designated for any of the following purposes: (Public Contract Code 3400)

1. To conduct a field test or experiment to determine its suitability for future use.
2. To match others in use on a particular public improvement that has been completed or is in the course of completion.
3. To obtain a necessary item that is only available from one source.
4. To respond to the Board's declaration of an emergency, as long as the declaration has been approved by four-fifths of the Board when issuing the invitation for bid or RFP.

(cf. 9323.2 - Actions by the Board)

Bids Not Required

Without advertising for bids and upon a determination that it is in the best interest of the District, the Board may authorize another public corporation or agency, by contract, lease, requisition, or purchase order, to lease data-processing equipment or to purchase materials, supplies, equipment, automotive vehicles, tractors, and

BIDS (cont.)

other personal property for the District in the manner that the other public corporation or agency is authorized to make the leases or purchases from a vendor ("piggyback"). Alternatively, if the public corporation or agency has an existing contract with a vendor for the lease or purchase of personal property, the District may authorize the lease or purchase of personal property directly from the vendor and make payments under the same terms that are available to the public corporation or agency under the contract. (Public Contract Code 20118)

(cf. 3300 - Expenditures and Purchases)
(cf. 3512 - Equipment)

Without advertising for bids, the Board may enter into an energy service contract and any related facility ground lease, when it determines that the terms of the contract and lease are in the best interest of the District AND MEET THE COST EFFECTIVENESS REQUIREMENTS SPECIFIED IN GOVERNMENT CODE 4217.12. The Board's determination shall be made at a regularly scheduled public hearing of which notice is given to the public at least two weeks in advance and shall be based on cost AND SAVINGS comparison findings specified in Government Code 4217.12. (Government Code 4217.12)

(cf. 3511 - Energy and Water Management)
(cf. 9320 - Meetings and Notices)

Supplementary textbooks, library books, educational films, audiovisual materials, test materials, workbooks, instructional computer software packages, or periodicals may be purchased in any amount without taking estimates or advertising for bids. (Public Contract Code 20118.3)

(cf. 6161.1 - Selection and Evaluation of Instructional Materials)
(cf. 6161.11 - Supplementary Instructional Materials)
(cf. 6163.1 - Library Media Centers)

Perishable foodstuffs and seasonal commodities needed in the operations of cafeterias may be purchased through bid or on the open market. (Education Code 38083)

(cf. 3551 - Food Service Operations/Cafeteria Fund)

Bids shall not be required for day labor under circumstances specified in Public Contract Code 20114. Day labor shall include the use of maintenance personnel employed on a permanent or temporary basis. (Public Contract Code 20114)

In an emergency when any repairs, alterations, work, or improvement to any school facility is necessary to permit the continuance of existing school classes or to avoid danger to life or property, the Board may, by unanimous vote and with the approval of the County Superintendent of Schools, contract for labor and materials or supplies

BIDS (cont.)

without advertising for or inviting bids or may authorize the use of day labor or force account for the emergency purpose. (Public Contract Code 1102, 20113)

(cf. 3517 - Facilities Inspection)

The District may purchase any surplus property from the federal government or any of its agencies in any quantity needed for the operation of its schools without taking estimates or advertising for bids. (Education Code 17602)

~~LEASE-LEASEBACK CONTRACT~~

~~Upon a determination that it is in the best interest of the District and without advertising for bids, the Board may lease currently owned District property to any person, firm, or corporation for a minimum of \$1 per year, as long the lease requires the person, firm, or corporation to construct a building or buildings on the property for the District's use during the lease and the property and building(s) will vest in the District at the expiration of the lease ("lease-leaseback"). Prior to entering into a lease-leaseback agreement, the Superintendent or designee shall have on file the contractor's enforceable commitment that the contractor and its subcontractors at every tier will use a skilled and trained workforce to perform all work on the project or contract that falls within an apprentice able occupation in the building and construction trades. (Education Code 17406, 17407.5)~~

~~(cf. 3280 - Sale or Lease of District-Owned Real Property)~~

~~Any lease-leaseback agreement shall be reviewed by the District's legal counsel to ensure that all required terms, including a lease term that provides for the District's occupancy of the building or improved property during the lease and an appropriate financing component, are included in the agreement.~~

~~(cf. 9124 - Attorney)~~

~~Regardless of the funding source, when any lease-leaseback agreement is for a public project, involves an expenditure of \$1,000,000.00 or more, and meets other criteria in Public Contract Code 20111.6, the prequalification requirements specified in the "Prequalification Procedure" section above shall be followed. (Education Code 17406)~~

~~UNIFORM PUBLIC CONSTRUCTION COST ACCOUNTING ACT~~

~~Procedures for awarding contracts for public works projects shall be determined on the basis of the amount of the project, as follows:~~

- ~~1. Public projects of \$45,000.00 or less may be performed by District employees by~~

BIDS (cont.)

~~force account, negotiated contract, or purchase order. (Public Contract Code 22032)~~

~~2. Contracts for public projects of \$175,000.00 or less may be awarded through the following informal procedures: (Public Contract Code 22032, 22034, 22038)~~

~~a. The Superintendent or designee shall maintain a list of qualified contractors, identified according to categories of work.~~

~~b. The Superintendent or designee shall prepare a notice inviting informal bids which describes the project in general terms, explains how to obtain more information about the project, and states the time and place for submission of bids. The notice shall be disseminated by mail, fax, or email to one or both of the following:~~

~~(1) To all contractors on the District's list for the category of work being bid, unless the product or service is proprietary, at least 10 calendar days before bids are due.~~

~~(2) To all construction trade journals identified pursuant to Public Contract Code 22036~~

~~c. The District shall review the informal bids and award the contract, except that:~~

~~(1) If all bids received through the informal process are in excess of \$175,000.00, the contract may be awarded to the lowest responsible bidder, provided that the Board adopts a resolution with a four-fifths vote to award the contract at \$187,500.00 or less and the Board determines the District's cost estimate was reasonable.~~

~~(2) If no bids are received through the informal bid procedure, the project may be performed by District employees by force account or negotiated contract.~~

~~3. Public projects of more than \$175,000.00 shall, except as otherwise provided by law, be subject to formal bidding procedures, as follows:~~

~~a. Notice inviting formal bids shall state the time and place for receiving and opening sealed bids and distinctly describe the project. The notice shall be disseminated in both of the following ways:~~

BIDS (cont.)

- (1) ~~Through publication in a newspaper of general circulation in the District's jurisdiction or, if there is no such newspaper, then by posting the notice in at least three places designated by the District as places for posting its notices. Such notice shall be published at least 14 calendar days before the date that bids will be opened.~~
- (2) ~~By mail and electronically, if available, by either fax or email, to all construction trade journals identified pursuant to Public Contract Code 22036. Such notice shall be sent at least 15 calendar days before the date that bids will be opened.~~

~~In addition to notice required above, the District may give such other notice as it deems proper.~~

a. ~~The District shall award the contract as follows:~~

- (1) ~~The contract shall be awarded to the lowest responsible bidder. If two or more bids are the same and the lowest, the District may accept the one it chooses.~~
- (2) ~~At its discretion, the District may reject all bids presented and declare that the project can be more economically performed by District employees, provided that the District notifies an apparent low bidder, in writing, of the District's intention to reject the bid. Such notice shall be mailed at least two business days prior to the hearing at which the District intends to reject the bid.~~
- (3) ~~If no bids are received through the formal bid procedure, the project may be performed by District employees by force account or negotiated contract.~~

~~In cases of emergency when repair or replacements are necessary, the Board may proceed at once to replace or repair a facility without adopting plans, specifications, strain sheets, or working details, or giving notice for bids to let contracts, in accordance with the contracting procedures in Public Contract Code 22050. The work may be done by day labor under the direction of the Board and/or contractor. (Public Contract Code 22035)~~

Chino Valley Unified School District

Regulation approved: November 16, 1995

Revised: April 19, 2001

Revised: July 1, 2004

BIDS (cont.)

Revised: November 2, 2006
Revised: September 4, 2008
Revised: January 20, 2011
Revised: December 12, 2013
Revised: November 19, 2015
Revised: December 15, 2016
REVISED:

CHINO VALLEY UNIFIED SCHOOL DISTRICT

Our Motto:

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

DATE: March 16, 2017
TO: Members, Board of Education
FROM: Wayne M. Joseph, Superintendent
PREPARED BY: Gregory J. Stachura, Asst. Supt., Facilities, Planning, and Operations
SUBJECT: **NEW ADMINISTRATIVE REGULATION 3311.4 BUSINESS AND NONINSTRUCTIONAL OPERATIONS – PROCUREMENT OF TECHNOLOGICAL EQUIPMENT**

=====

BACKGROUND

Board policies, administrative regulations, and bylaws are routinely developed and revised as a result of changes in law, mandates, federal regulations, and current practice. New Administrative Regulation 3311.4 Business and Noninstructional Operations – Procurement of Technological Equipment is being created to reflect updates to both laws and current practice.

New language is provided in UPPER CASE.

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

RECOMMENDATION

It is recommended the Board of Education receive for information new Administrative Regulation 3311.4 Business and Noninstructional Operations – Procurement of Technological Equipment.

FISCAL IMPACT

None.

WMJ:GJS:pw

PROCUREMENT OF TECHNOLOGICAL EQUIPMENT

RATHER THAN SEEK COMPETITIVE BIDS, THE DISTRICT MAY USE COMPETITIVE NEGOTIATION WHEN IT MAKES A FINDING THAT A DISTRICT PROCUREMENT IS FOR COMPUTERS, SOFTWARE, TELECOMMUNICATIONS EQUIPMENT, MICROWAVE EQUIPMENT, OR OTHER RELATED ELECTRONIC EQUIPMENT AND APPARATUS. COMPETITIVE NEGOTIATION SHALL NOT BE USED TO CONTRACT FOR ANY PRODUCT THAT IS AVAILABLE IN SUBSTANTIAL QUANTITIES TO THE GENERAL PUBLIC. (Public Contract Code 20118.2)

(cf. 0440 - District Technology Plan)

(cf. 3230 - Federal Grant Funds)

(cf. 3311 - Bids)

(cf. 3312 - Contracts)

WHENEVER THE COMPETITIVE NEGOTIATION PROCESS IS DETERMINED TO BE APPROPRIATE FOR SUCH PROCUREMENTS, THE DISTRICT SHALL USE THE FOLLOWING PROCEDURES: (Public Contract Code 20118.2)

1. THE SUPERINTENDENT OR DESIGNEE SHALL PREPARE A REQUEST FOR PROPOSALS (RFP) THAT SHALL BE SUBMITTED TO AN ADEQUATE NUMBER OF QUALIFIED SOURCES, AS DETERMINED BY THE DISTRICT, TO PERMIT REASONABLE COMPETITION CONSISTENT WITH THE NATURE AND REQUIREMENT OF THE PROCUREMENT.
2. NOTICE OF THE RFP SHALL BE PUBLISHED AT LEAST TWICE IN A NEWSPAPER OF GENERAL CIRCULATION, AT LEAST 10 DAYS BEFORE THE DATE FOR RECEIPT OF THE PROPOSALS.
3. THE SUPERINTENDENT OR DESIGNEE SHALL MAKE EVERY EFFORT TO GENERATE THE MAXIMUM FEASIBLE NUMBER OF PROPOSALS FROM QUALIFIED SOURCES, AND SHALL MAKE A FINDING TO THAT EFFECT BEFORE PROCEEDING TO NEGOTIATE IF ONLY A SINGLE RESPONSE TO THE RFP IS RECEIVED.
4. THE RFP SHALL IDENTIFY ALL SIGNIFICANT EVALUATION FACTORS, INCLUDING PRICE, AND THEIR RELATIVE IMPORTANCE.
5. THE SUPERINTENDENT OR DESIGNEE SHALL PROVIDE REASONABLE PROCEDURES FOR THE TECHNICAL EVALUATION OF THE RFPs RECEIVED, THE IDENTIFICATION OF QUALIFIED SOURCES, AND THE SELECTION FOR THE AWARD OF THE CONTRACT.

PROCUREMENT OF TECHNOLOGICAL EQUIPMENT (CONT.)

6. THE BOARD OF EDUCATION SHALL AWARD THE CONTRACT TO THE QUALIFIED BIDDER WHOSE PROPOSAL MEETS THE EVALUATION STANDARDS AND WILL BE MOST ADVANTAGEOUS TO THE DISTRICT, CONSIDERING PRICE AND ALL OTHER FACTORS.
7. IF THE BOARD DOES NOT AWARD THE CONTRACT TO THE BIDDER WHOSE PROPOSAL CONTAINS THE LOWEST PRICE, THEN THE BOARD SHALL MAKE A FINDING SETTING FORTH THE BASIS FOR THE AWARD TO ANOTHER BIDDER.
8. THE BOARD, AT ITS DISCRETION, MAY REJECT ALL PROPOSALS AND REQUEST NEW RFPs.

PROVISIONS IN ANY CONTRACT CONCERNING UTILIZATION OF SMALL BUSINESS ENTERPRISES THAT ARE IN ACCORDANCE WITH THE RFP SHALL NOT BE SUBJECT TO NEGOTIATION WITH THE SUCCESSFUL PROPOSER. (Public Contract Code 20118.2)

Legal Reference:

PUBLIC CONTRACT CODE

20118.2 Contracting by school districts; technological equipment

Chino Valley Unified School District
REGULATION APPROVED:

CHINO VALLEY UNIFIED SCHOOL DISTRICT

Our Motto:

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

DATE: March 16, 2017

TO: Members, Board of Education

FROM: Wayne M. Joseph, Superintendent

PREPARED BY: Lea Fellows, Assistant Superintendent, Human Resources
Suzanne Hernandez, Ed.D., Director, Human Resources
Richard Rideout, Director, Human Resources

**SUBJECT: REVISION OF BOARD POLICY 4113 CERTIFICATED
PERSONNEL - ASSIGNMENT**

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BACKGROUND

Board policies, administrative regulations, and bylaws of the Board are routinely developed and revised as a result of changes in law, mandates, federal regulations, and current practice. Board Policy 4113 Certificated Personnel – Assignment is being revised in accordance with the Every Student Succeeds Act (ESSA) (P.L. 114-95). The policy is also being revised to reflect the continuing requirement as delineated in the Title I local educational agency plan.

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

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

RECOMMENDATION

It is recommended the Board of Education receive for information the revision of Board Policy 4113 Certificated Personnel – Assignment.

FISCAL IMPACT

None.

WMJ:LF:SH:RR:mcm

Certificated Personnel

ASSIGNMENT

In order to serve the best interests of students and the educational program, the Board of Education authorizes the Superintendent or designee to assign certificated personnel to positions for which their preparation, certification, professional experience and aptitude qualify them.

(cf. 4112.2 - Certification)

(cf. 4112.21 - Interns)

(cf. 4112.22 - Staff Teaching Students of Limited English Proficiency)

(cf. 4112.23 - Special Education Staff)

(cf. 4112.8/4212.8/4312.8 - Employment of Relatives)

Teachers may be assigned to any school within the District in accordance with the Collective Bargaining Agreement or Board Policy.

(cf. 4141/4241 - Collective Bargaining Agreement)

Assignment to Courses/Classes

The Superintendent or designee shall assign teachers to courses based on the grade level and subject matter authorized by their credentials.

When there is no credential authorization requirement for teaching an elective course, the Superintendent or designee shall select the credentialed teacher whose knowledge and skills best prepare him/her to provide instruction in that subject.

~~Teachers who are assigned to teach core academic subjects shall meet the requirements of the No Child Left Behind Act (NCLB) pertaining to qualifications of highly qualified teachers. (20 USC 6319, 7801; 5 CCR 6100-6126)~~

~~(cf. 4112.24 - Teacher Qualifications Under the No Child Left Behind Act)~~

The Superintendent or designee may assign a teacher, with his/her consent, to a position outside his/her credential authorization when specifically authorized by law or regulation, and in accordance with the local teaching assignment options described in the Commission on Teacher Credentialing Administrator's Assignment Manual. Assignments made pursuant to Education Code 44256, 44258.2, and 44263 shall be annually approved by Board resolution. In such cases, the Superintendent or designee shall reference in District records the statute or regulation under which the assignment is authorized.

(cf. 3580 - District Records)

The Superintendent or designee shall periodically report to the Board on teacher assignments and vacancies, including the number and type of assignments made outside a teacher's credential authorization through a local teaching assignment option.

ASSIGNMENT (cont.)

Whenever District misassignments and vacancies are reviewed by the County Superintendent of Schools or Commission on Teacher Credentialing, as applicable, the Superintendent or designee shall report the results to the Board and shall provide recommendations for remedying any identified issues.

(cf. 1312.4 - Williams Uniform Complaint Procedures)

Equitable Distribution of Qualified Teachers

In order to ensure that highly qualified and experienced teachers are equitably distributed among district schools, including those with higher than average levels of low-income, minority, and/or academically underperforming students, the Superintendent or designee shall:

1. ANNUALLY REPORT TO THE BOARD COMPARISONS OF TEACHER QUALIFICATIONS ACROSS DISTRICT SCHOOLS, INCLUDING THE NUMBER OF TEACHERS SERVING UNDER A PROVISIONAL INTERNSHIP PERMIT, SHORT-TERM STAFF PERMIT, INTERN CREDENTIAL, EMERGENCY PERMIT, OR CREDENTIAL WAIVER
2. ENSURE EQUITABLE ACCESS TO EXPERIENCED TEACHERS, WHICH MAY INCLUDE, BUT ARE NOT LIMITED TO, VOLUNTARY TRANSFERS, PROFESSIONAL DEVELOPMENT, AND/OR PROGRAMS TO RECRUIT AND RETAIN EFFECTIVE TEACHERS
13. Verify that all teachers of core academic subjects possess the qualifications of highly qualified teachers as required by NCLB or develop immediate and long-term solutions for ensuring that all core academic classes will be taught by highly qualified teachers
24. Not assign teachers with provisional internship permits, short-term staffing permits, or credential waivers to schools that have 40 percent or higher poverty or are ranked in deciles 1-3 on the statewide academic performance index
35. Not place interns in high-poverty, low-performing schools in greater numbers than in schools with low poverty or higher academic achievement
46. Compare teacher retention rates across district schools and develop strategies to recruit and retain experienced and effective teachers in hard-to-staff schools

(cf. 0520.2 - Title I Program Improvement Schools)

(cf. 4111 - Recruitment and Selection)

ASSIGNMENT (cont.)

The Superintendent or designee shall annually report to the Board and the California Department of Education (CDE) comparisons of teacher qualifications across district schools. When required by the CDE, the Superintendent or designee shall develop an equitable distribution plan to identify strategies for recruiting, developing, and retaining highly qualified teachers in low-performing schools. As needed, the Board may direct the Superintendent to transfer teachers to high-need schools in accordance with law and the Collective Bargaining Agreement, and/or may align District resources to improve the skills and qualifications of teachers at those schools.

(cf. 0460 - Local Control and Accountability Plan)
 (cf. 4111 - Recruitment and Selection)
 (cf. 4114 - Transfers)
 (cf. 4131 - Staff Development)
 (cf. 4131.1 - Beginning Teacher Support/Induction)
 (cf. 6171 - Title I Programs)

Legal Reference:EDUCATION CODE

33126 School accountability report card
 35035 Additional powers and duties of superintendent
 35186 Complaint process
 37616 Assignment of teachers to year-round schools
 44225.6 Commission report to the legislature re:
 teachers
 44250-44277 Credentials and assignments of teachers
 44314 Subject matter programs, approved subjects
 44824 Assignment of teachers to weekend classes
 44955 Reduction in number of employees

GOVERNMENT CODE

3543.2 Scope of representation

CODE OF REGULATIONS, TITLE 5

80003-80005 Credential authorizations
 80020-80020.5 Additional assignment authorizations
 80335 Performance of unauthorized professional services
 80339-80339.6 Unauthorized certificated employee assignment

UNITED STATES CODE, TITLE 20

6311 State plan
 6312 Local educational agency plans
 6601-6651 Teacher and Principal Training and Recruiting Fund

Management Resources:CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

California State Plan to Ensure Equitable Access to Excellent Educators
 Every Student Succeeds Act 2016-17 School Year Transition Plan, April 2016

COMMISSION ON TEACHER CREDENTIALING PUBLICATIONS

Administrator's Assignment Manual – Updates and Revisions, May 2014
 The Administrator's Assignment Manual, rev. September 2007

ASSIGNMENT (cont.)

U.S. DEPARTMENT OF EDUCATION GUIDANCE

Transitioning to the Every Student Succeeds Act (ESSA): Frequently Asked Questions, rev. May 4, 2016

Improving Teacher Quality State Grants: ESEA Title II, Part A, rev. October 5, 2006

WEBSITES

California School Boards Association: www.csba.org

California Department of Education: www.cde.ca.gov

Commission on Teacher Credentialing: www.ctc.ca.gov

U.S. Department of Education: www.ed.gov

Chino Valley Unified School District

Policy adopted: November 16, 1995

Revised: June 2, 2011

REVISED: